

No. _____

In the
Supreme Court of the United States

IN RE DAVID CHARLES THATCHER,
Petitioner.

APPENDIX VOL. 8

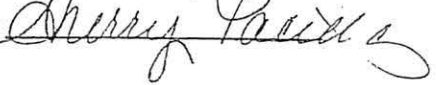
ANDREA RENEE ST. JULIAN
Counsel of Record
12636 High Bluff Dr., Ste. 400
San Diego, California 92130
(858) 792-6366
arstjulian@icloud.com

Counsel for Petitioner, David Charles Thatcher

APR 17 2007

LARAYNE CLEEK, CLERK

BY:



SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF TULARE

In Re

DAVID THATCHER

For Writ of Habeas Corpus

Case No. 182135

**RULING RE: PETITION
FOR WRIT OF HABEAS
CORPUS**

The petitioner failed to give proper and adequate notice to all parties.

Even had petitioner given proper and adequate notice his writ would fail.

Petitioner was given restitution fines, at the time of sentencing, in the amount of \$5000 pursuant to Penal Code Sections 1202.4 and 1202.45.

The petitioner's restitution fines were reduced to \$3000 by Judge Gary Paden subsequent to the sentencing of the petitioner.

The petitioner is correct in that the 1202.45 restitution fine, which was stayed until successful completion of parole, was improperly ordered. Case law has established that 1202.45 fines cannot be ordered if the person is not eligible for parole. The petitioner is not eligible for parole until he has completed over 150 years. The petitioner is, therefore, in reality never going to be paroled. The 1202.45 restitution order is vacated. A copy of that minute order is attached hereto as Exhibit "A".

The petitioner also objects to the restitution fine of \$3000 imposed under Penal Code Section 1202.4

The court stated in the sentencing of the petitioner as follows:(Pg. 16, Lines 10-13)

"So far as a restitution fine is concerned, while you're young and in good health, I'm going to set that restitution at \$5,000 (subsequently reduced to \$3000) given the restitution you have to pay."

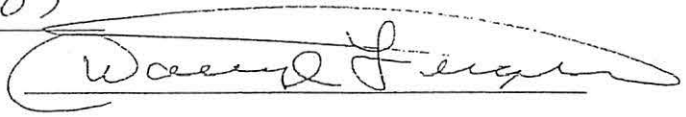
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It is clear the court considered the petitioner's present and future ability to pay that restitution amount. The petitioner did not object to that restitution amount at the time of sentencing. There is no statutory or case law prohibition which precludes the judge from imposing such a restitution amount given a finding of present and future ability to pay. The court did make that finding so the restitution fine pursuant to 1202.4 is proper and will not be reduced.

Petitioner's Petition for Writ of Habeas Corpus is denied.

Date received by judge: 4-15-07

Dated: 4-17-07

A handwritten signature in cursive script, appearing to read "Darryl B. Ferguson", is written over a horizontal line.

Darryl B. Ferguson

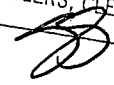
Judge of the Superior Court

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED

JUN 14 2007

LEISA V. BIGGERS, CLERK/ADMINISTRATOR
By  Deputy

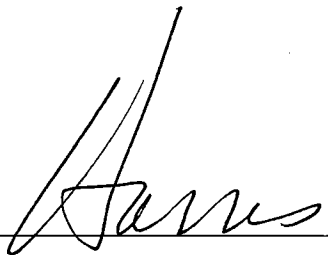
In re
DAVID C. THATCHER,

On Habeas Corpus.

F052818
(Tulare County Sup. Ct. No. 77196)

BY THE COURT:*

The petition for writ of habeas corpus filed in this court on May 15, 2007, is denied. Petitioner has failed to provide an adequate explanation for his lengthy delay in raising this issue. The issues he seeks to raise are such that they could have been, but were not, raised on appeal. Habeas will not substitute for an appeal. Petitioner has also failed to explain his piecemeal approach being used to collaterally attack his conviction.

 Acting Presiding Justice

*Before Harris, Acting P.J., Levy, J. and Dawson, J.

S157240

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID CHARLES THATCHER on Habeas Corpus

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**SUPREME COURT
FILED**

APR 9 2008

Frederick K. Ohlrich Clerk

Deputy

GEORGE

Chief Justice

S162001

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID THATCHER on Habeas Corpus

The petition for writ of habeas corpus is denied.

George, C. J., was absent and did not participate.

**SUPREME COURT
FILED**

APR 16 2008

Frederick K. Ohlrich Clerk

Deputy

Werdegar

Acting Chief Justice

MAR 6 2012

LARAYNE CLEEK, CLERK
BY: [Signature]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF TULARE

In Re) Case No 264331
DAVID CHARLES THATCHER)
For Writ of Habeas Corpus)

**RULING RE: PETITION
FOR WRIT OF HABEAS
CORPUS**

Petitioner has failed to provide adequate and proper notice.

Petitioner filed a previous writ on the same issue being challenged in the instant writ.

That issue has been ruled on in a previous writ attached hereto as exhibit "A" on March 12, 2004.

A habeas petitioner may not abuse the writ by alleging the same claims in subsequent habeas corpus petitions. (*In Re Clark (1993) 5 Cal.4th 750, at p 797*). The court will not consider a successive petitioner that re-alleges claims that previously have been rejected. (*Clark, 5 Cal 4th. at p. 767; In re Miller (1941) 167 Cal.2d 734, 735.*). An exception to this rule may be allowed if the petitioner demonstrates that a fundamental miscarriage of justice occurred as a result of the proceeding leading to the conviction or sentence. That has not occurred in the instant case.

Petitioner's Petition for Writ of Habeas Corpus is denied.

Date received by judge: 3-2-12

Dated: 3-6-12



[Signature]
Darryl B. Ferguson
Judge of the Superior Court

JUN 11 2012

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

By _____ Deputy

In re DAVID CHARLES THATCHER,
On Habeas Corpus.

F064613

(Tulare Sup. Ct. No. VHC264331)

ORDER

BY THE COURT:*

The "Petition for Writ of Habeas Corpus," filed on April 5, 2012, is denied. Petitioner has failed to adequately explain his roughly eleven and one-half year delay or his piecemeal approach in raising these issues. In addition, the declaration of Ms. Greer provided in support of his first claim was not made under penalty of perjury. His complaints about the superior court's order denying him habeas relief are rejected per *Matter of Zany* (1913) 164 Cal. 724, 726-727.

Wise Acting P. J.

* Wiseman, A.P.J., Cornell, J., and Kane, J.

S204651

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID CHARLES THATCHER on Habeas Corpus.

The petition for writ of habeas corpus is denied.

SUPREME COURT
FILED

NOV 14 2012

Frank A. McGuire Clerk

Deputy

CANTIL-SAKAUYE

Chief Justice

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED

JUL 24 2014

By  Deputy

F069447

(Kings Sup. Ct. No. 09W0170E)

ORDER

In re DAVID THATCHER,
On Habeas Corpus.

BY THE COURT:*

The "Petition for Writ of Habeas Corpus" filed on May 30, 2014, is denied.

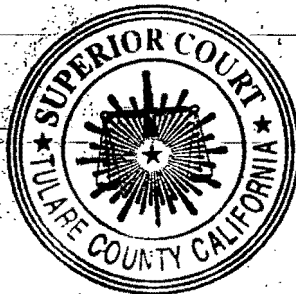


Presiding Justice

* Before Hill, P.J., Kane, J., and Franson, J.

BY:

2 / 6115

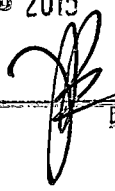


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IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED

APR 03 2015

By  Deputy

In re

DAVID THATCHER,

On Habeas Corpus.

F071150

(Tulare Super. Ct. No. 01-77196)

ORDER

BY THE COURT:*

The "Petition for Writ of Habeas Corpus" filed on March 13, 2015, is denied.

 A.P.J.

* Before Kane, A.P.J., Detjen, J., and Pena, J.

S226142

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID THATCHER on Habeas Corpus.

The petition for writ of habeas corpus is denied.

SUPREME COURT
FILED

JUL 15 2015

Frank A. McGuire Clerk

Deputy

CANTIL-SAKAUYE

Chief Justice

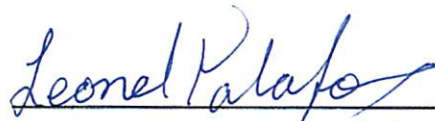
DECLARATION OF LEONEL PALAFOX

1. I, Leonel Palafox, have personal knowledge of the statements contained in this declaration, and, if called as a witness, I am competent to testify to these matters.

2. I was one of three defendants arrested for and convicted of a series of robberies taking place in Tulare County in June of 2001. The other two defendants were Freddie Patino and David Thatcher. The Tulare County case number in my matter was 76881.

3. With respect to the 2001 robberies, I make the following declaration as contained in the attached pages.

I declare under penalty of perjury under the laws of the State of California as well as the laws of the United States that the foregoing, and the information contained in the attached pages, is true and correct and that this declaration was executed on September 14, 2016 at Adelanto, California.



Leonel Palafox

DECLARATION OF LEONEL PALAFOX

I Leonel Palafox did commit a series of robberies in tulare county at the time stated and have taken responsibility for my actions. I attest that neither David Thatcher nor Freddy Patino were at any time involved in said robberies.

Initials: L.P.

Page 2 of 2

Leonel Palafox

App. 1677

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF TULARE

3
4 **ORIGINAL**

5
6 In the Matter of David)
Charles Thatcher,)
7) No. VHC344733
For Writ of Habeas Corpus.)
8)
9)

10 **The deponent read**
11 **and signed**
12 **this deposition**
13 **transcript**

11 DEPOSITION OF
12 LEONEL PALAFOX
13 ADELANTO, CALIFORNIA
14 JANUARY 10, 2017

15
16
17
18
19
20
21 ATKINSON-BAKER, INC.
22 COURT REPORTERS
(800) 288-3376
23 www.depo.com

24 REPORTED BY: RENAE E. LOPEZ, CSR NO. 12142

25 FILE NO.: AA0D683

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF TULARE

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4
5
6 In the Matter of David)
Charles Thatcher,)
7) No. VHC344733
For Writ of Habeas Corpus.)
8 _____)

9
10 DEPOSITION OF LEONEL PALAFOX, taken on behalf of
11 Petitioner, at 10450 Rancho road, Adelanto, California,
12 commencing at 9:13 a.m., Tuesday, January 10, 2017,
13 before Renae E. Lopez, CSR No. 12142.
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A P P E A R A N C E S

FOR PETITIONER:
STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION
BY: ANDREA RENEE ST. JULIAN, ESQ.
12707 High Bluff Drive
Suite 200
San Diego, California 92130
(858) 792-6366

ALSO PRESENT: Eric Garcia, Videographer

I N D E X

WITNESS: LEONEL PALAFOX

EXAMINATION

PAGE

By Ms. St. Julian

6

EXHIBITS

PETITIONER'S
DESCRIPTION

PAGE

LETTER

(NONE)

QUESTIONS INSTRUCTED NOT TO ANSWER:

(NONE)

INFORMATION TO BE SUPPLIED:

(NONE)

1 LEONEL PALAFOX,
2 having first been duly sworn, was
3 examined and testified as follows:
4

5 EXAMINATION
6

7 THE VIDEOGRAPHER: All right. Good
8 morning, everyone. We are now on the record. I
9 am Eric Garcia, your videographer, and I represent
10 Atkinson-Baker, Inc. in Glendale, California. I'm 09:13:45
11 not financially interested in this action, nor am
12 I a relative or employee of any attorney or any
13 parties present.

14 Today's date is January 10th, 2017,
15 and the time on the video monitor is now 9:13 a.m. 09:13:56
16 this deposition is being held at Desert View
17 Modified Community Correctional Facility at 10450
18 Rancho Road in Adelanto, California.

19 This is Case Number VHC 344733,
20 entitled In Re the Matter of David Charles 09:14:17
21 Thatcher, For Writ of Habeas Corpus. The deponent
22 today is Leonel Palafox, and this deposition is
23 being taken on behalf of the petitioner.

24 Your court reporter today is Renae
25 Lopez from Atkinson-Baker, Inc. Will counsel and 09:14:36

1 all parties present please identify themselves for
2 the record?

3 MS. ST. JULIAN: I'm Andrea St. Julian,
4 attorney for the petitioner, David Charles
5 Thatcher.

09:14:48

6 THE VIDEOGRAPHER: Will the court reporter
7 please swear in the witness?

8
9 LEONEL PALAFOX,
10 having first been duly sworn, was
11 examined and testified as follows:

12
13 EXAMINATION

14
15 BY MS. ST. JULIAN:

09:15:01

16 Q. All righty, Mr. Palafox. My name is
17 Andrea St. Julian, and I represent the petitioner
18 in this case, David Charles Thatcher. I represent
19 him right now before the superior court in a
20 habeas petition that's pending, and I also
21 represent him before the Ninth Circuit Court of
22 Appeal.

09:15:19

23 So, Mr. Palafox, would you please
24 state your full name for the record?

25 A. My name is Leonel Palafox Camarena.

09:15:28

1 Q. Okay. And, Mr. Palafox, do you mind
2 if I call you Leonel?

3 A. Not at all.

4 Q. Okay. Thank you. Can you state also
5 for the record where is this deposition being 09:15:44
6 held?

7 A. The Desert View.

8 Q. And can you explain why the
9 deposition is being taken here?

10 A. I am currently incarcerated here. 09:15:53

11 Q. Okay. And why are you incarcerated
12 here?

13 A. For a series of robberies.

14 Q. Okay. And when did those series of
15 robberies take place? 09:16:08

16 A. 2001.

17 Q. Okay. All right. Do you recall the
18 case number for that -- for that -- for those --
19 the conviction, the judgment on the conviction?

20 A. I'm sorry, I do not. 09:16:24

21 Q. Okay. That's fine. That's fine.
22 Can I show you the judgment in your proceedings,
23 and maybe that might help refresh your
24 recollection as to the case number?

25 A. Okay. 09:17:05

1 Q. Can you read what it is? Does that
2 refresh your recollection as to what the case
3 number is?

4 A. It does.

5 Q. And -- and so what is the case 09:17:05
6 number?

7 A. It's 77196.

8 Q. Okay. Thank you. All right. All
9 righty. Mr. Palafox, when do you expect to be
10 released from incarceration? 09:17:21

11 A. My parole date is January 26th.

12 Q. Of what year?

13 A. Of 2017.

14 Q. Okay. So that's very soon?

15 A. Very soon. 09:17:30

16 Q. Okay. And what do you expect will
17 happen once you're released?

18 A. I have ICE hold, so I will probably
19 be deported.

20 Q. And deported to where? 09:17:44

21 A. Mexico.

22 Q. Okay. And do you know where you're
23 going to go after you're deported?

24 A. No, I'm -- not really, just somewhere
25 in Mexico. 09:17:55

1 Q. Okay.

2 A. Probably -- probably either Tijuana
3 or Ensenada.

4 Q. Okay.

5 A. Close to the border, so my family can 09:18:03
6 visit.

7 Q. Okay. Okay. So you don't have a
8 particular place to stay right now?

9 A. I do not.

10 Q. Okay. All right. Thank you. All 09:18:10
11 righty. I -- I'm going to first start out just by
12 getting to the -- to the meat of the matter, so to
13 speak. I'm going to show you, once again, a copy
14 of the judgment in your case, and I'm going to ask
15 you, did you commit each of the robberies that you 09:18:41
16 were convicted of?

17 A. I did.

18 Q. Okay. And did you have any
19 accomplices to those robberies?

20 A. I did. 09:18:56

21 Q. Okay. Do you know a man by the name
22 of David Thatcher?

23 A. I do.

24 Q. And was David Thatcher a co-defendant
25 in your case regarding the robberies? 09:19:05

1 A. He was a co-defendant.

2 Q. Okay. Was your co-defendant, David
3 Thatcher, an accomplice to any of -- of the
4 robberies you committed?

5 A. He was not accomplice to my 09:19:16
6 robberies, no.

7 Q. Okay. Okay. And do you know the
8 co-defendant, Freddie Patino?

9 A. I do.

10 Q. Okay. Was Freddie Patino an 09:19:25
11 accomplice to any of the robberies you committed?

12 A. He was not.

13 Q. Okay. Thank you. Okay. So now I
14 want to kind of go back and -- and talk to you
15 generally about the events of -- that took place 09:19:42
16 in the summer of 2001, and I want to first start
17 out talking to you about your two co-defendants.
18 So you've testified that you did know David
19 Thatcher. Can you describe to me how you know
20 David Thatcher? 09:20:02

21 A. I know David through a girl that I
22 was dating, Heather Parks, and her family. I
23 met -- I met him through her.

24 Q. Okay. And do you know about when you
25 met David Thatcher? 09:20:19

1 A. Probably around the beginning of
2 2001.

3 Q. Beginning of 2001. Okay. And can
4 you describe your relationship with David
5 Thatcher? 09:20:33

6 A. I mean, I knew him through her and
7 her family, but we weren't, like, really close
8 friends or, you know, hung out a lot or anything
9 like that.

10 Q. Okay. 09:20:46

11 A. No, he'd be around, sometimes at the
12 family home when I would come around or when I was
13 there, and we had some interaction that -- like
14 that, but didn't really hang out or nothing.

15 Q. And when you say "family home," whose 09:21:00
16 home are you referring to?

17 A. Barbara's.

18 Q. And -- and is that Barbara -- what is
19 Barbara's last name?

20 A. Wilborn. 09:21:10

21 Q. Okay. Okay. Yeah, very good.

22 A. Wilborn.

23 Q. And Barbara Wilborn, and you also
24 referenced her daughter, I believe Heather?

25 A. Heather, yes. 09:21:24

1 Q. And do you know Heather's last name?

2 A. Heather Parks.

3 Q. Yeah, and Heather Parks was your
4 girlfriend?

5 A. She was. 09:21:30

6 Q. Okay. All right.

7 A. Her and I have a daughter together.

8 Q. Yes, yes, yes. I understand she
9 lives with your sister?

10 A. She does. 09:21:36

11 Q. Yes. So is there anything about --
12 else about your relationship with David Thatcher
13 that you'd like to tell me?

14 A. Not really.

15 Q. Okay. All righty. Then I'd like to 09:21:47
16 go on to ask you about the other co-defendant,
17 Freddie Patino. How do you know Freddie Patino?

18 A. I've known Freddie since he was born,
19 you know. He was -- his family and my family were
20 close. He was -- he was a neighbor that lived 09:22:03
21 like two houses down from where I grew up, and
22 he's also my mother's godson.

23 Q. Okay. All right. And so can you
24 describe your relationship with Freddie during the
25 summer of 2001? 09:22:24

1 A. Well, he would come around. He would
2 come around to Barbara's house.

3	Q. Okay.
---	----------

4 A. And hang out, you know. He was kind
5 of like living the life, you know, getting a 09:22:41
6 little high, drinking and stuff like that, you
7 know.

8 Q. Okay. And can you tell me where was
9 Freddie living during June of 2001?

10	A. Well, at the beginning, he was living	09:22:58
11	with -- I imagine with his mom and father.	

12	Q. Okay.
----	----------

13 A. And I don't know whether they had
14 problems or what, but he needed a place to stay,
15 so briefly, he stayed at Barbara's house.

09:23:22

16 Q. Okay. And when you say "briefly," do
17 you remember how long he stayed at Barbara's
18 house?

19 A. I couldn't say that it was more than
20 two weeks, maybe. 09:23:31

21 Q. And how did it come to pass that he
22 came to live with Barbara? Did he -- how did it
23 come to pass that he came to live with Barbara and
24 Heather?

25 A. Well, he would come around, and one 09:23:41

1 day, he just said he couldn't go home, and he
2 needed a place to stay, so kind of arranged with
3 Barbara that he could stay there, you know, and --

4 Q. And what type of interaction did you
5 have with Freddie during the time that he was
6 staying with -- with Barbara?

09:24:04

7 A. Well, I would -- I would borrow his
8 car or rent it, and I would drop him off at work,
9 and when his work day was done, I would drop off
10 the car or go pick him up and take him -- take him
11 home, you know --

09:24:24

12 Q. Okay.

13 A. -- which was about 3:00, 3:30.

14 Q. And when you say "rent his car,"
15 could you describe what kind of arrangement that
16 was?

09:24:35

17 A. Well, I would give him some meth for
18 it, you know. Don't recall ever giving him any
19 money. I offered him money, and he didn't want
20 the money, said he didn't need it, and he said he
21 was just going to buy dope with it, so I just gave
22 him the dope.

09:24:48

23 Q. Okay. Did you ever see Freddie
24 consume the dope? Did you say it was
25 methamphetamine?

09:25:06

1 A. It was.

2 Q. Okay. Did you ever see Freddie
3 consume methamphetamine?

4 A. I did.

5 Q. Okay. And during what time period 09:25:12
6 did you see him consume methamphetamine?

7 A. Probably like between May and June.

8 Q. Okay.

9 A. May, like for the whole month of May
10 and June. 09:25:28

11 Q. Okay. And did you see him consume
12 methamphetamine during the time that he was
13 staying at Barbara's house?

14 A. I did.

15 Q. Did you ever see Freddie intoxicated 09:25:37
16 with methamphetamine?

17 A. Yes, pretty bad. One -- one day, he
18 kind of like, I don't know, maybe had like a
19 seizure or something over doing dope, you know,
20 and I tried to tell him that he needs to stop and 09:25:59
21 maybe get into a rehab or something, because it
22 was not good for him, and he wasn't -- his body
23 wasn't reacting well to it, I guess.

24 Q. Uh-huh.

25 A. But -- 09:26:11

1 Q. During the time that Freddie was
2 staying at Barbara's house -- house, can -- can
3 you tell me what -- what was the quantity of
4 methamphetamine that you were giving Freddie?

5 A. Probably like about a sixteenth 09:26:26
6 daily.

7 Q. Okay.

8 A. Which is like half an eight ball,
9 gram, near two -- two grams.

10 Q. And was that every day? 09:26:43

11 A. On a daily basis.

12 Q. Okay.

13 A. Yes.

14 Q. Please forgive my ignorance, but
15 is -- is that considered a lot of methamphetamine? 09:26:49

16 A. It is. It is, and it's not, but some
17 people do more, and some people do less, but
18 depending on the person's tolerance, but on a
19 daily basis, that's -- you're intoxicating your
20 body, you're doing it on a daily basis. 09:27:07

21 Q. Okay.

22 A. It's a lot, you know.

23 Q. Okay. And was it your understanding
24 that Freddie was consuming this amount of
25 methamphetamine on a daily basis during the time 09:27:20

1 he was staying with Barbara?

2 A. He was probably more than that,
3 because other people would have some, and, you
4 know, share and stuff like that, so he probably
5 was doing more than that, you know.

09:27:35

6 Q. Okay. And during the time he was
7 staying with Barbara, how intoxicated did you
8 witness him to be?

9 A. Fairly a lot. I mean, he was like --
10 sometimes seemed like he was, like, kind of lost,
11 you know, like -- I was really concerned about
12 him, because, like I said, he was my mom -- my
13 mother's godson. I didn't feel too well about
14 supplying him the stuff, but I also knew that he
15 was going to get it, regardless whether I did or
16 not. So, you know, sometimes he would seem like
17 he was out of it, and I try to -- I tried to get
18 him to sleep, you know, because when you're on
19 that stuff, you don't really sleep.

09:27:53

09:28:09

20 Q. Uh-huh.

09:28:24

21 A. And you can go two, three, four days,
22 possibly a week without sleeping.

23 Q. Uh-huh.

24 A. And I couldn't say that he did at any
25 time or he didn't, but when I was around, he -- he

09:28:33

1 didn't. Not once did I ever see him sleep.

2 Q. Oh.

3 A. You know --

4 Q. Okay.

5 A. So if I wasn't around, he might have, 09:28:42
6 but I never witnessed him asleep at any time.

7 Q. Okay. All right. And how much time
8 did you spend at Barbara's house during the time
9 that Freddie was staying there?

10 A. I'd come over there on a daily basis, 09:28:55
11 you know, visit with Heather and stuff like
12 that --

13 Q. Okay.

14 A. -- you know.

15 Q. Okay. Were you -- would you be there 09:29:00
16 most of the day, much of the day?

17 A. Not -- not all day, but I'd spend
18 some time there --

19 Q. Sure.

20 A. -- you know. 09:29:11

21 Q. Sure. And did you ever spend the
22 night there for --

23 A. I did. I did, yes.

24 Q. And -- and to be more specific, did
25 you spend the night there while Freddie was 09:29:19

1 staying there?

2 A. I did.

3 Q. Okay.

4 A. Yes.

5 Q. And so -- and you did not see him 09:29:23

6 sleep during the time you were there?

7 A. No. When I would decide that it was
8 time to go to bed, and Heather and I would go in
9 the room, and, you know, we'd go to sleep.

10 Q. Uh-huh. 09:29:38

11 A. Go to bed, we'd go to sleep. Next
12 day, come up and wake up, and he'd still be out
13 there, you know, like when I'd go and work and
14 stuff like that.

15 Q. And so how did this state of 09:29:54
16 intoxication and lack of sleep appear to affect
17 Freddie?

18 A. From what I -- from what I can tell,
19 it's -- just kind of seemed like he was dazed, you
20 know, like a person's kind of dazed, like I don't 09:30:10
21 know how -- how to accurately -- accurately
22 describe it, but it's like -- kind of like a
23 stunned look, you know.

24 Q. Uh-huh.

25 A. Slow to react, stuff like that, you 09:30:24

1 know.

2 Q. Uh-huh, okay.

3 A. I would imagine it's from the lack of
4 sleep --

5 Q. Uh-huh. 09:30:29

6 A. -- you know.

7 Q. All righty. Is there anything more
8 that you can tell me about Freddie's state while
9 he was staying at Barbara's house?

10 A. Not -- not really. I mean, you know. 09:30:41

11 Q. Okay. All righty. So now I want to
12 go through each of the -- the three robberies that
13 David Thatcher was convicted of, and the first
14 robbery was the robbery of June 18th, 2001. It
15 was the robbery of the B&C Recycling Center at
16 1845 Dinuba Boulevard. 09:31:01

17 Now, were you convicted of the
18 robbery taking place on June 18th?

19 A. I believe I was.

20 Q. Okay. Did you commit that robbery? 09:31:14

21 A. I am not certain of it. I just --
22 when I was offered to plead out to certain
23 robberies, I mean, it was like a package deal.

24 Q. Uh-huh.

25 A. And I didn't really pay specific -- 09:31:28

1 specifically any attention to which ones they
2 were.

3 Q. Uh-huh.

4 A. I was just -- it was like a package
5 deal.

09:31:36

6 Q. Uh-huh.

7 A. And I just pled out to them.

8 Q. Okay. Okay. If you did commit this
9 robbery, did you commit your robberies with an
10 accomplice?

09:31:49

11 A. I did.

12 Q. Okay.

13 A. Yes.

14 Q. So all of your robberies were
15 committed with an accomplice?

09:31:54

16 A. They were.

17 Q. Okay. Okay. And so do you recall if
18 you had an accomplice on this robbery, if you
19 committed it or not?

20 A. Well, I know that there was always
21 two of us, and not always two of us went in.

09:32:04

22 Q. Okay.

23 A. Like some of the times, like one of
24 us would stay out on the car, you know.

25 Q. Uh-huh.

09:32:21

1 A. Or as a lookout or something, you
2 know.

3 Q. Uh-huh, uh-huh.

4 A. But I can't -- I can't say for
5 certain.

09:32:30

6 Q. Sure, sure, sure. So if you did
7 commit this robbery, was David Thatcher an
8 accomplice to the robbery?

9 A. David Thatcher was never an
10 accomplice to any of the robberies that I
11 committed.

09:32:41

12 Q. Okay. And was Freddie Patino an
13 accomplice to the robbery if you committed it?

14 A. Freddie Patino was never an
15 accomplice to my robberies.

09:32:51

16 Q. Okay. All right. Now, you had
17 mentioned that you always had an accomplice in
18 your robberies. Can you give me a description
19 of -- of what your accomplice -- well -- well, let
20 me back up.

09:33:03

21 Was it always just -- was it the same
22 individual who was your accomplice during all of
23 the robberies you committed?

24 A. It was.

25 Q. Okay. Can you tell me, what did your

09:33:09

1 accomplice look like?

2 A. He was about maybe five-four,
3 five-three, five-four, had brown eyes, light skin,
4 he was Hispanic, didn't ever have no hair, always
5 had a bald head. He always used to shave his 09:33:33
6 head, so he never had hair, but he always wore
7 like either a hat or a beanie, you know, all the
8 time.

9 Q. Okay. And about -- do you -- can --
10 about how much did he weigh? 09:33:48

11 A. I couldn't say for certain, maybe
12 like 180.

13 Q. So he was overweight? He was very
14 overweight?

15 A. Not really overweight. He was just 09:33:57
16 like heavy, you know, well built.

17 Q. Well built?

18 A. Yeah.

19 Q. Was he muscular or --

20 A. He was pretty hefty, a little bit. 09:34:06

21 Q. Okay. And about what age was he in
22 2001?

23 A. Let's see. I was about -- must have
24 been like 22, 23.

25 Q. Okay. Okay. And you said he was 09:34:19

1 Hispanic?

2 A. Uh-huh.

3 Q. But he was very light skinned, did
4 you say, or --

5 A. Uh-huh. 09:34:29

6 Q. Okay. Is that how you would describe
7 him? Okay. Okay. Do you feel comfortable
8 telling me anything else about your accomplice?

9 A. Not that it matters, I guess -- I'm
10 not going to state his name -- 09:34:45

11 Q. Okay.

12 A. -- but I can tell you that six years
13 ago, he passed away.

14 Q. Okay.

15 A. You know, he didn't have a natural 09:34:52
16 death, but he was killed. He was killed in --

17 Q. Okay.

18 A. -- somewhere in L.A.

19 Q. Okay. Okay. And would you like to
20 explain why you don't feel comfortable? And if 09:35:06
21 you don't want to explain, that's fine, but if
22 you'd like to explain more, you can. If you -- if
23 you'd rather not, that's fine too.

24 A. Well, I mean, the person's passed
25 away, and I don't -- I'm not sure how certain 09:35:23

1 individuals will take it if I mention his name,
2 and I'm not -- I don't really fear for myself, but
3 I fear, like, retaliation against my family and my
4 loved ones.

5 Q. Uh-huh. 09:35:43

6 A. And I certainly don't want to put
7 them in any danger because of my actions.

8 Q. Uh-huh.

9 A. So I choose not to.

10 Q. Uh-huh. Okay. So -- and is there 09:35:50
11 anything else you'd like to say about your
12 accomplice at all?

13 A. Not really.

14 Q. Okay. All right. Great. All right.
15 Let's go on, now, to the second robbery that David 09:36:01
16 Thatcher was convicted of. That's the June 27th,
17 2001 robbery of the B&C Recycling Center at 1845
18 North Dinuba Boulevard.

19 And were you convicted of the robbery
20 taking place on June 27th? 09:36:20

21 A. I was.

22 Q. Okay. Did you commit this robbery?

23 A. I did.

24 Q. Okay. And did you have one or more
25 accomplices to this robbery? 09:36:29

1 A. One.

2 Q. Okay. And was it the same accomplice
3 that you just described to me?

4 A. It was.

5 Q. Okay. So was David Thatcher, your 09:36:35
6 co-defendant, was he an accomplice to this
7 robbery?

8 A. He was not.

9 Q. Was Freddie Patino an accomplice to
10 this robbery? 09:36:47

11 A. He was not.

12 Q. Okay. Do you happen to know -- and
13 let me go back. Do you happen to know where David
14 Thatcher was while -- during the June 27th
15 robbery? 09:36:59

16 A. I do not know.

17 Q. Okay. Do you happen to know where
18 Freddie Patino was at the time of the robbery?

19 A. I do.

20 Q. And where was Freddie Patino? 09:37:07

21 A. He was at work.

22 Q. Okay.

23 A. He worked at -- I don't -- I don't --
24 I don't remember. I don't recall the exact
25 address, but I could tell you that it was a big 09:37:18

1 complex. He was working on construction. It was
2 a -- like a senior -- senior living facility that
3 they were building, they were constructing there.
4 I don't recall -- I don't recall what the street
5 is, but I think it's in -- I think it's the same
6 street where the Marco Polo was at there in
7 Visalia, if I recall correctly.

09:37:35

8 Q. And how do you know that Freddie
9 was -- was working on the 27th?

10 A. Well, because how I -- I mentioned
11 previously, I used to rent his car from him, and
12 so I would drop him off at work, and that day
13 specifically, I dropped him off at work, so he --
14 he -- he didn't have his car. I had his car, and
15 he was at work, and when the day was over, and I
16 picked him up, he was still at the job site, so,
17 you know --

09:37:56

09:38:16

18 Q. Okay. And, you know, before we go
19 further, I want to ask you a little bit more about
20 the car borrowing situation. Did you borrow the
21 car every day?

09:38:30

22 A. For about a month, I did.

23 Q. Okay. And which month was that?

24 A. During the month of June.

25 Q. Okay. All right. Now, at some

09:38:44

1 point, the car was impounded or, excuse me, at --
2 at -- well, let me back up.

3 At -- were you aware that at some
4 point, Freddie reported his car stolen?

5 A. I was not -- I was not aware of it 09:39:02
6 previously until after I was incarcerated.

7 Q. Okay. All right. At some point, did
8 Freddie try to -- to retrieve the car from you?

9 A. Not me personally, no.

10 Q. Okay. Do you know the -- the 09:39:23
11 incident I'm talking about, that I'm -- not yet.

12 Okay. When was the last time you borrowed the car
13 from Freddie?

14 A. I don't remember exactly what day it
15 was. 09:39:43

16 Q. Okay.

17 A. But I know that it was like towards
18 the end of -- end of June.

19 Q. Uh-huh.

20 A. And I had -- the arrangement we would 09:39:49
21 make is I would -- I would borrow it or rent it
22 while he was at work, you know, from the time I
23 dropped him off at work, and then I'd leave in the
24 car, and then after the -- his workday was over,
25 you know, bring the car back, and on that 09:40:11

1 particular instance, I had a -- I had a -- I had
2 a -- we had arranged to rent the car, that I was
3 going to keep the car for two days. I had -- I
4 had planned to make a trip, you know.

5 Q. Uh-huh. 09:40:25

6 A. And I wasn't going to be around, but
7 the trip got canceled, so I mean, I was around,
8 but I had already paid him, so I had the car, you
9 know.

10 Q. And did you return the car to Freddie 09:40:36
11 after those two days?

12 A. I did not. I was -- I was at the --
13 at -- I had went, and the day I got arrested, I
14 had went to the -- previously went to the club
15 that night, and rented a motel, and I was at the 09:40:51
16 motel, and the car was there, you know.

17 Q. And which motel was that?

18 A. The Marco Polo.

19 Q. And you were saying the car was
20 there, and what happened with the car being at the 09:41:04
21 Marco Polo?

22 A. I'm not for certain, but when I left,
23 I left the car there, and since his job site was
24 right next door, I was going to come and bring
25 him -- bring him -- the car to him after work. I 09:41:18

1 didn't know that they were actively looking for
2 the car at that time.

3 Q. So do you know what happened with the
4 car?

5 A. I don't. 09:41:27

6 Q. Okay. All right. And one more thing
7 about the car. Did you -- did -- did David
8 Thatcher ever go with you to borrow Freddie's car?

9 A. I'm not sure that he went with me to
10 borrow it, but I'm fairly certain that he went 09:41:49
11 with me to return it one day.

12 Q. And do you know -- recall what day
13 that was?

14 A. I cannot say for certain.

15 Q. So during the last two weeks of June, 09:42:03
16 can you tell me about how often you saw David?

17 THE REPORTER: Can you speak up, please,
18 Counsel, because of the vacuum?

19 MS. ST. JULIAN: Oh, sure, I'm sorry.

20 Q. During the last two weeks of June, 09:42:26
21 how -- how -- can you describe how often you would
22 see David Thatcher?

23 A. I can't say that it was like on a
24 daily basis, but I would say like maybe at least
25 two or three days out of the week. 09:42:43

1 Q. Two or three days. And where would
2 you see him?

3 A. Mostly at Barbara's house.

4 Q. Okay. And when you say "mostly,"
5 were there other places where you would see him? 09:42:53

6 A. At Billy's or Heather, and I would
7 come over to Billy's, and at times, he would be
8 there.

9 Q. And who is Billy?

10 A. Billy is Heather's uncle, Barbara's 09:43:05
11 brother.

12 Q. And what's Billy's last name?

13 A. Wilborn.

14 Q. Okay. So are those the only two
15 places where you would normally see David? 09:43:14

16 A. Normally, yes.

17 Q. Okay. All right. Okay. All right.

18 So let's go on to the last robbery that David was
19 convicted of. It's the June 30th, 2001, U.S.A.

20 Market in Goshen. 09:43:39

21 Okay. Were you convicted of the
22 robbery taking place on June 30th at U.S.A.
23 Market?

24 A. I was.

25 Q. Okay. Did you commit the robbery? 09:43:48

1 A. I did.

2 Q. Okay. Did you have one or more
3 accomplices to the robbery?

4 A. I had one.

5 Q. Okay. And was that accomplice the 09:43:55
6 same accomplice that you committed the other
7 robberies with?

8 A. It was.

9 Q. Okay. So was your co-defendant in
10 this case, David Thatcher, an accomplice to the 09:44:06
11 June 30th robbery?

12 A. He was not.

13 Q. Was the co-defendant in your case,
14 Freddie Patino, an accomplice to the June 30th
15 robbery? 09:44:16

16 A. He was not.

17 Q. Okay. Okay. Can we take a break?

18 THE VIDEOGRAPHER: Yeah.

19 MS. ST. JULIAN: Let's take a break.

20 THE VIDEOGRAPHER: Time is 9:44 a.m. 09:44:30
21 Going off the record.

22 (Brief recess was taken.)

23 THE VIDEOGRAPHER: Time is 9:50 a.m.

24 We're back on the record.

25 /// 09:50:33

1 BY MS. ST. JULIAN:

2 Q. All right. Mr. Palafox, do you know
3 where Freddie Patino was on June 30th, the date of
4 the -- of the U.S.A. Market robbery?

5 A. He was at work. 09:50:47

6 Q. Okay. And forgive me if I already
7 asked you this, but the accomplice in the U.S.A.
8 Market robbery was the same accomplice as with
9 your other robberies?

10 A. It was. 09:51:06

11 Q. Okay. Let me ask you this: Did any
12 of the detectives on the case ask you about who
13 your accomplice was?

14 A. They did not.

15 Q. Can you describe to me in -- well, 09:51:20
16 let me ask you this: Did you actually deal with
17 detectives on this case?

18 A. Very briefly.

19 Q. Okay. All right. In dealing with
20 the detectives, did you get a sense of what their 09:51:39
21 attitude was about this case?

22 A. Well, if I remember correctly, all
23 they asked me was if I knew David, David Thatcher,
24 and how did I know him, and -- and I was informed
25 that we're charged -- both he and I were charged 09:52:05

1 with -- with a series of robberies, and pretty
2 much, that was it. They never mentioned Freddie
3 or anybody else. It was -- they just mentioned
4 David and myself, that I recall, and that was
5 about the extent of it from them to me. 09:52:26

6 Q. Okay. All right. So they didn't --
7 did they ask you at all about perhaps anyone else
8 being involved?

9 A. They did not.

10 Q. Okay. All right. And did you get a 09:52:39
11 larger sense of what the detectives' attitude was
12 about this case?

13 A. I think they -- they just wanted
14 David and myself to go down for all these
15 robberies, because originally had like 16 counts, 09:52:59
16 somewhat -- somewhat like 16 counts, and I
17 remember -- I remember them telling me that I was
18 the supposed ring -- ring leader, and that there
19 was a tri-county ring that went around doing all
20 these robberies, and that I was going to be 09:53:24

21 charged with every single one of them, and every
22 unsolved robbery that they had. So I was like,
23 well -- and then at that time -- at that point,
24 I -- I just refused to answer their questions, you
25 know, or have any -- say anything else, really, 09:53:40

1 you know. I just asked for a lawyer, and they
2 didn't really ask anything else.

3 Q. Okay. Did you get a plea deal from
4 the -- the district attorney in this case?

5 A. I did not. 09:53:57

6 Q. Okay. How is it that you came to get
7 a six -- the sentence that you did get?

8 A. I was offered a deal, a plea deal by
9 the judge in the case, that was trying my case.

10 Q. And can you describe to me how that 09:54:11
11 came about?

12 A. Well, one day, I believe it was -- it
13 was before jury selection, the day that we were
14 supposed to select a -- rather, the day that we
15 were supposed to select the jury, my lawyer, the 09:54:30
16 judge, and myself, we had a meeting, and the judge
17 is the one that offered me the deal, and he
18 informed me that I was going to get prosecuted,

19 that I was going to get convicted, and that I was
20 going to get a certain amount of time where I was 09:54:53
21 never going to get out, because the DA was pushing
22 for upwards of a hundred years, and the DA wasn't
23 offering me any deals or anything like that. So

24 the judge offered me the -- offered me the deal,
25 and he asked me to plead out to certain robberies, 09:55:13

1 and he would give me the -- the 18 years, and so
2 he also informed me that based on the testimony
3 that Freddie Patino had given at David's trial,
4 that that same testimony incriminated myself, so
5 there was no possible way that there would be a 09:55:35
6 different outcome, that I was going to get
7 convicted. So I chose -- I chose to plead out,
8 you know.

9 Q. Did you ever have a chance to read
10 Mr. Patino's testimony? 09:55:51

11 A. I didn't, not until afterwards, after
12 I had pled out, and my lawyer gave me the file or
13 whatever, the discovery, but prior to that, I did
14 not. I had not seen any of the reports or
15 Freddie's testimony, or I wasn't even aware that 09:56:15
16 Freddie was testifying, or I was kind of surprised
17 that they had three co-defendants, because I knew
18 for a fact that it was -- well, what I was doing,
19 the things I was doing, it was only myself and one
20 other person. 09:56:40

21 Q. Uh-huh.

22 A. There were never three persons
23 involved.

24 Q. Uh-huh.

25 A. So it was kind of like why do they 09:56:43

1 have three -- three co-defendants?

2 Q. Uh-huh.

3 A. And why do they have David and -- and
4 why do they have Freddie, you know? I knew for a
5 fact that it wasn't them, but --

09:56:55

6 Q. Uh-huh.

7 A. I couldn't right out -- come out and
8 say it, you know, because that would incriminate
9 myself at that time --

10 Q. Uh-huh.

09:57:03

11 A. -- you know.

12 Q. So when you read Freddie's testimony,
13 what did you think of it?

14 A. I was -- yeah, I didn't know really
15 what to think of it. I was like -- I didn't think
16 that it was possible, and I was like -- because he
17 pretty much knew some of the details, like
18 specifics, as far as the amounts taken, the exact
19 amounts from his testimony, and other than that,

09:57:14

20 they were pretty vague. Like he knew the -- he
21 knew -- like he knew the color of the clothing
22 that was worn, and what was said, so those were
23 specifics, but other than that, he's like -- I
24 remember seeing like a drawing of a map, I guess
25 you would call it, but all it was was like two

09:57:37

09:57:56

1 lines, and then it had an X marked at a certain
2 spot with the name of a location, and his
3 signature at the bottom. I guess that was
4 supposed to indicate the place, or -- you know,
5 but I mean, I thought how -- how did he -- how did 09:58:16
6 he know all this information, unless he -- it was
7 fed to him, you know, because I knew for a fact
8 that he wasn't present, you know.

9 Q. So -- okay. Is there anything else
10 that you thought about Freddie's testimony when 09:58:37
11 you read it?

12 A. Well --

13 Q. Did you have a particular reaction
14 when you read it?

15 A. Well, my reaction was like I thought 09:58:47
16 it was a crime, you know. I was kind of like
17 angry, you know, kind of angry that if -- if you
18 represent law enforcement, that you would be able
19 to do something like that, you know, because I
20 don't know who specifically gave him that 09:59:18
21 information or orchestrated his testimony, but I
22 imagine that it was somebody that was one of the
23 detectives working the case, possibly even the DA
24 involved. I don't know. I can't sit here and say
25 it was that person for certain, for -- you know, 09:59:38

1 that -- for certain, but I don't think that that
2 should be allowed, you know, to happen without any
3 repercussions, you know. You know --

4 Q. Yeah. Is there anything more that
5 you'd like to tell me about your feelings about 10:00:04
6 what happened in this case?

7 A. Well, I mean, I'm like -- I'm like of
8 a mind that, you know, if you -- if you lead a
9 certain lifestyle, and you -- you're -- choose to
10 take certain actions, that they always have 10:00:30
11 repercussions, you know, in the choices you make,
12 and I'm fine with that, you know, and I accept
13 my -- I accept responsibility for my actions
14 always, you know. But at the same time, I feel
15 like if it -- it falls on someone that's 10:00:51
16 representing law enforcement or shield, for them
17 to be held accountable for their actions too, you
18 know. And I feel that what they did in this case
19 was a crime, so if I commit a crime, and I got to
20 do the time, then so should everybody else. 10:01:14

21 Q. Uh-huh.

22 A. You know, because -- you know --

23 Q. So can you tell me, do you have any
24 feelings about the fact that David Thatcher was
25 sentenced to 162 years in prison for crimes he 10:01:30

1 didn't commit?

2 A. Yeah, that's -- I mean, it's really
3 unfortunate, to say the least, and I don't know
4 how I would feel about it if it happened to me,
5 you know, but I certainly don't wish it upon

10:01:47

6 anybody, and it doesn't just hurt the person, but
7 their loved ones, and the ones that have to pay
8 more. And like me, I mean, I did my time and for
9 whatever I did, but if I got convicted of
10 something I didn't do, and I knew I didn't do it,
11 I couldn't begin to imagine how that would weigh
12 on my -- on me, or how I would handle it. I'd
13 imagine as well as he's doing right now, I guess,
14 but it's a travesty, you know.

10:02:08

15 Q. Okay. Well, Mr. Palafox, thank you
16 so much for -- for this testimony. Is there
17 anything else that you would like to say before we
18 end?

10:02:28

19 A. Pretty much it -- you know, I mean, I
20 just wish him the best of luck. You know, I hope
21 that justice is served for him or, you know, met
22 out for him, you know.

10:02:46

23 Q. Okay. Thank you.

24 A. Thank you.

25 MS. ST. JULIAN: Thank you, and so this

10:02:58

1 will conclude our deposition.

2 THE VIDEOGRAPHER: This concludes today's
3 proceeding in the video deposition of Leonel
4 Palafox. Total videos used was one. The time is
5 10:03 a.m. Going off the record. 10:03:10

6 (Discussion was held off the record.)

7 MS. ST. JULIAN: So we're back on the
8 record. What we're going to do right now, since
9 Mr. Palafox will be leaving -- will be leaving us
10 soon and returning to Mexico, the court reporter 10:04:01
11 is now going to finish up the written deposition,
12 we're going to have it printed out, and then
13 Mr. Palafox is going to have the opportunity to
14 review it and sign it right here and now.

15 THE REPORTER: And am I relieved of my 10:04:19
16 duties otherwise?

17 MS. ST. JULIAN: You are relieved of your
18 duties otherwise.

19 (Ending time: 10:04 a.m.)
20
21
22
23
24
25

JANUARY 10, 2017

LEONEL PALAFOX

JANUARY 10, 2017

THATCHER VS. DAVEY

REASON FOR CORRECTION

NONE

(Signature)

1 STATE OF _____)

2 COUNTY OF _____)

3

4

5

6

7

I, the undersigned, declare under penalty

8

of perjury that I have read the foregoing transcript,

9

and I have made any corrections, additions or

10

deletions that I was desirous of making; that the

11

foregoing is a true and correct transcript of

12

my testimony contained therein.

13

EXECUTED this 10th day of January,

14

2017, at Adelanto, CA.

(City)

(State)

15

16

17

18



LEONEL PALAFOX

19

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22

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25

REPORTER'S CERTIFICATE

I, RENAE E. LOPEZ, CSR No. 12142, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were taken before
me at the time and place therein set forth, at which
time the witness was put under oath by me;

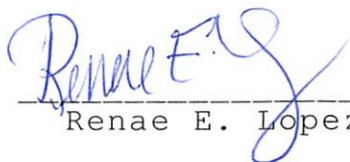
That the testimony of the witness, the questions
propounded, and all objections and statements made at
the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken;

I further certify that I am not a relative or
employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated this 10th day of January, 2017.



Renae E. Lopez, CSR No. 12142

DECLARATION OF LEONEL PALAFOX

Mr. Palafox is Competent to Testify.

1. I, Leonel Palafox, have personal knowledge of the statements contained in this declaration, and, if called as a witness, I am competent to testify to these matters.
2. I was one of three defendants arrested for and convicted of a series of robberies taking place in Tulare County in June of 2001. The other two defendants were Freddie Patino and David Thatcher. The Tulare County case number in my case was 76881.
3. At the time Mr. Thatcher was tried and convicted in this case, I was awaiting trial, and had not yet pleaded guilty. For this reason, I could not testify on Mr. Thatcher's behalf.
4. With respect to the 2001 robberies, I once again declare that neither David Thatcher nor Freddie Patino were my accomplice.

Mr. Palafox Was Willing to Testify at Mr. Thatcher's

Evidentiary Hearing.

5. I was informed and believe that in or before November 2019, a hearing took place in Tulare County superior court case number VHC344733 on a habeas petition filed by Mr. Thatcher. Trial counsel for Mr. Thatcher, Michael Cross, asked me to testify at that hearing. I agreed to testify in whatever way the trial court would allow.
6. As a result of my deportation from the United States, I lived in Ensenada, Baja California, Mexico when Mr. Thatcher's 2019 habeas evidentiary hearing took place. I continue to live in Ensenada, Baja California, Mexico.
7. At the time of the evidentiary hearing on Mr. Thatcher's habeas petition, I was ready and willing to testify, and I remain ready and willing to tell the full truth about my accomplice.

My Accomplice Was Manny Andulo.

8. In discussing my testimony with Mr. Cross, I let him know that if allowed to provide the superior court with additional information, I would willingly give the court the name of my accomplice.
9. In the summer of 2001, I hung out with different and separate crowds of people. I had a Visalia crowd, a Farmersville crowd, and a Ghosen crowd that I hung out with.
10. My accomplice in the robberies of which I was convicted was Miguel Ramos Andulo, also known as Manny Locs. Manny Andulo was part of the Farmersville crowd that I hung out with. Manny and I grew up together. He was a bit younger than I, about seven years younger.
11. In 2001, Manny and I were generally broke and desperate. For these reasons, we committed the robberies for which I was convicted and at which I had an accomplice. The robberies were a spur of the moment thing. We didn't really think about

it. They were out of the way places, and we just decided to do it.

12. Manny was light skinned, looked white, and, at the time of the robberies, he was about in his early twenties. Although Manny's hair was light brown, he always shaved it. We spoke English together, except for a Spanish word here and there.

13. I did use Freddie's car for the robberies, but I didn't borrow the car for the purpose of committing the robberies. Manny Andulo never came with me to pick up the car or drop it off. The robberies were very spur of the moment.

14. I am informed and believe that Manny and his father were affiliated with Mexican drug cartels. I am informed and believe that Manny's father was killed and Manny then took his father's place. I am also informed and believe that a turf war took place and Manny was killed during that war. I do not know when Manny was killed, but I believe it was sometime ago.

Mr Palafox Has Placed Himself at Risk by Divulging

The Name of His Accomplice.

15. Members of cartels do not take kindly to people ratting out their members even if these members are dead. They have family and associates who are still alive.
16. By revealing the name and other identifying information of my accomplice, I have placed me and my family at risk of retaliation by Manny's cartel associates and family members.
17. The retaliation I may receive could come in the form of serious physical harm, including death. I will certainly become an "object of hatred, ridicule, or social disgrace in the community," to say the least. Clearly, no reasonable person in my position would make the statements I have made in this declaration unless they were true.

Mr. Palafox Is Telling the Truth and He Has No Reason to Lie about Mr.

Thatcher and Mr. Patino's Innocence.

18. I have been informed and believed that the trial court, at Mr. Thatcher's evidentiary hearing, asserted that my statements about Mr. Thatcher and Mr. Patino's innocence lacked credibility. I am informed and believe that the court said my statements weren't credible because I did not name my accomplice.
19. In asserting that my statements lacked credibility, the trial court refused to acknowledge that when I made my first statements about Mr. Thatcher and Mr. Patino's innocence, I was incarcerated and would have been particularly vulnerable to retaliation by Manny's colleagues, if I had disclosed his name.
20. The trial court's statements to the effect that it thought I was lying because I didn't initially reveal Manny's name just doesn't make sense to me because, after I was released from prison, I let Mr. Thatcher's trial attorney know that I was more

than willing to reveal my accomplice's name. Instead of letting me testify so I could tell the court the name of my accomplice, the court said I wasn't credible and refused to allow in the information it said it needed. This makes no sense to me.

21. In the Spring of 2001, Heather Parks was my girlfriend. That is when I met David Thatcher for the first time. Mr. Thatcher was Heather's family friend, and sometimes when I visited Heather, Mr. Thatcher would be there. I interacted with Mr. Thatcher occasionally in this way for at most a few months, and since that time, I have had no contact with him. Similarly, Heather Parks and I separated more than 18 years ago because of my arrest.

22. I have not had contact with Mr. Thatcher in nearly 19 years. In the few months that I did interact with him, we were not close. He was just a friend of a friend. I have absolutely no reason to lie for him. Why would I place myself and my family at risk by

lying for someone I really don't even know? I would not and I have not.

23. Because of my convictions, I was incarcerated for about 16 years. Following my release from prison in January 2017, I was deported to Mexico where I have now built a stable life for myself. I work five days a week, ten hours a day, at Vision Air Lighting. On Saturdays I work overtime from 6:00 am to 1:00 pm hours. I am dedicated to my work and I have not taken a single sick day. I am in charge of the department responsible for correcting defects in the products we make. I also am in charge of directing the flow of products throughout the plant.
24. I have a good relationship with my family and children who come from the United States to visit me. I speak to my mother, siblings, and children on a daily basis. I am doing well.
25. My decision to tell the truth about Mr. Thatcher and Mr. Patino's innocence is based on my decision to change my life and to do the right thing. I simply do not think it is right for

someone to pay for a crime that he didn't commit, especially
where I am the person who actually committed the crime.

I declare under penalty of perjury under the laws of the State of
California as well as the laws of the United States that the foregoing is true
and correct and that this declaration was executed on August 30, 2020 at
Ensenada, Baja California, Mexico.

Leonel Palafox 08-30-20
Leonel Palafox

1 **DECLARATION OF DAVID CHARLES THATCHER**
2

3 I, DAVID THATCHER, under penalty of perjury, declare as
4 follows:
5

- 6 1. I am unlawfully held in custody by the Department of
7 Corrections for the State of California in the California State
8 Prison, Kings County, Corcoran, California. Scott Kernan,
9 Secretary of the California Department of Corrections and
10 Rehabilitation, and Dave Davey, Acting Warden of Corcoran
11 State Prison, are the individuals who confine me.
12

13 **David Thatcher's Physical Description During the Summer of 2001**
14

- 15 2. In the summer of 2001, I was 20 years old. I was 5'10" with
16 dark brown hair and clear blue eyes. I am Caucasian with
17 light skin.
18
- 19 3. From June 18 to June 30, 2001, I weighed 165 to 170 pounds.
20
- 21 4. During the summer of 2001, I wore my hair short
22 approximately a ½ inch long. Although I wore my hair short,
23 I have never shaved my head bald.
24
- 25 5. In the summer of 2001, I had a tattoo on the inside of each
26 forearm. They were approximately 3 inches square. The
27 tattoo on the right arm is an old English T and the one on the
28 left arm is an old English C. They are approximately one or

two inches below my elbow.

Events of June 17-18, 2001

6. On June 17, 2001 I rode my bike from the Visalia, California to Dinuba, California to see Amanda Friesen. Before leaving to see Amanda, I spoke with Billy Wilborn and told him about going to see Amanda. Billy said I was stupid for going out there at night because I could get hit by a car. I got to Amanda's home at around 9:30 p.m. The home Amanda lived in was her father's.
7. When I got to Amanda's house, another woman was there. The other woman was Amanda's friend. I do not recall the friend's name. The friend was talking on the phone and arguing with someone. I asked Amanda who her friend was speaking to. Amanda told me her friend was speaking to her boyfriend, a man nicknamed Droopy who was from New London. Droopy happened to have been an acquaintance of mine I had known in 1994 and 1995.
8. I stayed the night with Amanda as did Amanda's friend. The friend and I remained at the home all day on June 18, 2001. At about 5 or 6 o'clock in the evening, I decided to leave. Amanda was going to drive me home, but my bike would not fit into the car. So, Amanda and I went to a neighbor's house to get tools to take my bike apart. After I took the bike apart, Amanda and I returned the tools to the neighbor's

1 house. Then, Amanda, the friend and I, along with Amanda's
2 young daughter all left together in Amanda's car. Amanda
3 dropped me off at around 6:30 p.m. or later.
4

5 9. I did not commit the June 18, 2001 robbery of which I was
6 convicted. Rather, I was in Dinuba with Amanda Friesen and
7 her friend all day on June 18, 2001 until approximately 6:30
8 p.m. or later.
9

10 10. There are two co-defendants in this matter, both of whom
11 were convicted of the June 18, 2001 robbery as a result pleas.
12 The first defendant, Leo Palafox, freely admits that he
13 committed this robbery and that I did not participate in that
14 robbery, or any other robbery. Mr. Palafox's declaration to
15 that affect is attached to this habeas petition as Exhibit A.
16

17 11. There was no physical evidence connecting me with the June
18 18, 2001 robbery. I believe I was convicted of the June 18,
19 2001 robbery because of the testimony of the second co-
20 defendant, Freddy Patino.
21

22 12. Mr. Patino now admits that because he was so high on
23 methamphetamine during the week of June 18, 2001, he at no
24 point knew, or even believed, he and I participated in any
25 robberies. Mr. Patino said he took the plea deal because he
26 was told that there was a possibility he would get 13 years in
27 prison if he did not. Attached to this declaration as Exhibit E-
28 1 is a true and correct copy of the declaration of Katie Akers

1 which details Mr. Patino's admissions. The original of Ms.
2 Akers's declaration is attached to my Application for Leave
3 to File Second or Successive Petition filed in the Ninth Circuit
4 Court of Appeals, case number 15-72750.
5

6 **Bob and Ellen Greer and the Events of June 21-30, 2001**
7

8 13. While in high school, I became close to Bob Greer. Bob was
9 about 30-35 years older than I, and I looked on him as a
10 father figure. I respected Bob a lot. We were very close.
11

12 14. Bob's wife is named Ellen Greer. During the summer of 2001,
13 I visited Bob frequently because Bob had been in a bad car
14 accident. He broke both legs so he was disabled. He died
15 later from a blood clot.
16

17 15. In about the third week of June 2001, I decided I was done
18 with drugs and I wanted to quit. I called Bob to ask if I could
19 come and stay with him and Ellen so that I could get clean.
20 Bob said OK as long as I did not use any drugs or alcohol. I
21 went to Bob's house that day which was a few days before
22 June 22, 2001. As explained below, I stayed with Bob and
23 Ellen until the early morning of July 1, 2001.
24

25 16. While at Bob and Ellen's house, I did not use any drugs. The
26 first two days I was there, I very sick. I was throwing up. I
27 had diarrhea, cold sweats, and I was shaking. Bob and Ellen
28 took care of me. After the first two days, it was not as bad

1 but I was still sick.

2
3 17. Because I was detoxing, I did not leave Bob and Ellen's house
4 the entire time I stayed there. In the beginning, I was just too
5 sick to leave. Also, I did not leave because my intention was
6 to stop using drugs, and to do that, I had to stay away from
7 the places I used to hang out at.

8
9 18. During the day, I stayed in the house with Bob. Bob had
10 been very badly injured in a car accident, and did not go out
11 because of it. Bob and Ellen owned a camper. At night I slept
12 in the camper that Bob and Ellen owned. I also took naps in
13 the camper.

14
15 19. When I lived with Bob and Ellen, several individuals came to
16 visit. Melody Greer, Bob and Ellen's daughter, came to visit
17 nearly every day because she was taking care of her father.
18 Melody sometimes brought a friend of hers who drove a
19 station wagon. The Greers' other daughter, Misty, would also
20 visit sometimes.

21
22 20. I left Bob and Ellen's home in the early morning hours of July
23 1, 2016. I left because I had learned that the police were
24 looking to arrest me for robberies that were committed while
25 I had been staying with Bob and Ellen. I did not want Bob
26 and Ellen to have to go through having the police come to
27 their home. So I thought it was best to just leave.
28

1 21. I did not commit the June 27 and June 30 robberies of which I
2 have been convicted. On those days and times, I was at Bob
3 and Ellen Greer's home detoxify from drugs.

4
5 22. Attached to this declaration as Exhibit E-2 is a true and
6 correct copy of Mrs. Greer's declaration confirming my
7 presence in her home at the time of the June 27 and 30
8 robberies. I believe that the original of this document is in the
9 Tulare County Superior court files attached to an earlier
10 habeas petition, case number VHC264331.

11
12 23. There was no physical evidence connecting me to either the
13 June 27 or June 30 robberies. Attached to this declaration as
14 Exhibit E-27 is a true and correct copy of the Physical
15 Examination Report prepared regarding the June 30, 2001
16 robbery provided to me by the prosecution prior to my trial.

17
18 24. Attached to this declaration as Exhibit E-26 is a true and
19 correct copy of the Tulare County Sheriff's Department's July
20 25, 2001 Supplemental Report regarding the June 30, 2001
21 robbery provided to me by the prosecution prior to my trial.

22 23 **Pre-Trial Proceedings**

24
25 25. I pled "not guilty" in this matter. I have maintained my
26 innocence from the very start of this case, and I still maintain
27 my innocence. At no time I have ever admitted guilt
28 regarding the June 18, 27 or 30, 2001 robberies.

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26. I attended the preliminary hearing in this matter. Several of the victims of the robbery also attended the hearing, including Francisco Ortego and Domingo Lopes, the clerks working at B & C Recycling Center on June 18 and June 27, 2001.

27. While I was sitting at counsel table, I saw the prosecutor in the courtroom speaking with Mr. Ortega and Mr. Lopes. While she was speaking with them, she pointed to me. I then saw Mr. Ortega and Mr. Lopes look at me. I believe this improper action by the prosecutor is a basis for Mr. Ortega and Mr. Lopes testifying at trial that they recognized me.

The Trial

28. My attorney in the trial court was Paul Storey. His address was 225 North "M" Street, Tulare, California 93274.

29. I informed Mr. Storey of my alibi witnesses Amanda Friesen and the Greers. I provided Mr. Storey with all of the contact information that I had for these witnesses.

30. I am informed and believe that Mr. Storey did not speak with Ellen or Bob Greer. I know that Mr. Storey did not contact Ms. Friesen, Ellen, Bob, Melody or any of the other Greers in an attempt to determine whether they could act as my alibi witnesses.

- 1 31. I begged Mr. Storey to locate, question, and subpoena my
2 witnesses for trial. Each time I spoke to him at the pre-trial
3 hearings, I would ask whether he had located and questioned
4 my alibi witnesses. Each time, Mr. Storey would tell me that
5 he hadn't gotten around to it yet.
6
- 7 32. Once trial began, I asked Mr. Storey if he had located my alibi
8 witnesses. Mr. Storey revealed that he never attempted to
9 locate, interview, secure or subpoena my witnesses. Mr.
10 Storey had no strategic reason for failing to investigate.
11 Rather, at the time, he merely told me that he "didn't believe
12 it was important."
13
- 14 33. Mr. Patino pleaded no contest to the robberies of June 18, 20,
15 and 22. Mr. Patino's time cards from his job at E. Kent
16 Halvorson Construction showed, however, that he was at
17 work during the June 20 and 22 robberies. Although Mr.
18 Storey had Mr. Patino's time cards available to him, he failed
19 to use them to impeach Mr. Patino. He failed to present them
20 in any manner during the trial. Attached to this declaration as
21 Exhibit E-3 are true and correct copies of Mr. Patino's time
22 cards.
23
- 24 34. Contrary to my wishes, Mr. Storey did not put on any
25 defense on my behalf at all.
26
27
28

The Appeal and Petition for Review

35. I appealed my convictions in Fifth Circuit Court of Appeal case number, F039852. I was represented by a court appointed attorney, Jerome P. Wallingford, 13223-I Black Mountain Road, San Diego, CA 92129-2685. The appeal was filed on February 1, 2001, and the opinion issued on February 16, 2002. Attached to this declaration as Exhibit E-4 is a true and copy of the opinion affirming in part and reversing in part the convictions.

36. On the appeal of my convictions, I raised the following issues:

- the conviction of grand theft of a firearm in count five was an offense included within the robbery conviction in count three;
- the sentence on that count must be stayed pursuant to the provisions of Penal Code, § 654;
- the jury misconduct instruction impermissibly intruded into the secrecy and autonomy of jury deliberations; the trial court committed error by using the prior robbery convictions both as a "serious felony" enhancement and as a "prison prior";
- the sentence imposed by the superior court constituted cruel and/or unusual punishment;
- The trial court abused its discretion when it refused to strike one of the prior strike convictions;

- the evidence was insufficient to support the conviction in count one; and,
- the evidence failed to support the findings that Mr. Thatcher personally used a firearm during the June 18 and 30, 2001 robberies.

37. I have not raised in this habeas petition any of the issues raised in my appeal.

38. In the petition for review filed following the denial of my appeal, I raised the issues of jury misconduct, cruel and/or unusual punishment, and insufficiency of evidence arguments. In case number S116119, on June 25, 2003, the Supreme Court denied the petition. I do not have a copy of the order denying this petition because it has been lost due to cell searches by prison staff. Attached to this declaration as Exhibit E-5, however, is a true and correct copy of the California Supreme Court's website showing the denial of the petition for review.

The Post-Conviction Collateral Challenges

39. Following the denial of my appeal and the denial of my petition for review, I filed the following relevant post-conviction collateral challenges without the assistance of an attorney.

- 1 a. A habeas petition filed in the Tulare County Superior
2 court, case number 124181, on March 4, 2004, and
3 denied on March 12, 2004. Attached to this
4 declaration as Exhibit E-6 is a copy of the denial
5 order. I raised the issue of ineffective assistance of
6 appellate counsel. I have not raised this issue in the
7 instant habeas petition.
8
- 9 b. Habeas petitions in the U.S. District Court, Eastern
10 district, case numbers 05-CIV-00976 and 05-CV-00678,
11 filed on May 17, 2005, and voluntarily dismissed on
12 July 14, 2005. Attached to this declaration as Exhibit E-7
13 and E-8 are copies of the dismissal orders. In those
14 petitions, I raised issues of regarding jury
15 instructions, ineffective assistance of appellate
16 counsel, insufficient evidence on counts 1, 2, 3, and 4;
17 cruel and unusual punishment, double use of prior
18 case enhancements, and trial court abuse of
19 discretion. I have not raised these issues in the instant
20 habeas petition.
21
- 22 c. A habeas petition in the Fifth District Court of
23 Appeal, case number F048705, filed on August 23,
24 2005, and denied on January 26, 2006. Attached to this
25 declaration as Exhibit E-9 is a copy of the denial
26 order. In that petition, I raised the issues of ineffective
27 assistance of appellate counsel; insufficiency of
28 evidence; incorrect jury instruction, excessive nature

1 of sentence, error by the trial court in using my prior
2 as both a "prison prior" and a "serious felony," and
3 the trial court abused its discretion and failing to
4 strike one of my prior convictions based on Penal
5 Code, § 1385. I have not raised these issues in the
6 instant petition.

7
8 d. A habeas petition filed in the California Supreme
9 Court, case number S144847, on July 6, 2006, and
10 denied on February 7, 2007. Attached to this
11 declaration as Exhibit E-10 is a copy of the denial
12 order. In that habeas petition, I raised the issues of
13 ineffective assistance of appellate counsel, incorrect
14 jury instruction, excessive nature of sentence, error by
15 the trial court in using my prior as both a "prison
16 prior" and a "serious felony," and the trial court
17 abused its discretion and failing to strike one of prior
18 convictions based on Penal Code, § 1385. I have not
19 raised these issues in the instant petition.

20
21 e. A habeas petition filed in the Tulare County Superior
22 Court, case number 182135, on April 17, 2007, and
23 denied on the same day. Attached to this declaration
24 as Exhibit E-11 is a copy of the denial order. In this
25 habeas, I requested a further reduction in restitutions
26 fines. I have not raised this issue in the instant
27 petition.

1 f. A habeas petition filed in the Fifth District Court of
2 Appeal, case number F052818, on May 15, 2007, and
3 denied on June 14, 2007. Attached to this declaration
4 as Exhibit E-12 is a copy of the denial order. In this
5 habeas petition, I requested a further reduction in the
6 restitution amount, and I raised the issue of
7 ineffective assistance of trial counsel regarding
8 restitution fine. I have not raised these issues in the
9 instant petition.

10
11 g. A habeas petition filed in U.S. District Court, Eastern
12 District, case number, 07-CV-000725, and dismissed
13 on December 20, 2007. Attached to this declaration as
14 Exhibit E-13 is a copy of the denial order. In this
15 petition, I raised the issue of ineffective assistance of
16 appellate counsel; insufficiency of the evidence; jury
17 misconduct instruction; cruel and unusual punishment;
18 excessive nature of sentence, error by the trial court in
19 using my prior as both a "prison prior" and a "serious
20 felony," and the trial court abused its discretion and
21 failing to strike one of prior convictions based on Penal
22 Code, § 1385. I have not raised these issues in the
23 instant petition.

24
25 h. A habeas petition filed in the California Supreme
26 Court, case number S157240, on October 16, 2007, and
27 denied on April 9, 2008. Attached to this declaration
28 as Exhibit E-14 is a copy of the dismissal order. In

1 this petition, I raised sentencing errors, fine errors,
2 and ineffective assistance of appellate counsel. I have
3 not raised any of these issues in the instant petition.
4

5 i. A habeas petition filed in the California Supreme
6 Court, case number S162001, on March 24, 2008, and
7 denied on April 16, 2008. Attached to this declaration
8 as Exhibit E-15 is a copy of the denial order. The
9 habeas petition did not challenge my convictions but
10 rather conditions of my incarceration.
11

12 j. A habeas petition filed in the Ninth Circuit Court of
13 Appeal, case number 08-71515, on April 11, 2008, and
14 denied as moot. Attached to this declaration as
15 Exhibit E-16 is a copy of the denial order. In this
16 petition, I raised the issue of ineffective assistance of
17 appellate counsel; insufficiency of the evidence; jury
18 misconduct instruction; cruel and unusual
19 punishment; excessive nature of sentence, error by the
20 trial court in using my prior as both a "prison prior"
21 and a "serious felony," and the trial court abused its
22 discretion and failing to strike one of prior
23 convictions based on Penal Code, § 1385. I have not
24 raised any of these issues in the instant petition.
25

26 k. A habeas petition filed in the Tulare County Superior
27 court, case number 264331 and denied on March 6,
28 2012. Attached to this declaration as Exhibit E-17 is a

1 copy of the denial order. I no longer have a copy of
2 that petition, but I believe that I raised the issue that
3 trial counsel's failure to secure and call alibi witnesses
4 resulted in ineffective assistance and I also raised my
5 actual innocence. I believe that this was the first petition
6 in which I presented Ellen Greer's declaration and copy
7 of the transcript of Mr. Patino's plea hearing. As
8 discussed more fully below, I could not obtain Mrs.
9 Greer's declaration or the reporter's transcript before
10 this time. Although I raised the issues of the
11 ineffective assistance of trial counsel and actual
12 innocence, I did not, because, as explained below,
13 support that petition with the declarations of co-
14 defendant Leo Palafox, Glory Slayton, and David
15 Segura, which are included in the instant petition.

- 16
- 17 1. A habeas petition filed in the Fifth District Court of
18 Appeal, case number F064613, on April 5, 2012, and
19 denied on June 11, 2012. Attached to this declaration
20 as Exhibit E-18 is a copy of the denial order. I raised
21 the issue that trial counsel's failure to secure and call
22 alibi witnesses resulted in ineffective assistance.
23 Although I raised the issues of the ineffective
24 assistance of trial counsel, I did not, as explained
25 below, support that petition with the declarations of
26 co-defendant Leo Palafox, Glory Slayton, and David
27 Segura, which are included in the instant petition.
- 28

1 m. A habeas petition filed in the California Supreme
2 Court, case number S204651, on August 10, 2012, and
3 denied on November 14, 2012. Attached to this
4 declaration as Exhibit E-19 is a copy of the denial
5 order. I raised the issue that trial counsel's failure to
6 interview, secure and call alibi witnesses resulted in
7 ineffective assistance. Although I raised the issue of
8 the ineffective assistance of trial counsel, I did not, as
9 explained below, support that petition with the
10 declarations of co-defendant Leo Palafox, Glory
11 Slayton, and David Segura, which are included in the
12 instant petition.

13
14 n. A habeas petition filed in the Kings County Superior
15 Court, case number 09W01708. I do not have a copy
16 of the order denying this petition because it has been
17 lost due to cell searched by prison staff. This petition
18 did not challenge my conviction. Rather, it challenged
19 my conditions of confinement.

20
21 o. A habeas petition filed in the Fifth District Court of
22 Appeal, case number, F069447 on May 30, 2014, and
23 denied on July 24, 2014. Attached to this declaration as
24 Exhibit E-20 is a copy of the denial order. This petition
25 did not challenge my conviction. Rather, It
26 challenged my conditions of confinement.

1 p. A request for leave to file a second or successive
2 habeas corpus petition filed in Ninth Circuit Court of
3 Appeals U.S. District, case number, 13-70338, filed on
4 January 28, 2013 denied February 25, 2015. Attached
5 to this declaration as Exhibit E-21 is a copy of the
6 denial order. I raised the issue that trial counsel's
7 failure to interview, secure and call alibi witnesses
8 resulted in ineffective assistance. Although I raised
9 the issue of the ineffective assistance of trial counsel
10 in that petition, I did not, as explained below, support
11 that petition with the declarations of co-defendant
12 Leo Palafox, Glory Slayton, and David Segura, which
13 are included in the instant petition.
14

15 q. A habeas petition filed in the Tulare County Superior
16 Court, case number VHC312240, on January 28, 2015,
17 and denied on February 6, 2015. Attached to this
18 declaration as Exhibit E-22 is a copy of the denial order.
19 In this petition, I raised the issue of my actual innocence
20 based on newly obtained evidence. I attached a
21 statement taken by Katie Akers for the first time. This
22 statement recounted Ms. Aker's interview of Mr.
23 Patino. Although I raised the issue of actual
24 innocence, I did not, as explained below, support that
25 petition with the declarations of co-defendant Leo
26 Palafox, Glory Slayton, and David Segura, which are
27 included in the instant petition.
28

1 r. A habeas petition filed in the Fifth District Court of
2 Appeal, case number F071150, on March 13, 2015, and
3 denied on April 3, 2015. Attached to this declaration as
4 Exhibit E-23 is a copy of the denial order. The habeas
5 petition raised the issue of actual innocence based on
6 newly discovered evidence. Although I raised the
7 issue of actual innocence, I did not, as explained
8 below, support that petition with the declarations of
9 co-defendant Leo Palafox, Glory Slayton, and David
10 Segura, which are included in the instant petition.

11
12 s. A habeas petition filed in the California Supreme
13 Court, case number S226142, on April 29, 2015, and
14 denied on July 15, 2015. Attached to this declaration as
15 Exhibit E-24 is a copy of the denial order. The habeas
16 petition raised the issue actual innocence. Attached to
17 this petition for the first time was a copy of Ms.
18 Akers' declaration regarding her interview with Mr.
19 Patino. Although I raised the issue of actual
20 innocence, I did not, as explained below, support that
21 petition with the declarations of co-defendant Leo
22 Palafox, Glory Slayton, and David Segura, which are
23 included in the instant petition.

24
25 t. A request for leave to file a second or successive
26 habeas corpus petition filed in the Ninth Circuit
27 Court of Appeals, case number, 15-72750, on
28 September 3, 2015. The Court of Appeals appointed

counsel for me and the matter is pending.

FILING OF THE INSTANT HABEAS PETITION

40. Throughout the entire period of my incarceration, I have been subject to extreme restrictions which have prevented me from having access to such things as a computer or even a local phone book. These restrictions include being a maximum security prisoner which requires that I be locked in my cell 23 hours a day. Because of these restrictions, it has been extremely difficult for me to conduct the research and make the contacts necessary to obtain the declarations and other information necessary to support my innocence.

41. In addition to the restrictions that have prevented me from locating witnesses and obtaining support for my innocence, I have not had the funds needed to hire an investigator or attorney to help with my case. There was one exception to this lack of funds. As discussed below, my mother, in 2014 agreed to retain an investigator on my behalf.

42. One of my alibi witnesses is Ellen Greer. Although I had stayed with the Ellen Greer and her husband just prior to my arrest, they moved from their home. All of my letters to Mrs. Greer came back "return to sender." By happenstance, I was able to locate Mrs. Greer in 2011. By that time, her husband, Bob Greer had died. Because of my difficulty in locating Mrs. Greer, I was unable to obtain a statement from her until

August, 2011.

43. As a result of being incarcerated and without any funds, I had little ability to obtain a copy of the transcript of Freddy Patino's plea hearing. In this regard, I petitioned the superior court for a copy of Mr. Patino's plea hearing and that request was denied as was a second request. In July 2011, I found someone willing to go to the courthouse and attempt to get the transcript. This initial attempt was also denied. I was ultimately successful in obtaining the transcript.

44. As a result of Ms. Greer's August 5, 2011 statement and my success in obtaining the transcript of Mr. Patino's plea hearing, I was able to raise for the first time in a habeas petition my actual innocence and my alibi witnesses. Before receiving these two pieces of information, I did not have the evidence needed to support and file a habeas petition.

45. I promptly raised the issue of my actual innocence and my alibi witnesses following my receipt of Ellen Greer's declaration and the transcript of Mr. Patino's plea hearing. In this regard, I filed a habeas petition the Fifth Circuit Court of Appeal on April 5, 2012, case number F064613 which included Mrs. Greer's declaration and the transcript of the Patino plea hearing.

46. In 2014, my family, for the first and only time, agreed to help me. Attached to this declaration as Exhibit E-25 is true and

1 correct copy of my mother's declaration. The original of this
2 declaration was filed in the Fifth Circuit Court of Appeal,
3 case number F071150.
4

5 47. As a result of my mother's decision to help, she hired an
6 investigator, Katie Akers, who then interviewed the co-
7 defendant who testified against me, Freddy Patino. , At that
8 time, Mr. Patino admitted that he lied at my trial when he
9 testified that I had committed the June 18, 2001 robbery. See
10 Ex. E-1.
11

12 48. Ms. Akers did not provide me with a declaration regarding
13 Mr. Patino' statements until May 6, 2015. I wrote Ms. Akers
14 on August 15, 2014 requesting that she prepare a declaration.
15 After not hearing back from her, I wrote a second letter
16 requesting a declaration on October 1, 2014, and then a third
17 letter on February 11, 2015. I believe that Ms. Akers did not
18 provide me with the declaration sooner because I did not
19 have any money to pay her to prepare the declaration. I
20 promptly filed an application for leave to file a second or
21 successive habeas petition with the Ninth Circuit Court of
22 Appeals on September 3, 2015 which included Ms. Akers'
23 declaration. That case number is 15-72750.
24

25 49. In the instant habeas petition, I am filing newly discovered
26 evidence that has never been presented to this or any other
27 court before.
28

1 50. I am filing this habeas petition and the newly discovered as
2 soon as I possibly could.

3
4 51. Although I was convicted 15 years ago and I have filed other
5 habeas petitions in both state and federal court, I did not, nor
6 could I, obtain all of the information and evidence needed to
7 file this habeas petition until the last week of November 2016.

8
9 52. I was unable to get the new evidence that is a part of this
10 habeas because I did not have any funds or resources at my
11 disposal. I am a maximum security prisoner with no access to
12 a phone, computer, or even a county phone book. Without
13 resources, I am basically helpless. Although my helplessness
14 prevented me from uncovering the newly discovered
15 evidence, it was not the only reason.

16
17 53. Although I have filed other habeas petitions, I prepared and
18 filed all of them without the help of an attorney. On
19 September 3, 2015, I filed an application with the Ninth
20 Circuit Court of Appeals for leave to file a second or
21 successive petition. Following the filing of this petition, the
22 Ninth Circuit issued an order that I be appointed counsel. As
23 a result of this order Andrea St. Julian was appointed to
24 represent me before the Ninth Circuit Court of Appeals with
25 respect to the application. The Court of Appeals appointed
26 Ms. St. Julian on February 8, 2016.

1 54. As a result of Ms. St. Julian's representation, she obtained the
2 following information/evidence that I could not have
3 obtained before the date of this declaration:
4

5 a. The declaration of my co-defendant Leonel Palafox
6 wherein he states that he committed the robberies with
7 which I have been charge and with which he has been
8 convicted and that I did not participate in any of those
9 crimes.
10

11 b. The declaration of David Segura wherein he states that
12 I was not one the individuals who borrowed the car
13 that was implicated in the robbery of June 27, 2001.
14

15 c. The declaration of Glory Slayton wherein she explains
16 that the police twisted and misrepresented her
17 statements regarding the June 30 robbery.
18

19 55. As a result of my incarceration, I could not have located and
20 obtained Mr. Palafox's, Mr. Segura's or Ms. Slatyon's
21 declarations without assistance. In this regard, I had no funds
22 or resources to find a way to locate and interview any of
23 these individuals.
24

25 56. My co-defendant, Leo Palafox, is incarcerated. Because I too
26 am incarcerated, I am prohibited from having any contact
27 him. Because I had no funds or resources to have someone
28 else contact Mr. Palafox, I was not able to obtain Mr.

1 Palafox's declaration until my pro/bono/ appointed counsel
2 obtained it on September 14, 2016. Also, there is no way I
3 could have reasonably known that Mr. Palafox would be
4 willing to discuss this case with anyone, admit his guilt, and
5 sign a declaration. This is particularly true in light of the fact
6 that he pleaded no lo contendere. I did not know that Mr.
7 Palafox was willing to admit his guilt and provide a
8 declaration until October 2016.

9
10 57. The police report recording Mr. Segura's statements asserted
11 that Mr. Segura had witnessed me borrow Mr. Patino's car. I
12 had no way of knowing that Mr. Segura never made such
13 statements and that he actually told the police that two
14 Hispanic "Norteños" borrowed Mr. Patino's car until my pro
15 bono/appointed counsel informed me of this in the last week
16 of November 2016. In any event, I had no funds or resources
17 to hire an investigator to find and interview individuals such
18 as Mr. Segura in the hope that there might be some helpful
19 information they could provide. Thus, I could not reasonably
20 be expected to obtain Mr. Segura's declaration any sooner
21 than November 17, 2016 when my pro bono/appointed
22 counsel obtained it for me.

23
24 58. As with the other declarants, I had no reason to believe that
25 Ms. Slayton had come to realize that her statements had been
26 inappropriately manipulated by the police and the
27 prosecution and that she would be willing to provide me with
28 a declaration until my pro bono/appointed counsel informed

1 me this during the last week of November 2016. Also, I did
2 not have the funds or resources to locate and interview Glory
3 Slayton. I did not know where she was located or how to
4 contact her.
5

6 59. Earlier petitions I have filed have been denied primarily on
7 procedural grounds. Court have stated that my petitions are
8 untimely and/or my issues have been presented in a
9 piecemeal fashion. This instant appeal is neither untimely
10 and the issues I raise in this petition have not been presented
11 in an inappropriately piecemeal.
12

13 60. I did not know, nor did I have any reason to know of the
14 ability to present this court with the information provided by
15 Mr. Palafox, Mr. Segura, and Ms. Slayton in their declarations
16 attached to this petition until I was informed of these
17 declarations within the recent weeks by my pro
18 bono/appointed counsel.
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1 I declare under penalty of perjury under the laws of the State
2 of California and the laws of the United States that the foregoing is true
3 and correct.

4
5 Dated: December 1, 2016



David Charles Thatcher,
Declarant

1 DAVID THATCHER K-81267
IN PRO PER
PO BOX 3481
2 CORCORAN CA, 93212

3 DEFENDANT IN PRO PER
4

5 SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE
6 VISALIA DIVISION
7

8 People,	)	Case No.:
	)	
9 Plaintiff,	)	
	)	SWORN DECLARATION OF
10 vs.	)	INVESTIGATOR
	)	
11 David Thatcher,	)	
	)	
12 Defendant.	)	
	)	
13	)	

14 TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT

15 I, Katie Akers, declares as follows:

16 1. On April 28, 2014 I conducted a personal interview with Freddy Patino in Farmersville
17 California.

18 2. I asked Mr. Patino if anyone had threatened him or coerced him to make a statement to me
19 and he said, "No." I asked Mr. Patino if he would voluntarily speak with me regarding the
20 circumstances of the alleged incident, according to the Visalia police reports, occurred on or
21 about June 18, 2001, and he said, "Yes."

22 3. Mr. Patino said, "Back then I would hang out with David Thatcher and Leo Palofax and
23 smoke meth. I was high most of the time. I remember the day the cops took me in for
24 questioning; I was at the 24 hour fitness. At that time they didn't tell me I was under arrest they
25

1 just said they wanted to ask me some questions. My mind was so messed up at that time and I
2 remember that I was so scared. I had a car and we would go out driving a lot. I cannot be
3 positive that they were ever committing any robberies. David and Leo did borrow my car. I
4 remember them coming to my work one time and I told them the keys were under the seat.
5 I also remember at one of my court appearances I could hear two people talking behind me and
6 they said, 'That's not him.'

7 4. I asked Mr. Patino if he had a job at the time of the alleged incidents and he said, "Yes. I
8 worked for Kent Halvorsen doing construction."

9 5. I then showed Mr. Patino a copy of his timecards from Halvorsen Construction and he stated
10 that it was his signature on the bottom of the timecards.

11 6. I asked Mr. Patino if he knew that on the days of the alleged incidents he was clocked in at
12 work and he said, "If my timecard says I was clocked in then I was at work. I had to physically
13 be there in order to clock in and they would check up on us."

14 7. I asked Mr. Patino if he had ever drawn any maps for the officer's showing them where the
15 robberies had taken place and he said, "I don't remember ever drawing any maps but I do
16 remember the officers showing me maps. I can't be sure."

17 8. I asked Mr. Patino why he took a deal if he didn't participate in the robberies and he said, "I
18 was so scared. They were telling me that I was going to get 13 years so when my Attorney got a
19 deal for 1 year I just took it. I ended up doing 9 months in county."

20 9. I asked Mr. Patino if he knew anybody by the name of Amanda Friesen who was David
21 Thatcher's girlfriend from Dinuba and he said, "I do remember that he would go see a lady in
22 Dinuba but I didn't know her name."
23
24
25

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Dated this 6th day of May, 2015.

A handwritten signature in black ink, appearing to read 'Katie Akers', written over a horizontal line.

5 Katie Akers

6 Legion Investigative Firm PI27627

SWORN DECLARATION/AFFIDAVIT

I have known David Thatcher for 16 years, he has been a family friend and was close with my late husband. In 2001 when David was released from prison, we had spoken to him and asked him what his plans were to stay out of trouble, David came to see my husband and I and stated he wanted to get a job and wished to be left alone. In June of 2001 David came to see my husband and I and stated that he has a drug problem and that he needed help with detoxing. David wanted to get his life together. We told him that could stay in our camper, which is located on our property in the driveway, as long as he did not use drugs. David agreed and stayed in our camper until July first. After staying a week in the camper, he stated that someone owed him some money and left. That was the last time we seen or heard from him. During the period when David was staying in our camper, he would spend his time with my husband in the living room or he stayed inside the camper in our driveway.

David called us after he was arrested and stated that he was being taken to court for things that happened before and during the time that he had been staying in our camper. He asked if we would come to court for him, after a brief discussion with my husband, we agreed, we did not want to see David get into trouble for something he did not do. If he was getting into trouble for something that happened while he was staying with us, we will help because during the time David was staying with us, he never left our property until July 2001. During that time he could not have been out getting in trouble. Before we could go to court me and my husband moved and then on 12/19/01 my husband passed away. Because of everything that was going on, I lost contact with David.

A few years ago my daughter got back in touch with David and started writing to him. David was sent to Corcoran state prison, I was approved to visit him, but I haven't visited or written him. David asked my daughter to ask me if I would still help him with court, I told her I still would.

I don't write letters much or get out of my house so its taken some time get this declaration done for him. I hope this helps to clear up anything or any trouble he is in from when he stayed with us.

I DO HEREBY SWEAR UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT TO MY KNOWLEDGE

Date: June 27, 2012

Name Printed: ELLEN GREER

Name Signed: Ellen Greer

DECLARATION OF DAVID SEGURA

I, DAVID SEGURA, under penalty of perjury, declare as follows:

1. I have personal knowledge of the statements contained in this declaration, and, if called as a witness, I am competent to testify to these matters.
2. In the Summer of 2001, I worked at the same construction job site as one of the co-defendants in this case, Freddy Patino. During that summer, I became friends with Freddy.
3. One day during the summer of 2001, Freddy and I were at the gym and the Visalia police came to speak with me and Freddy. Freddy and I then accompanied the officers to the police station. Following our arrival, a detective questioned me about Freddy's vehicle.
4. During my questioning by police, I talked to a detective about two individuals who had come to the job site to borrow Freddy's car. I told the detective that I saw two Hispanic men come to the job site and pressure Freddy into letting them use his vehicle. I clearly remember telling the detective that the two men I saw pressuring Freddy were Hispanic males who wore baggy pants. Because of their appearance, I believed them to be members of the Northerner Gang.

- 1 5. Attached to this declaration is a copy of a Visalia Police
2 Department Report dated June 30, 2001, claiming to
3 accurately recount the questioning that took place between
4 me and the detective. The report, however, is very
5 inaccurate.
6
7 6. As I stated above, the two men who came to the job site and
8 pressured Freddy into lending them his car were Hispanic,
9 neither was White. Not only do I remember the event, I
10 remember that that is what I told the detective when he
11 questioned me.
12
13 7. At no point did I ever tell the detective that the two men who
14 borrowed Freddy's car were Leonel Palafox and David
15 Thatcher.
16
17 8. I have been shown pictures depicting Leonel Palafox and
18 David Thatcher. Neither Palafox nor Thatcher are the
19 individuals I saw borrow Freddy's car.
20

21 I declare under penalty of perjury under the laws of the State of
22 California as well as the laws of the United States that the foregoing is
23 true and correct and that this declaration was executed on November
24 17 2016 at Visalia, California.
25

26 
27 David Segura,
28 Declarant

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ATTACHMENT TO
DECLARATION OF DAVID
SEGURA

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

ORIGINAL

CASE NO.

A01-09239
01-09336
01-09750

CODE SECTION

CRIME

CLASSIFICATION

211 PC

ARMED ROBBERY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

SUSPECT INFORMATION:

1. THATCHER, DAVID
DOB 07/13/80
2. PALAFOX, LEO
DOB: 08/03/69
3. PATINO, FREDDY
DOB: 06/21/82
ARRESTED: Yes

PERSON'S INTERVIEWED BY THIS OFFICER ON 06/28/01:

David Segura



At approximately 1700 hours, 06/28/01:

I began assisting Det. M. Lopez, I88, Officer J. Pree, A104, and Det. Winslow of the Tulare County Sheriff's Office in the investigation of a series of armed robberies of Recycle Truck both in the Visalia and Tulare County area.

At approximately 2045 hours,

I escorted a David Segura, DOB: 01/12/79 into my office at the Visalia Police Department. It should be noted that Segura was with S/PATINO at the time PATINO was asked if he would come down to the Visalia Police Department. Segura provided me with the following statement. Segura states that he knows PATINO, because he works with him. Segura explained that there is a job site at Linwood and Cypress, where there are several laborers building a retirement home. Segura stated that he personally does drywall while FREDDY does general labor. Segura further explained that although they work for different people, he sees FREDDY at the job site almost everyday. Segura also stated

REPORTING/RECORDING OFFICER
S. PUDEP, S55

TYPED BY / COMPUTER #
MG/125

DATE
06/30/01

FURTHER ACTION
() YES
() NO

COPIES TO
() DETECTIVE
() DISTRICT ATTORNEY

() T-BOLT
() OTHER
() JUVENILE

REVIEWED _____

00024
App. 1764

ORIGINAL 1364

CASE NO.

A01-09239
01-09336
01-09750

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ARMED ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.

that he as known for FREDDY for approximately 3 to 4 months, that FREDDY generally works Monday through Friday 0630 to 1600 hours, while he works Monday through Friday 0700 to 1530 hours.

I asked Segura if PATINO had told him about a situation involving his vehicle. Segura stated that PATINO had. According to Segura, PATINO stated that on Monday 06/25/01 between 11 a.m. and 11:30 a.m., these two individuals known to David Segura only as Leo and David Thatcher came to the job site at Linwood and Cypress. Segura went on to state that he could tell they were pressuring PATINO to borrow his vehicle and although PATINO didn't really want to give them his vehicle, he buckled under the pressure and allowed them to take the vehicle. According to Segura, he told Leo and David Thatcher to be back by 1530 hours to pick him up. However, they did not return.

According to Segura, he and FREDDY got a ride to his sister's house where they used the phone and then FREDDY's brother picked them up and took them home. Segura stated that FREDDY's mom took them to the gym on Monday night and his [FREDDY's] mom said that she would take FREDDY to work tomorrow.

According to Segura, FREDDY complained the rest of the week about being afraid of these guys and that one of them was carrying a gun and in fact stopped by Wal-Mart to get bullets for his gun, and he was scared of this particular individual.

According to Segura, on the following Tuesday, 06/26/01, FREDDY was at the work site all day and that the [Segura] left at about 1530 hours and FREDDY was still there. According to Segura, that night, FREDDY's mom took them to the gym. Segura went on to state that on Wednesday, 06/27/01, FREDDY's mom took FREDDY to work that FREDDY was at the job site all day and that later that evening FREDDY's mom took both Segura and FREDDY to the gym.

Segura went on to state that on Thursday, 06/28/01, he was at work and an individual by the name of Marty Layer told him to go to the store to get some ice and some sodas between 7:30 a.m. and 8:00 a.m. According to Segura, he walked to the Beacon Station, at which time on the south side of the Marco Polo he observed FREDDY PATINO's vehicle. When Segura got back to the job site he told FREDDY PATINO that his vehicle was at Marco Polo and that he better call the cops and go pick it up. According to Segura, FREDDY PATINO went right to Marco Polo and got the vehicle.

REPORTING/RECORDING OFFICER
S. PUDER, S55

TYPED BY / COMPUTER #
MG/125

DATE
06/30/01

FURTHER ACTION
() YES
() NO

COPIES TO
() DETECTIVE
() DISTRICT ATTORNEY

() T-BOLT
() OTHER
() JUVENILE

REVIEWED
00025

ORIGINAL 1354

CASE NO.

A01-09239
01-09336
01-09750

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ARMED ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.

I then began Segura in regards to the week prior, which would be the week of June 18th through the 22nd. According to Segura, he stated he seemed like these two individuals Leo and David Thatcher had showed up one time and borrowed FREDDY's vehicle while he was there. According to Segura, he knew FREDDY was using Crank on this particular week, because he appeared to be under the influence while at work. Segura stated that he knew this because at one time he was a drug user himself, and it was apparent to him. According to Segura, he also heard PATINO's boss identified only as Bill, chewing him out about coming to work late and leaving early.

Segura did state that it seemed like PATINO missed at least one day in this particular week and again as far as Segura could remember, he believed that PATINO did not put in a full 8 hours of work each day. He felt that he could have been missing some of those times.

I asked Segura if FREDDY PATINO ever mentioned to him anything that these individuals Leo and David Thatcher were involved in. According to Segura, he recalls PATINO stating that they were pressuring him for money to pay the rent, however they never mentioned being involved in any robberies. Segura did state that PATINO told him that he was driving around with these two individuals last week around 2 a.m. and one of the individuals talked about wanting to pull a robbery, however, according to PATINO they did not pull a robbery. Segura stated that he had no further information in regards to this investigation. Segura made no further statement.

Recommendation: Forward a copy of this report along with the other reports related to this investigation to the Tulare County District Attorney's Office as PATINO is in custody. No further information.

REPORTING/RECORDING OFFICER
S. PUDEK, S55

TYPED BY / COMPUTER #
MG/125

DATE
06/30/01

FURTHER ACTION
☐ YES
☐ NO

COPIES TO
☐ DETECTIVE
☒ DISTRICT ATTORNEY

☐ T-BOLT
☐ OTHER
☐ JUVENILE

REVIEWED _____

DECLARATION OF GLORY SLAYTON

I, GLORY SLAYTON, declare as follows:

1. I have personal knowledge of the statements contained in this declaration.
2. I testified at the trial resulting in the petitioner, David Charles Thatcher's conviction for the June 30, 2001 robbery of the USA Market and the Market's clerk, Mike Alrhimi.
3. Before, on and after June 30, 2001, I was having difficulties. I was homeless, had an alcohol problem, and was using drugs. Because of my difficulties, I, on occasion, lost track of time and days.
4. Mike Alrhimi was a very good person. He was always good to me. He would give me food so that I could eat. He helped others who were in need as well. I felt really sad for Mike when I learned he had been robbed.
5. I remember that at some point in the summer of 2001, I stopped to speak with two individuals while I was on my way either to or from the USA Market.
6. At the time I saw these two individuals, they were not running away from anything. They weren't in a rush. They stood there and talked to me. Neither of the individuals

1 looked like they were either going to or running from a
2 robbery.

3
4 7. While I spoke with the two individuals, I did not see that
5 they had a gun or a rifle. They were not carrying anything.

6
7 8. I was intoxicated at the time I spoke to these two individuals.

8
9 9. I never saw David Thatcher in the USA Market. I never saw
10 David commit any crime. I did not see David rob the USA
11 Market, and I have no clue as to whether he committed the
12 robbery.

13
14 10. I think that the police who questioned me about the USA
15 Market robbery manipulated me in an attempt to get my
16 testimony to convict David Thatcher. I believe the police got
17 what I said pretty well twisted so as to get what they
18 wanted. They pressured me, and because of the pressure, I
19 agreed with their statements. The police worked things to
20 their advantage. I was intoxicated at the time the police
21 questioned me.

22
23 11. In between my first conversation with the police and my
24 second conversation, I spoke with Mike Alrhimi and other
25 individuals about the robbery. I had also read about the
26 crime in the news.

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12. Following David's trial, I moved from California and changed my life. I became well-employed, and I remain employed. I am now stable and have a good life.

I declare under penalty of perjury under the laws of the State of California as well as the laws of the United States that the foregoing is true and correct and that this declaration was executed on ~~November~~ ^{DECEMBER} 3, 2016 at Iron County, Utah.


Glory Slayton,
Declarant

Sworn Declaration

I Cynthia Ravenscroft do declare as Follows:

After my son David Thatcher was convicted and sent to prison our relationship deteriorated and we did not speak very much, Until very recently I had not been willing to get involved with the Appeal stuff he has been doing, but after giving it some thought, I decided to give him some help and hired a private investigator to go talk to some people about his case. This is the first time I have done anything to assist him with his appeal.

I do declare under penalty of perjury that the foregoing is true and correct.

Dated: June 19, 2014

Cynthia Ravenscroft
Printed Name

Cynthia Ravenscroft
Signature

DECLARATION OF MICHAEL CROSS

I, MICHAEL CROSS, declare as follows:

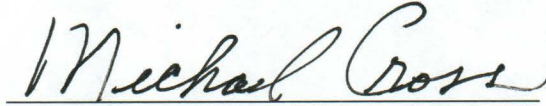
1. I am an attorney licensed to practice law in the State of California.
2. Following this Court=s issuance of the November 6, 2017 Order to Show Cause, the superior court, in case number VHC344733, appointed me to represent Mr. Thatcher in the proceedings to take place on the Order to Show Cause.
3. During the evidentiary hearing on Mr. Thatcher=s habeas petition, I requested, *inter alia*, that the trial court accept into evidence the deposition taken by Mr. Thatcher=s appellate counsel, Andrea St. Julian. Pursuant to the prosecution=s objection, the trial court refused to accept the deposition, because, *inter alia*, it had been taken before this Court had issued an order to show cause.

4. Despite the superior court=s refusal to accept the deposition, I did not request that the trial court continue the matter to allow the taking of Mr. Palafox=s deposition outside of the court setting.
5. Although I did not have a tactical reason for not taking Mr. Palafox=s deposition, I believed at the time, as I continue to believe, that, there was no need to take Mr. Palafox=s deposition outside of the courtroom setting because, in keeping with the law, the superior court would either allow Mr. Palafox=s statements to come in through video conference or it would accept the deposition taken by Ms. St. Julian. In other words, I fully believe that the trial court erred/abused its discretion when it failed to allow Mr. Palafox to provide his statements through videoconferencing and then refused to allow his deposition in as evidence.

I declare under penalty of perjury under the laws of the State of California as well as the laws of the United States that the foregoing is true

and correct and that this declaration was executed on August 27, 2020 at

San Diego, California.

A handwritten signature in black ink, reading "Michel Cross". The signature is written in a cursive style with a horizontal line underneath the name.

Michel Cross,
Declarant

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

T360

ORIGINAL

CASE NO.

A01-09239

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ARMED ROBBERY	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
ORTEGA, FRANCISCO JAVIER 3/4/63	1526 N. DINUBA	627-6411

SUSPECT INFORMATION:

UNKNOWN

WMA, 5'8" to 5'10", approx. 150, blond, brown

20-25 years of age

Wearing a long sleeve, button down, white shirt, light grey dress pants, black dress shoes

REPORTING PARTY:

Ramos, Adam

741-9117

Business address: 1526 N. Dinuba

Business phone: 627-6411

PROPERTY TAKEN:

One (1) wallet, black with multi-colored stitching, valued at \$5 and \$235 worth of U.S. Currency

6/18/01 approx. 1545 hrs:

I responded to 1845 N. Dinuba regarding an armed robbery which had just occurred.

Upon arrival, I contacted RP/Ramos and V/Ortega. V/Ortega is an employee at this address which is a recycling business operated out of a trailer. It should be noted that this trailer runs east west with the opening on the east side, facing Dinuba Blvd. With translation by RP/Ramos, V/Ortega advised me that he was sitting beneath a tree to the east of the recycling trailer when he noticed the suspect at the northeast corner of the trailer.

V/Ortega described the suspect as a White male adult, approximately 20-25 years of age, 5'8" to 5'10", approximately 150 pounds, with blond hair and brown eyes. The suspect was wearing a long sleeve, buttoned down, white shirt, light grey dress pants, and black dress shoes.

V/Ortega stated that the suspect pulled a small black handgun from his waistband and brandished it at the victim. V/Ortega believed that the weapon may have been a .22 caliber. The suspect did not

REPORTING/RECORDING OFFICER	TYPED BY	AGENCY	DATE
DESMARAIS, M A118	TDN 126	CITY ATTORNEY	6/19/01
FURTHER ACTION	COPIES TO	REVIEWED	
() YES	() DETECTIVE	CV 803 (12/9)	
() NO	(X) DISTRICT ATTORNEY		
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	() OTHER		
	() JUVENILE		

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

T380

ORIGINAL

CASE NO.

A01-09239

CODE SECTION

CRIME

CLASSIFICATION

211 PC

ARMED ROBBERY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

ORTEGA, FRANCISCO JAVIER
3/4/63

1526 N. DINUBA

627-6411

Speak Spanish and motioned for V/Ortega to enter the recycling trailer. The suspect then made V/Ortega open a drawer where money is usually kept. V/Ortega advised that when the suspect discovered there was no money, he forced the victim farther into the trailer and then removed V/Ortega's wallet from his pants pocket. V/Ortega stated that the suspect then fled northbound from the scene on foot with his wallet which he described as a black wallet with multicolored stitching. V/Ortega advised me he had approximately \$235 in the wallet.

Because there was no phone at the recycling trailer, V/Ortega was forced to respond to 1526 N. Dinuba, where he contacted RP/Ramos and advised him of the incident. RP/Ramos then contacted the Visalia Police Department.

An area check for the subject met with negative results.

No further information at this time.

End of Report.

REPORTING/RECORDING OFFICER

DESMARAIS, M A118

TYPED BY

TDN 126

FURTHER ACTION

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CITY ATTORNEY
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6/19/01

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REVIEWED

VISALIA POLICE DEPARTMENT 303 S. JOHNSON STREET VISALIA, CALIF. 93291		CASE NO. A01-09336
CODE SECTION	CRIME	CLASSIFICATION
211 PC	ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
V1/GAMBOA, MARIO	[REDACTED]	713-0404
V2/B & C RECYCLING	1137 S. LOVERS LANE	280-2626

SUSPECT INFORMATION:

UNKNOWN

HMA, approx. 6', 150, black

Last seen wearing a black T-shirt, black pants, a black ball cap, and a black pair of sunglasses

Armed with a small caliber, blue steel revolver

EVIDENCE:

One (1) paper money band used to secure amounts of money. The money band had been dropped by the suspect. I seized the money band and placed it into Visalia Police Department Evidence to be analyzed.

6/20/01 1126 hrs:

I responded to 1137 S. Lovers Lane, which is the R&N Market. In the R&N Market parking lot the B&C Recycling trailer is set up. I responded to that location for a reported 211 robbery which had just occurred. Prior to my arrival, other units were already checking the area for the suspect who was described as a Hispanic male adult, wearing a black shirt, black hat, and black pants.

Upon my arrival, I contacted V1/Gamboa. Gamboa said that he was inside the recycling trailer, sitting down eating his lunch when he heard the sound of someone climbing up the ladder into the recycling trailer. Gamboa stood up and saw a Hispanic male adult wearing black sunglasses, a black baseball cap, a black T-shirt, and black pants. Gamboa said the suspect used his right hand, reached into his waistband, and pulled out a small black revolver. Gamboa said that the suspect pointed the gun at him and told him to go to the back of the trailer. Gamboa walked to the back of the trailer and placed the left pocket of his pants against the trailer wall because his wallet was in that pocket. The suspect reached down and felt Gamboa's right front pocket and two rear pockets and found nothing. The suspect told Gamboa to get on his knees, and face the rear of the trailer and stay there. The suspect told Gamboa "don't turn around or I will kill you". Gamboa did as he was instructed.

Gamboa could hear the suspect walk towards the front of the trailer and hear him going through the cash drawer. Gamboa remembers hearing the coins from the cash drawer. Gamboa said about a minute later he did not hear any more noise from the front of the trailer and turned around. The suspect was gone.

REPORTING/RECORDING OFFICER

COLLINS, R A77

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TDN 126

TO _____
AGENCY _____
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6/20/01

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09336

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
V1/GAMBOA, MARIO	9/11/78 1020 E. FERGUSON	713-0404
V2/B & C RECYCLING	1137 S. LOVERS LANE	280-2626

Gamboa looked out of the trailer to his right and left and did not see the suspect. Gamboa then jumped out of the trailer, ran through the parking lot to the pay phone at the R&N Market and telephoned 911.

Other Visalia Police Department Units searched the area for the suspect, however, found no one matching the suspect's description. Gamboa told me that he did not know if the suspect had walked or drove to his location and does not know where the suspect went. Gamboa said that he can identify the suspect if seen again.

While talking to Gamboa, he told me that the suspect stole individual stacks of individually wrapped \$1 bills and took an unknown amount of loose \$5 bills, along with some miscellaneous coins.

I located one of the paper bands that are used to hold individual stacks of money. Gamboa told me that he did not break the band and that the suspect must have broken the band and dropped it on the trailer floor. I seized the band which was laying on the trailer floor in front of the cash register. I placed the evidence into Visalia Police Department Evidence and requested an analysis for fingerprints.

Gamboa said the suspect stole approximately \$400 in U.S. Currency, unknown specific denominations.

No further information.

End of Report.

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BY _____	DATE _____
DATE _____	6/20/01
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REPORTING/RECORDING OFFICER

COLLINS, R A77

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01-09239

**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
SUPPLEMENTAL REPORT:**

CASE# 01-9813

OFFENSE: 211 P.C.

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VICTIM:

(V1) Ponce, Edvwier
DOB: 7/4/80
11171 Mountain View, Selma, CA
891-8142

(V2) A.D. Recycling
11171 Mountain View, Selma, CA
891-8142

SUSPECT:

(S1) Patino, Freddy
DOB: 6/21/82
555 E. Cottonwood Ave., Farmersville, CA
Hispanic male adult, 5'8", 130, black hair, brown eyes

(S2) Palafox, Leo Camarena
DOB: 8/3/69
481 N. Virginia, Farmersville, CA
Hispanic male adult, 6'3", 140, black hair, brown eyes

(S3) Thatcher, David
DOB: 7/13/80
White male adult, 5'10", 135, brown hair, hazel eyes
2422 S. Salle, Visalia, CA

PERSONS CONTACTED:

(1) Dep. John Lee
Tulare County Sheriff's Office (TCSO) Head Quarters Patrol

REPORTED BY:	DATE/TIME:	TYPED BY:	REVIEWED BY:	DATE:
Det. D. Winslow / W0924	6/29/01	Crystal Blackmon		

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**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
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(2) Det. Mark Lopez
Visalia Police Department

(3) Officer John Pree
Visalia Police Department

NARRATIVE:

06/22/01 - 1200 Hours:

I was contacted by Sgt. Verissimo who advised me a 211 P.C. had just occurred to the A.D. Recycling Center at 32792 Road 124 located behind the A-1 Market.

06/22/01 - 1230 Hours:

I arrived at the A.D. Recycle Center and I contacted Dep. John Lee who was on scene. Dep. Lee stated that at 1135 hours, he was dispatched to the A.D. Recycling Center to investigate an armed robbery that had just occurred. Dep. Lee stated he arrived at 1143 hours and contacted the victim, Edvwier Ponce. Dep. Lee stated Ponce was Spanish speaking and he obtained a translator.

Dep. Lee stated Ponce told him that at approximately 1130 hours, he was inside the rear bed of his recycling truck doing paper work at his desk when he observed two Hispanic males approaching the rear of the truck. Dep. Lee states Ponce told him suspect 1 climbed up into the bed of the truck confronted him while holding a knife. Ponce stated Suspect 1 pushed him and ordered him to ly face down on the truck bed or he would be stabbed. Ponce stated he complied. Ponce states Suspect 2 also jumped up into the truck and took all the money, approximately \$300.00 from the money box located on the table.

Ponce stated to Dep. Lee, Suspect 1 asked him if he had any money and he told him he did not. Ponce stated Suspect 1 removed Ponce's wallet from his right rear pocket and searched him. Ponce states Suspect 1 also took a pager attached to his belt.

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Ponce stated both suspects exited the truck bed. Ponce states that Suspect 1 turned to him and told him that if he tried to look at him or chase him, he would stab him. Ponce stated after the suspects left, he got up and walked to the rear of the truck. Ponce stated he observed both subjects running east bound on Ave. 328. Ponce stated he then went inside the market and called the Sheriff's Department.

Ponce states Suspect 1 spoke to him in Spanish. Ponce states Suspect 1 and 2 spoke to each other in English. Ponce stated he believed he could recognize Suspect 1 if he ever saw him again in person or in a picture. Ponce described Suspect 1 as a Hispanic male adult, approximately 20 to 25 years of age, 6 foot tall, with a thin build, wearing a grey T-shirt, and Kahki pants. Ponce stated that Suspect 1 had a shaved head with no facial hair, however he did have numerous acne marks on his face.

Ponce stated he believes Suspect 2 was also a Hispanic male adult, approximately 20 to 25 years of age. Ponce stated he did not get a good look at Suspect 2 and he could not provide any additional information.

Ponce described the knife brandished to him by Suspect 1 as a butcher type knife, approximately 4 1/2 to 6 inches long.

Dep. Lee stated he located a shoe track in the soft soil near the right rear corner of the truck where Ponce states Suspect 1 had been standing. Dep. Lee stated he took two black and white track camera photos of the shoe track and additional 35 mm color photos of the scene. Dep. Lee stated no other physical evidence was located.

Dep. Lee stated he contacted several witnesses, including Mario Rodriguez, who was operating the taco truck and Harry Singh who was the clerk at the A-1 Food and Gas. Both stated they did not see the robbery and could not provide any information. (For further, refer to Dep. John Lee's report.)

06/22/01 - 1500 Hours:

I contacted Det. Brett Mc Gowan of the Tulare County Gang Violence Unit. I advised Det. Mc Gowan of the robbery. I had requested for Det. Mc Gowan any photos of gang members

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I advised Det. Mc Gowan of the robbery. I had requested for Det. Mc Gowan any photos of gang members
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**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
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residing in the Patterson Track area.

06/25/01 - 0800 Hours:

Dep. Mc Gowan contacted me and provided me eight photographs of eight gang members residing in the Patterson Track and Ivanhoe area.

06/25/01 - 1410 Hours:

I contacted Edvwier Ponce at the A.D. Recycle Center. I presented to Ponce the eight gang member photos and asked him to review them and select anybody he recognized from his robbery. Ponce reviewed the photos and stated he did not recognize them as any of the subjects responsible for the robbery.

06/25/01 - 1730 Hours:

I received a phone call from Det. Mark Lopez of the Visalia Police Department. Det. Lopez advised me of two similar type robberies occurring to recycle centers located within the Visalia city limits. Det. Lopez stated on Monday, 6/18/01, at approximately 1535 hours, a 211 P.C. occurred to a recycle facility located next to the Fairway Market at 1845 N. Dinuba Blvd., Visalia.

Det. Lopez stated on Wednesday, 6/20/01 at 1125 hours, a robbery occurred at the recycling center located 1137 S. Lovers Lane, Visalia. Det. Lopez stated in both robberies, a single suspect armed with a hand gun confronted the clerk operating the recycle facility and took money.

06/26/01 - 1300 Hours:

I attended an inter-agency briefing at the Visalia Police Department. During the briefing, I learned two additional similar 211 P.C.'s have occurred at recycle centers in addition to the three previous. I learned a 211 P.C. occurred on 6-25-01 at 1530 hours to the recycling center at 250 E. Visalia Road, Farmersville, and on 6/27/01 at 1500 hours, a second 211 P.C. occurred to the recycle center located next to the Fairway Market at 1845 N. Dinuba Blvd., Visalia.

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**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
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Det. Mark Lopez advised he had a possible investigative lead of two suspect identified as Michael Pike (DOB: 5-8-76) and Robert Pike (DOB: 2-16-75). Det. Lopez stated Robert and Michael Pike are known to be driving a blue Sedan vehicle. Det. Lopez stated the suspects were seen leaving in a blue Sedan Oldsmobile after the fifth robbery occurring at the Fairway Recycling Center on 6/27/01.

06/28/01 - 1425 Hours:

I composed two six-pack photo line-ups, one line up containing a photo of Michael Pike and a second containing a photo of Robert Pike. I contacted Edvwier Ponce at the A. D. Recycling Center. I advised Ponce to review the photo line-ups and select anybody he recognized as responsible for the robbery occurring on 6/22/01. Ponce reviewed both photo line-ups and stated he did not recognize anybody responsible for the robbery.

06/28/01 - 1545 Hours:

I received a phone call from Det. Mark Lopez. Det. Lopez stated he had received information regarding three possible suspects responsible for the robberies. Det. Lopez identified the suspects as Leo Palafox (DOB: 8/3/69), David Thatcher (DOB: 7/13/80), and Freddy Patino (DOB: 6/21/82). Det. Lopez requested I meet him at the A.D. Recycle Center.

06/28/01 - 1630 Hours:

I met with Det. Mark Lopez and Officer John Pree at the A.D. Recycle Center at 32792 Road 124, Visalia.

Officer Pree stated he was contacted today by Freddy Patino who stated he had located his car, a 1985 Buick Park Avenue (License #4NXP697) in front of the Marco Polo Lounge. Officer Pree stated Patino told him he had loaned his car last week to Gary Thatcher and Leo Palafox and they had not returned it. Officer Pree stated Patino stated a friend had located his car this morning in front of the Marco Polo Lounge and he went there and found it. Officer Pree stated Patino was concerned that Thatcher and Palafox may have been doing illegal activities with the use of the car.

Det. Lopez stated he composed three photographic line-ups, each line-up containing a photograph

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**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
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of Palafox, Thatcher, and Patino. Det. Lopez stated he had contacted several of the victims from the Visalia robberies and Palafox and Patino had been identified as the suspects committing the robberies.

Det. Lopez and I then contacted Edvwier Ponce at the A.D. Recycle Center. I observed Officer Lopez identify himself to Ponce as a detective with the Visalia Police Department. Officer Lopez advised Ponce in Spanish that he was going to present to him several photo line-ups and he was to select anybody he recognized as responsible for robbing him. I observed Det. Lopez advised Ponce he was not obligated to select anybody from the photo line-up.

I observed Ponce review the three photo line-ups. I observed Ponce select the photo of Leo Palafox, #39137 on Visalia Police Department Photo Line-up #B. Ponce stated Palafox was the subject who confronted him, brandished a knife, and robbed him. I observed Ponce state he was positive in his identification as Palafox as the subject who robbed him.

6/28/01 - 1910 Hours:

Det. Lopez, Office Pree and I located Freddy Patino at the 24 Hour Fitness Center at 3515 S. Mooney Blvd. Det. Lopez contacted Patino and asked him to come to the Visalia Police Department for an interview. Patino agreed and rode in his own vehicle, a 1985 Buick Park Avenue, license number 4NXP697 to the Visalia Police Department.

6/28/01 - 1940 Hours:

Freddy Patino, Det. Lopez, Officer Pree and I arrived at the Visalia Police Department. I observed Det. Mark Lopez conducting an interview with Freddy Patino. The interview was recorded on a VHS system. During the interview I observed Det. Lopez advised Patino of his rights per Miranda and Patino waived them.

During the initial hour of the interview Patino repeatedly denied any involvement in any of the robberies and he refused to divulge his knowledge of the actions of Thatcher and Palafox.

After approximately an hour of watching the interview from another room, I entered into the interview room and joined Det. Lopez in the interview of Patino.

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Det. Lopez and I questioned Patino on his roll in the first robbery occurring on 6/18/01 at the Fairway Market Recycling Center. Patino stated he drove himself, Thatcher, and Palafox. Patino stated he parked his car on the south side of the market while he and Palafox stood as lookouts. Patino stated Thatcher confronted the clerk at the aluminum stand and robbed him. (Reference Det. Lopez Visalia P.D. report)

Det. Lopez and I then began questioning Patino of his involvement of the robbery occurring at the AD recycling facility at 32792 Rd. 124 on 6/22/01.

Patino stated he believed this robbery occurred on a Wednesday afternoon between 1100 and 1400 hours. Patino stated on this day he drove his blue Buick and David Thatcher was his passenger. Patino stated he and Thatcher planned to rob an aluminum recycle stand. Patino stated he does not know Visalia very well. Patino stated Thatcher took him to a recycle stand outside of Visalia possibly in Goshen or Dinuba. Patino stated after locating the recycling stand they drove around a couple of times and parked in a neighbor hood two or three streets away from the recycle stand.

Patino stated he and Thatcher walked from his vehicle to the recycle stand. Patino stated Thatcher jumped up into the trailer bed and confronted the victim. Patino stated the victim was Spanish speaking only and Thatcher does not speak Spanish. Patino stated he speaks Spanish and English and he told the victim to get down on the ground or he would get hurt. I asked Patino to explain how the victim would be hurt. Patino stated he believed Thatcher would stab the victim if the victim tried to jump out of the truck.

Patino stated the victim complied and laid down on the floor of the truck bed as he had ordered him. Patino stated he then jumped up in the truck bed as Thatcher stood over the victim. Patino stated he observed money sitting inside a square box or in a tin bucket sitting on top of a desk inside the trailer. Thatcher stated he grabbed all the money and shoved it into his pocket. Patino stated he observed Thatcher searching the victim who was lying on the floor. Patino stated he did not think Thatcher took anything from the victim.

Patino stated he and Thatcher then exited the truck bed and ran back to their vehicle. Patino stated he recalled running through an alley and possibly jumping over several yard fences in order to get back to the car.

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AGENCY: Order

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I asked Patino how much money he took from the victim. Patino stated initially he believed he took \$40 to \$50 dollars. I advised Patino the sum lost by the victim was much higher. Patino stated he believed the figure was somewhere around \$140 dollars however he did not count it. Patino stated he gave all the money to Thatcher who later repaid him with two \$20 dollar bags of crank. Patino stated Thatcher also paid \$5 or \$6 dollars worth of gas that was later pumped into his car at a gas station.

6/28/01 - 2110 Hours:

I took a break from the interview while Det. Lopez continued interviewing Patino.

2120 Hours:

I returned to the interview as Det. Lopez was discussing with Patino a third robbery occurring on 6/20/01 at a recycle center located at 1137 S. Lovers Lane. Patino also admitted his involvement with this robbery.

Patino stated on Saturday 6/23/01 he returned to his mother's home after living a week with Thatcher and Palafox at a residence on Vine Street in Visalia. Patino stated during the entire week he was using methamphetamine and drinking malt liquor extensively. Patino stated after three robbery's he committed with Palafox and Thatcher, he decided he did not want to be with them any more so he returned home to his parents residence in Farmersville.

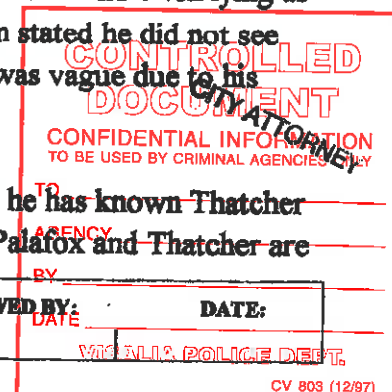
Patino stated he did not have any role in any robberies occurring in Farmersville and Visalia. Patino stated Palafox and Thatcher continued to have his car until it was located this morning in front of the Marco Polo Lounge.

Throughout the entire course of the interview, I observed Patino to be evasive and often lying as he tried to mitigate or deny his involvement in the robberies. Patino often stated he did not see what Palafox and Thatcher were doing. Patino often stated his memory was vague due to his excessive use of methamphetamine and drinking malt liquor.

Patino stated he has known Palafox for approximately 15 to 20 years and he has known Thatcher for only approximately the last two weeks. Patino stated he has learned Palafox and Thatcher are

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**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
SUPPLEMENTAL REPORT:**

CASE# 01-9813	OFFENSE: 211 P.C.	PAGE: 9
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very angry with him for notifying the Visalia Police Department that he had located his vehicle. Patino stated he is very concerned for the safety of himself and his family and he believes Thatcher and Palafox may attempt to harm he and his family.

6/28/01 - 10 45 Hours:

I requested and Patino gave me verbal permission to search his vehicle, a 1985 blue Buick, license number 4NXP697 located at that time in front of the Visalia Police Department. Patino gave me verbal permission to search stating there were no narcotics or weapons in the vehicle. I searched the vehicle and did not locate any physical evidence relating to the crimes.

6/28/01 - 2310 Hours:

Patino and I returned to the interview room to clarify with Patino who assisted him on the robbery of the AD Recycle Center on 6/22/01. Patino previously identified Thatcher as the subject who committed this robbery with him, however victim Ponce identified Palafox in the photo line up as the subject who confronted and brandished the knife at him.

I asked Patino if he recalled his rights per Miranda as advised earlier by Det. Lopez. Patino stated he recalled having been advised his rights.

I asked Patino who was his crime partner at the AD Recycle Center. Patino stated David Thatcher was his crime partner that day who brandished the knife at the victim. I asked Patino if he was certain if it was Thatcher or possibly somebody else. Patino changed his statement stating he was uncertain if it was Thatcher or Palafox. Patino stated it could have been either one of them. Patino stated he was having difficulty remembering exactly who assisted him that day because at the time he was under the influence of methamphetamine and malt liquor. Patino stated prior to committing the robbery that day, during the morning hours he smoked two \$20 dollar bags of crank and drank a quart of malt liquor. Patino stated the malt liquor was either Old English 800 or King Cobra.

I asked and Patino stated he is not trying to protect Palafox by wrongly accusing David Thatcher as the person who assisted him that day on that robbery. Patino stated he simply could not recall

REPORTED BY: Det. D. Winslow / W0924	DATE/TIME: 6/29/01	TYPED BY: Crystal Blackmon	REVIEWED BY: DATE: _____ BY: _____	DATE: VISALIA POLICE DEPT.
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CV 803 (12/97)

01-09239

**TULARE COUNTY SHERIFF'S DEPARTMENT ~ 5400
SUPPLEMENTAL REPORT:**

CASE# 01-9813

OFFENSE: 211 P.C.

PAGE: 10

for certain if it was Palafox or Thatcher who assisted him that day.

6/28/01 - 2330 Hours:

Freddy Patino was arrested and charged with three counts of 211 P.C. Patino was detained at the Visalia Police Department pending transfer to Pre-trial Facility.

6/28/01 - 2400 Hours:

I went off duty.

Forward to D.A. Office for review requesting Freddy Patino be charged with one count of 211 P.C. for the robbery occurring to the AD Recycle Center located at 32792 Rd. 124, Visalia.

CASE STATUS: Active

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09/19/2016 10:32:35 PM

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BY	
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CV 803 (12/97)	

REPORTED BY: Det. D. Winslow / W0924	DATE/TIME: 6/29/01	TYPED BY: Crystal Blackmon	REVIEWED BY: DATE	DATE:
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DA

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09750

CODE SECTION

CRIME

CLASSIFICATION

211 PC

ROBBERY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

V1/B&C RECYCLING
V2/LOPEZ, DOMINGO (1/31/55)

1526 N DINUBA

SUSPECT INFORMATION:

1. **UNKNOWN**
WMA, Early 20's
Approx. 5'10"-6'0", 150-180 lbs., brn hair, goatee
Wearing a white shirt and dark jeans
2. **UNKNOWN**
HMA, In his 20's
Approx. 5'6"-5'7", 175 lbs., brn hair, unshaven w/a light patchy beard

SUSPECT WEAPON:

Unknown type of knife, unknown length

On 6/27/01 at approx. 1457 hrs.

I responded to a report of an armed robbery which had just occurred at 1845 N Dinuba. I was advised by Dispatch that Suspects had just robbed the B&C Recycling Center located in the parking lot of Fairway Market at the listed address. I was on a call nearby to which I responded to the robbery, arriving from the northwest checking the orchards for subjects who had fled prior to our arrival.

While en route to the location of the occurrence, I conducted a brief check of the area, however was unable to locate any suspects. I made contact at the B&C Recycling Center trailer in the north parking lot of the Fairway Market. I contacted V2/Domingo Lopez, an employee of B&C Recycling. V2/Lopez stated that shortly before my arrival, he was working inside the trailer, which is a recycling center for aluminum cans. He stated that he was approached by a white male adult who walked up to the open rear of the trailer and approached V2/Lopez. V2/Lopez stated he observed S/1 to be holding a knife in his hand and appeared to be clenching his wrist with his other hand and holding the knife down in a rigid down, pointing towards the ground. V2/Lopez stated S/1 stepped into the trailer and began yelling at him in English, however V2/Lopez speaks broken English and did not understand the orders of S/1. V/2 stated that S/1 was also accompanied another Hispanic male adult, S/2 who began shouting at V/2 in Spanish as he was not understanding what S/1 was saying. V2/Lopez stated that S/2 yelled at him to get on the ground as S/1 came at him with a knife. V2/Lopez stated he was ordered to lay down on his stomach, in which he complied. V2/Lopez stated

REPORTING/RECORDING OFFICER

TYPED BY

J EDIGER A120

TM/123

AGENCY

BY

DATE

6/28/01

FURTHER ACTION

COPIES TO

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() NO

() DETECTIVE
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() OTHER

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VISALIA POLICE DEPT.

REVIEWED

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App. 1788

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09750

CODE SECTION

CRIME

CLASSIFICATION

211 PC

ROBBERY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

V1/B&C RECYCLING
V2/LOPEZ, DOMINGO (1/31/55)

1526 N DINUBA

upon laying down on the floor of the trailer S/1 removed his wallet from his rear pants pocket taking it. V2/Lopez advised shortly after this both suspects fled the location. V2/Lopez advised as both suspect fled he observed them run westbound from the trailer towards the rear northwest corner of Fairway Market.

V2/Lopez described S/1 as a white male adult in his early 20's, approximately 5'10" to 6' in height and thin build, approximately 150 to 180. He advised S/1 had brown hair and was wearing a goatee and stated he was wearing a white shirt and dark jeans. V2/Lopez described S/2 as a Hispanic male adult in his 20's, approximately 5'6" to 5'7" in height, weighing approximately 175lbs. He stated the subject had brown hair and was unshaven, as he was displaying a short patchy beard. V2/Lopez stated he was unable to provide a very detailed description of S2 however did state that he observed him to be wearing a white long sleeved shirt with brown vertical stripes. He stated he did not get a good look at S2 as he stood behind one of the large swinging doors during the incident.

V2/Lopez stated that S1 took money from the cash drawer which was seated on a small desk inside the trailer. V2/Lopez stated he had hidden some other cash however the cash was recounted to which it was determined that S1 had taken \$103 from the business. V2/Lopez stated that his vault was also taken which contained a quantity of two \$20.

A second subject, W1/Narcisso Sedillo was also on scene who had been present during the incident. W1/Sedillo did not provide a statement as he is unable to talk. No further information was obtained from W1/Sedillo other than what was provided by V2/Lopez.

Several officers had arrived in the area of the robbery and began searching the area for both suspects. After an extensive search, two separate subjects were detained and V2 was transported to their locations for field show-ups. Upon completing the show-ups, V2 stated that neither subject that was detained was involved in the robbery. Detectives Mark Lopez and Mark Lyon further arrived on scene and assisted in the investigation.

It should be noted that this robbery is similar to those that have recently occurred in the Visalia area at local recycling centers. The suspect description given by V2 is similar to those which were involved in the other recent robberies at the recycling centers. Refer to case #01-09239, 01-09336, and Farmersville case #01-0951 for further information regarding additional recent robberies.

No physical evidence was located at the scene and no further witnesses were located besides W1/Sedillo.

REPORTING/RECORDING OFFICER

TYPED BY

J EDIGER A120

TM/123

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SUBMITTED BY CHIEF OF POLICE

TO CITY ATTORNEY

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BY DATE

DATE 6/28/01

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FURTHER ACTION

COPIES TO

() YES

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() NO

(X) DISTRICT ATTORNEY

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() JUVENILE

ORIGINAL 1354

VPD #125

REPORT # 01-9239

VISALIA POLICE DEPARTMENT
PHOTOGRAPHIC LINE-UP INSTRUCTIONS SHEET

YOU ARE ABOUT TO BE SHOWN A GROUP OF PHOTOGRAPHS. BEFORE YOU VIEW THESE PHOTOGRAPHS, PLEASE READ THE FOLLOWING CAREFULLY....

1. BECAUSE A POLICE OFFICER IS SHOWING YOU A GROUP OF PHOTOGRAPHS, THIS SHOULD NOT INFLUENCE YOUR JUDGMENT IN ANY WAY.
2. THE PERSON WHO COMMITTED THE CRIME, MAY OR MAY NOT BE IN THE GROUP OF PHOTOGRAPHS.
3. YOU ARE IN NO WAY OBLIGATED TO IDENTIFY ANYONE.
4. STUDY EACH PHOTOGRAPH CAREFULLY BEFORE MAKING ANY COMMENTS. CONSIDER THAT THE PHOTOGRAPHS COULD BE OLD OR NEW; THAT HAIR STYLES CHANGE AND THAT PERSONS CAN ALTER THEIR APPEARANCE BY GROWING OR SHAVING FACIAL HAIR.
5. SPECIAL INSTRUCTIONS _____

DATE 6-28-01

I DECLARE THAT NO OTHER INSTRUCTIONS ABOUT THE PHOTOGRAPHS, THE DEFENDANT OR PROCEDURES WERE GIVEN TO ME BEFORE VIEWING THE PHOTOGRAPHIC LINE-UP.

[Signature]
PERSON VIEWING PHOTOGRAPHIC LINE-UP

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OFFICER SHOWING PHOTOS

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VPD #125

REPORT # 01-9289

VISALIA POLICE DEPARTMENT
PHOTOGRAPHIC LINE-UP INSTRUCTIONS SHEET

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5. SPECIAL INSTRUCTIONS _____

DATE 6-28-01

I DECLARE THAT NO OTHER INSTRUCTIONS ABOUT THE PHOTOGRAPHS, THE DEFENDANT OR PROCEDURES WERE GIVEN TO ME BEFORE VIEWING THE PHOTOGRAPHIC LINE-UP.

Francisco Fabianio
PERSON VIEWING PHOTOGRAPHIC LINE-UP

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OFFICER SHOWING PHOTOS

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CV 803 (12/97)	

DA 7-30/01

App. 1791

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09239
01-09336
01-09750

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ARMED ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.

SUSPECT INFORMATION:

1. **THATCHER, DAVID**
DOB: [REDACTED]
2. **PALAFOX, LEO**
DOB: [REDACTED]
3. **PATINO, FREDDY**
DOB: [REDACTED]
ARRESTED: Yes

PERSON'S INTERVIEWED BY THIS OFFICER ON 06/28/01:

David Segura
DOB: [REDACTED]
[REDACTED]
Visalia, CA
625-9446

At approximately 1700 hours, 06/28/01:

I began assisting Det. M. Lopez, 188, Officer J. Pree, A104, and Det. Winslow of the Tulare County Sheriff's Office in the investigation of a series of armed robberies of Recycle Truck both in the Visalia and Tulare County area.

At approximately 2045 hours,

I escorted a David Segura, DOB: [REDACTED] into my office at the Visalia Police Department. It should be noted that Segura was with S/PATINO at the time PATINO was asked if he would come down to the Visalia Police Department. Segura provided me with the following statement. Segura states that he knows PATINO, because he works with him. Segura explained that there is a job site at Linwood and Cypress, where there are several laborers building a retirement home. Segura stated that he personally does drywall while FREDDY does general labor. Segura further explained that although they work for different people, he sees FREDDY at the job site almost everyday. Segura also stated

REPORTING/RECORDING OFFICER
S. PUDER, S55

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09239
01-09336
01-09750

CODE SECTION

CRIME

CLASSIFICATION

211 PC

ARMED ROBBERY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

that he as known for FREDDY for approximately 3 to 4 months, that FREDDY generally works Monday through Friday 0630 to 1600 hours, while he works Monday through Friday 0700 to 1530 hours.

I asked Segura if PATINO had told him about a situation involving his vehicle. Segura stated that PATINO had. According to Segura, PATINO stated that on Monday 06/25/01 between 11 a.m. and 11:30 a.m., these two individuals known to David Segura only as Leo and David Thatcher came to the job site at Linwood and Cypress. Segura went on to state that he could tell they were pressuring PATINO to borrow his vehicle and although PATINO didn't really want to give them his vehicle, he buckled under the pressure and allowed them to take the vehicle. According to Segura, he told Leo and David Thatcher to be back by 1530 hours to pick him up. However, they did not return.

According to Segura, he and FREDDY got a ride to his sister's house where they used the phone and then FREDDY's brother picked them up and took them home. Segura stated that FREDDY's mom took them to the gym on Monday night and his [FREDDY's] mom said that she would take FREDDY to work tomorrow.

According to Segura, FREDDY complained the rest of the week about being afraid of these guys and that one of them was carrying a gun and in fact stopped by Wal-Mart to get bullets for his gun, and he was scared of this particular individual.

According to Segura, on the following Tuesday, 06/26/01, FREDDY was at the work site all day and that the [Segura] left at about 1530 hours and FREDDY was still there. According to Segura, that night, FREDDY's mom took them to the gym. Segura went on to state that on Wednesday, 06/27/01, FREDDY's mom took FREDDY to work that FREDDY was at the job site all day and that later that evening FREDDY's mom took both Segura and FREDDY to the gym.

Segura went on to state that on Thursday, 06/28/01, he was at work and an individual by the name of Marty Layer told him to go to the store to get some ice and some sodas between 7:30 a.m. and 8:00 a.m. According to Segura, he walked to the Beacon Station, at which time on the south side of the Marco Polo he observed FREDDY PATINO's vehicle. When Segura got back to the job site he told FREDDY PATINO that his vehicle was at Marco Polo and that he better call the cops and go pick it up. According to Segura, FREDDY PATINO went right to Marco Polo and got the vehicle.

REPORTING/RECORDING OFFICER
S. PUDER, S55

TYPED BY / COMPUTER # DATE
MG/125 06/30/01

FURTHER ACTION

() YES
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CV 508 (12/99)

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

A01-09239
01-09336
01-09750

ORIGINAL 1354

CODE SECTION	CRIME	CLASSIFICATION
211 PC	ARMED ROBBERY	
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.

I then began Segura in regards to the week prior, which would be the week of June 18th through the 22nd. According to Segura, he stated he seemed like these two individuals Leo and David Thatcher had showed up one time and borrowed FREDDY's vehicle while he was there. According to Segura, he knew FREDDY was using Crank on this particular week, because he appeared to be under the influence while at work. Segura stated that he knew this because at one time he was a drug user himself, and it was apparent to him. According to Segura, he also heard PATINO's boss identified only as Bill, chewing him out about coming to work late and leaving early.

Segura did state that it seemed like PATINO missed at least one day in this particular week and again as far as Segura could remember, he believed that PATINO did not put in a full 8 hours of work each day. He felt that he could have been missing some of those times.

I asked Segura if FREDDY PATINO ever mentioned to him anything that these individuals Leo and David Thatcher were involved in. According to Segura, he recalls PATINO stating that they were pressuring him for money to pay the rent, however they never mentioned being involved in any robberies. Segura did state that PATINO told him that he was driving around with these two individuals last week around 2 a.m. and one of the individuals talked about wanting to pull a robbery, however, according to PATINO they did not pull a robbery. Segura stated that he had no further information in regards to this investigation. Segura made no further statement.

~~FORWARDED COPY OF THIS REPORT ALONG WITH THE OTHER REPORTS RELATED TO THIS INVESTIGATION TO THE TULARE COUNTY SHERIFF'S OFFICE AS PATINO IS IN CUSTODY.~~ No further information.

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BY _____

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VISALIA POLICE DEPT

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REPORTING/RECORDING OFFICER
S. PUDEH, S55

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MG/125

FURTHER ACTION

() YES
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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

ORIGINAL 464

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

SUSPECT INFORMATION:

- #1 PATINO, FREDDY**
HMA, 5'5", 126, black shaved head, brown eyes
DOB: [REDACTED]
[REDACTED], Farmersville
CDL#: [REDACTED]
SS#: 5 [REDACTED]
Tattoo of Patino on his back
- #2 PALAFOX, LEO CAMARENA**
HMA, 6'3", 140, black shaved head, brown eyes, acne face
DOB: [REDACTED]
Associated address: [REDACTED]
- #3 THATCHER, DAVID**
WMA, 5'6", 135, light skinned, short shaved brown head, hazel eyes, goatee
DOB: [REDACTED]
Unknown address
On active parole

EVIDENCE:

- #1** Urine sample obtained from S1 voluntarily on 6/28/01. The urine sample was marked, dated, sealed, and secured, pending it's ultimate delivery to the Mineral King Lab for analysis.
- #2** Sony VHS videocassette tape that contains the conversations had with S/PATINO at the Visalia Police Department. The video cassette tape was similarly marked, dated, sealed, and secured pending it's reproduction and request by the Tulare County District Attorney's Office.

REPORTING/RECORDING OFFICER

LOPEZ, M I88

TYPED BY

TDN 126

FURTHER ACTION

() YES
() NO

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(X) DISTRICT ATTORNEY

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App. 1795

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

SUSPECT VEHICLE:

CA: 4NXP697
1985 Buick Park Avenue 4-door
Medium blue in color
Stock condition
Registered owner: S1
(Vehicle pursuit to S/1 arrest and as part of this investigation was towed and stored)

6/19/01:

I was working in plain clothes as a Violent Crimes Detective for the Visalia Police Department. Beginning on this date, and continuing up to and including 6/27/01, I was assigned a series of robberies that occurred in Visalia that are captured and memorialized under case #01-09239, 01-09336, and 01-09750. During my investigation of these robberies initially and up to and including the arrest of S1,

are captured under the following case numbers. TCSO case # 01-09813 and Farmersville Police Department's case #01-951.

During my investigation of the suspects, I was first able to contact V/Francisco Jay Ortega an employee of the Recycling Center located at 1845 N. Dinuba. Beginning with his initial description, I began to conduct an inquiry into the suspect's appearance.

6/19/01 approx. 1200 hrs:

Utilizing the Visalia Police Department mugshot profile computer, I had the opportunity to meet with Francisco Ortega and obtain from him a description of his assailant. In that description, I learned of the suspect's appearance and of his actions toward V1. Utilizing the parameters provided to me by the Tulare County mugshot profile computer, I was able to establish that 700 individuals matched that criteria. The criteria was as described in the Visalia Police Department face sheet. Upon obtaining those parameters, I was able to divide those parameters into six photo computer generated displays.

I then proceeded to display to Mr. Ortega the various photos captured within and in the 12th frame, Mr. Ortega described an individual to this Detective that looked just like the individual that committed

REPORTING/RECORDING OFFICER	TYPED BY	DATE
LOPEZ, M I88	TDN 126	6/29/01
FURTHER ACTION	COPIES TO	
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BY CITY ATTORNEY

DATE 6/29/01

VISALIA POLICE DEPT.

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

the robbery. Mr. Ortega indicated he did not know the person but the suspect in the photograph was very similar to the suspect that robbed him. That individual was identified as Donny Wright. As a result of his identification, I began to conduct follow up into the identity of this individual.

6/20/01:

This Detective discovered that another robbery occurred. The robbery occurred at the Recycling Center located at 1137 S. Lovers Lane. I saw that the suspect used a similar method as the original robbery on 6/18/01 and began an investigation into that case as well.

6/21/01:

I was able to construct a photographic lineup that contained the suspect Donny Wright. I then traveled with that photographic lineup to V1, under case #01-09336. That individual is identified as Mario Gamboa of B&C recycling, located at 1137 S. Lovers Lane.

Approx. 1400 hrs:

I displayed a photographic lineup to Mr. Gamboa depicting S/Donny Wright. Donny Wright is the second individual and is #21114446. Upon reviewing that photographic lineup, I discovered that the victim in this robbery did not identify anyone who committed the robbery against him, however, Mr. Gamboa indicated that the suspect in his robbery was similar in skin to subject 2113481.

During my conversation with Mr. Gamboa, I learned that the suspect in his case was armed with a revolver and that suspect also wore a baseball cap and sunglasses. Mr. Gamboa said that he was able to observe the suspect and believed the suspect was alone when he entered the recycling trailer.

6/25/01:

On this date I discovered that yet another Recycling Center was robbed in the same fashion as the first two. I discovered that on 6/22/01 at approximately 1130 hours, the Recycling Center located at Rd.124 at Ave. 328, had been robbed by two individuals similar in description to the individuals that had robbed my two previous aluminum Recycling Centers in Visalia.

REPORTING/RECORDING OFFICER	TYPED BY	TO	DATE
LOPEZ, M I88	TDN 126	BY	6/29/01
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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

I then contacted Detective Winslow who provided me with the details to that crime. Det. Winslow furthermore stated that the larger of the two males had an acne face just like Mario Gamboa told me that the suspect at the Recycling Center on Lovers Lane had as well.

On this date I made contact with Margaret Dunn of the Tulare County Probation Department. During my contact with Probation Officer Dunn, I learned that the individual Donny Wright was currently on active probation and faced various charges in Tulare County in the past that included possession of stolen property and violence.

6/26/01:

I and other members of the Visalia Police Department traveled to Porterville and conducted a probation search captured under case #01-09769. During that probation search, no evidence linking the suspect to the crimes in Visalia and/or Patterson Track area was discovered. I noted the suspect's appearance, however, was as the victim described.

While traveling back from Porterville to Visalia, I discovered from Detective Tammy Ferguson of the Farmersville Police Department that on 6/25/01 at approximately 1530 hours, the Recycling Center located at 250 E. Visalia Rd. in Farmersville was robbed by two individuals. Those individuals were also similar in appearance to these suspects and a witness was able to identify a blue, possibly 1990's Oldsmobile. I stopped at that location and made contact with those officers and detectives working on that case.

6/27/01:

In an effort to continue with this investigation and believing that the suspect Donny Wright was not the suspect, I decided to conduct some surveillance of a Recycling Center in south Visalia, a potential target for these individuals. During my stakeout of that location with Detective Salazar, no suspects assaulted the business at Giddings and Walnut.

ADDITIONAL INFORMATION:

In an effort to inform other jurisdictions of this crime spree I constructed a BOL information that captured the robberies that took place on 6/18, 6/20, 6/22, and 6/25/01. I then submitted that document with the description of the suspects to the various agencies.

REPORTING/RECORDING OFFICER

LOPEZ, M I88

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TO	CITY ATTORNEY
AGENCY	
BY	6/29/01
DATE	
REVIEWED CV 803 (12/97)	

FURTHER ACTION

() YES
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(X) DISTRICT ATTORNEY

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() JUVENILE

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

6/27/01 approx. 1500 hrs:

I discovered the Recycling Center at 1845 N. Dinuba Blvd. had again been struck by two individuals. The description of those individuals included a White male adult and a Hispanic male adult that were similar in appearance to the suspects previously described in this investigation. As a result, I responded to that location and also made contact with the victim named Dominicio Lopez. During my communication with Mr. Lopez, he provided me with details regarding the suspect description as well as the description of the weapon. Mr. Lopez said that the weapon was a folding knife that is long with a black handle. Mr. Lopez said that the suspects were in their early 20's and one was a White male and the other appeared to be a Hispanic male.

While conducting this investigation, I spoke with Officer Craig MacDonald and learned that he had individuals that sounded familiar to him that matched these two descriptions. Officer MacDonald said that he believed that it could possibly be Michael and Robert Pike. After obtaining that information, I and other members of the Visalia Police Department canvassed the area in hopes of finding the suspects and/or a vehicle matching that similar description. During my search, I asked Detective Mark Lyon to construct a photographic lineup of both individuals and in color. Det. Lyon did so and ultimately returned to the scene.

At the Recycling Center located at 1845 N. Dinuba Blvd. I was able to make contact with both Dominicio Lopez and Francisco Ortega. I then admonished them both regarding the photo lineup that I was about to show them in Spanish and showed them photo lineups that included the Pike brothers. I noted that both victims were unable to identify anyone in those photographs.

I then traveled to Lovers Lane and made contact with Mario Gamboa. Mario Gamboa was also shown the color photo lineups that contained the appearances of Robert and Michael Pike. Mr. Gamboa was unable to identify anyone in those photographs that were involved in the robbery of his location.

6/28/01:

[REDACTED] I decided to communicate and coordinate all of the information acquired thus far with the various agencies in Tulare County.

REPORTING/RECORDING OFFICER

LOPEZ, M I88

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CV 603 (12/97)	

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

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Approx. 1300 hrs:

I met with representatives of the Woodlake Police Department Jennifer Salmon, Tulare County Sheriff's Department Doug Winslow and Detective Verissimo, and I furthermore contacted Detective Sergeant Bomgardner of the Exeter Police Department and a representative of the Porterville Police Department was also informed. During the meeting, Detectives and Officers discussed evidence acquired thus far as well as information obtained from the witnesses. Once this information was obtained it was decided that surveillance of the various locations may be required. Preparations for that began.

While continuing with this investigation I discovered that an officer of the Visalia Police Department was dispatched to a report of a stolen vehicle. I learned that the stolen vehicle was not stolen but was only reported stolen and recovered. I learned that at approximately 7:20 AM on today's date, Visalia Police Department Dispatch sent Officer Pree to the Marco Polo Lodge located at 4545 W. Mineral King. Officer Pree responded to that location and made contact with the reporting party, S1/FREDDY PATINO. Officer Pree was able to locate and view a vehicle that the subject wished to report stolen and recovered, despite the fact that he had lent it to two individuals. Officer Pree captured that information on a police report #01-09785.

Being so informed, I requested Officer Pree respond to the Visalia Police Department Violent Crimes office and he did so. I obtained his information and noted the similarities between the suspect vehicle used in the Farmersville robbery with the suspect's appearance noted by Officer Pree. I furthermore saw that the suspect, according to Pree was nervous and willing to discuss the whereabouts of his vehicle. Officer Pree learned that S/PATINO stated that his vehicle had been stolen by two individuals named LEO PALAFOX, S2, and DAVID THATCHER, S3. Those individuals, according to Mr. PATINO matched the description of the suspects in these armed robberies.

Armed with this information and noting that suspects often times wish to distance themselves from co-conspirators and/or associates in crimes, I decided to investigate Mr. PATINO further. In an effort to do so, I placed his Polaroid photograph with five others in a photographic lineup. I similarly discovered LEONEL PALAFOX and DAVID THATCHER to be in the Tulare County mugshot profile computer system. I similarly placed those individuals in computerized photographic lineups and prepared them for display to the various victims.

REPORTING/RECORDING OFFICER

LOPEZ, M 188

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TO _____
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FURTHER ACTION

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VISALIA POLICE DEPARTMENT
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As a result and once the photographic lineups were prepared, I again traveled to north Visalia and made contact with V/Ortega and V/Lopez at the Recycling Center located at 1845 N. Dinuba. While speaking to these individuals, I admonished them in Spanish from the Visalia Police Department photographic lineup instruction sheet. Both individuals having been so informed and separated from each other, indicated they understood and were shown photographic lineups marked A, B, C and the color photograph containing Mr. PATINO. Neither individual was able to identify the suspects in either robbery to this Detective. Both, however, pointed to specific features of the individuals in the photographs that were similar to the suspects in this case.

I then contacted Det. Winslow and advised him that I had in my possession some additional photographic lineups that I wished him to show his victim in the Patterson Track area. Det. Winslow and I made arrangements to meet. Prior to meeting with Det. Winslow, I traveled into south Visalia.

6/28/01 1625 hrs:

At the Recycling Center located at 1137 S. Lovers Lane I made contact with Mario Gamboa again. I then advised Mario Gamboa of the photographic lineup instruction sheets and provided him with the photographic lineup marked B. In that photographic lineup, Mr. Gamboa identified 39137. I noted that he identified LEO PALAFOX in position #4. After receiving this information, I showed Mr. Gamboa, lineups A, C, and the color lineup. Mr. Gamboa did not identify anyone else. After obtaining his identification, I thanked Mr. Gamboa.

I then traveled to Patterson Track and met with Det. Winslow. At that location I similarly provided Det. Winslow's victim with a Spanish admonishment regarding the photographic lineup. Det. Winslow's victim was also shown photographic lineup B and immediately he identified LEO PALAFOX in position #4 under 39137. Refer to Det. Winslow's report.

Having made a positive identification of LEO PALAFOX, I traveled into Visalia and made contact with Mike Fountain, the eyewitness to the robbery of the Farmersville Recycling Center. During my contact via the telephone with Mr. Fountain, I learned that he was at home and that I should travel to 805 N. Hall St. to show him a photograph.

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LOPEZ, M I88

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Approx. 1710 hrs:

I spoke to Michael Fountain and discovered that he was approximately 70 yards away from the suspects when this crime was observed. Mr. Fountain said that he is an employee of the Nickels Payless and that he was moving carts from the exterior about the business when he saw the following. Mr. Fountain said that he heard some yelling and noted that the employee at the Recycling Center was in need of help. Mr. Fountain said that he saw two shaved headed males, possibly Hispanic, running from that location. Mr. Fountain followed these individuals and saw that they ran behind the store to a blue, 1990's Oldsmobile. Mr. Fountain said that when he saw them, he saw them in the vehicle and preparing the vehicle for departure. Mike Fountain said that he saw that the suspects backed at a high rate of speed away from him and away from the business and made an abrupt turnabout. Mr. Fountain said that he saw the vehicle's side for a second during this turnabout and that the vehicle then proceeded away from him. Mr. Fountain said that the vehicle was medium blue in color, appeared to be stock, had white wall tires, and had a license plate that he was unable to obtain the number for. Mr. Fountain said that the vehicle proceeded away from the scene at a high rate of speed. Mr. Fountain said that he's not sure if could identify the suspects again, but does not believe he could because of the distance. Mr. Fountain said the distance was approximately 70 yards.

While talking to Mr. Fountain, I took the opportunity to explain to him a photograph obtained previously by Officer Pree during his initial contact with S1 this morning. Mr. Fountain said that the vehicle appears to be just like the vehicle that he saw for this robbery, however the vehicle had hubcaps. Mr. Fountain said that the vehicle that he saw that morning had white wall tires just like this one and it appeared to be stock like that one as well. After obtaining this information, I thanked Mr. Fountain and left.

1718 hrs:

I traveled to 307 N. Giddings with Officer Pree and again with Det. Winslow. At that location I made contact with David Ponce and learned from him that he did not appreciate the police arriving at his residence. Mr. Ponce told this Detective that he doesn't remember anything. I advised Mr. Ponce that it would be important for the suspects in this case to be able to say if he witnessed them robbing him or not.

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LOPEZ, M I88	TDN 126	
FURTHER ACTION	COPIES TO	() T-BOLT
() YES	() DETECTIVE	() OTHER
() NO	(X) DISTRICT ATTORNEY	() JUVENILE

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
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Mr. Ponce was given the same admonition from the Visalia Police Department photographic lineup instruction sheet and he stated that he understood. I advised Mr. Ponce to look at photographic lineups A, B, C, and the color photographic lineup. Mr. Ponce observed each of these and stated he did not remember any of these individuals, nor does he know them. Afterward I thanked Mr. Ponce, although [REDACTED] this.

Detectives then traveled to Visalia Police Department and regrouped. [REDACTED] PATINO may be additional contact and/or [REDACTED] make contact with Mr. PATINO and discuss this situation with him. Mr. PATINO, as of this date, had not been identified by anyone as being involved in these robberies.

Approx. 1830 hrs:

I, Detective Steve Puder, Det. Winslow, and Officer Pree traveled to [REDACTED] Farmersville. I alone, however, traveled to the front door and made contact with the occupants. During my contact with the occupants, I met with:

Patino, Martha

HFA

DOB: [REDACTED]

[REDACTED] Farmersville

594-4081

During my contact with Ms. Patino, I introduced myself and discussed with her the incident involving her son. Ms. Patino said that her son is FREDDY PATINO and he now resides at this location. While I spoke with Ms. Patino, I learned from her of her concern for her son. Ms. Patino said that she is concerned for her son because of problems with two men. While speaking with her, I learned that her son FREDDY PATINO has had some problems with life in that he has moved out and has just recently moved back. Ms. Patino informed me that her son is a construction worker and that he lost his vehicle at the construction site located near Cypress and Linwood.

During my communication with Ms. Patino, she said that on 6/25/01 at approximately 11:30 AM, she heard from her son that he lent the vehicle to two individuals. Ms. Patino knew these individuals by

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LOPEZ, M 188

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TO [REDACTED]

AGENCY [REDACTED]

DATE [REDACTED]

BY [REDACTED]

DATE [REDACTED]

DATE [REDACTED]

DATE [REDACTED]

DATE [REDACTED]

DATE [REDACTED]

DATE [REDACTED]

FURTHER ACTION

() YES

() NO

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the first and last name and was able to describe to me her relationship to them. Ms. Patino said that these individuals were LEONEL PALAFOX of Visalia and DAVID THATCHER. Ms. Patino said that LEONEL PALAFOX has a mother and that this lady is the godmother to some of her children. Ms. Patino said that her name is Rafaela Palafox and has the phone number of [REDACTED]. I furthermore learned that DAVID THATCHER is a White male adult that was also with her son and with LEONEL PALAFOX and that he is a bald, big eyed, 22 year old, skinny kid that she believes is no good.

I asked what she learned of this vehicle. Ms. Patino said that her son told her that these two individuals had taken his car from him on Monday morning and refused to return it. Ms. Patino said that she became upset and contacted LEONEL'S mother, Rafaela, and asked that she assist in returning this vehicle to her son. Ms. Patino informed me that she said that she learned from Rafaela Palafox that her son LEONEL PALAFOX doesn't care about anything like his friend, and doesn't think that she could help. Ms. Patino said that her son has been very nervous about this and was nervous until he received his vehicle this morning. Ms. Patino said that she is afraid of both these individuals because they are dangerous.

Ms. Patino said that LEONEL PALAFOX, although known to her family for years, is a dangerous individual and that he is armed with a handgun. Mr. Patino said that both those two are people who are drug users and she is afraid for her family and afraid that they will come by and commit a drive-by shooting. I asked Ms. Patino what reason they would have to assault her and her family. Ms. Patino stated that they just are thugs and she is afraid that that is what they would do.

I asked Ms. Patino if I could speak with FREDDY PATINO. Ms. Patino said she did not know where he was at the moment, but asked her daughter to try locate FREDDY PATINO. As I continued to speak with Ms. Patino, I learned that her son FREDDY PATINO is in the Visalia National Guard and that Sergeant Bennett at 1100 N. Akers, Visalia, CA 93291, 625-2935, 945-1716, is his Sergeant.

During my communication with Ms. Patino I found that S/FREDDY PATINO had moved away from home. Ms. Patino told me that within the last two weeks her son has moved out. Ms. Patino said that she learned that her son wanted to move out and perhaps because of problems with FREDDY PATINO and his father. Ms. Patino said that her son moved out approximately June 14, perhaps a Thursday or Friday and was gone for approximately ten days. Ms. Patino said that when he returned, he returned this last weekend and that could have been the 23rd or 24th. Ms. Patino said that for that one week period, she would see her son rarely and that if her son was around, he would come

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LOPEZ, M 188	TDN 126	6/29/01
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() YES	() DETECTIVE	() T-BOLT
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around with DAVID THATCHER. Ms. Patino said that these individuals have a residence in north Visalia, where she is unaware, but that is where her son was staying. Ms. Patino said that she only saw her son shortly the week that he lived with those individuals (6/14 to 6/23) for perhaps a few moments on Wednesday or Thursday night. Ms. Patino said that he utilized his blue Buick while living at that location.

I asked Ms. Patino about this week. Ms. Patino said that beginning with this week, 6/25/01, she's been keeping a very close tab on her son and that he only goes to work and comes directly home and she is aware of his whereabouts and who he is associating with at all times. Ms. Patino said that she has felt that there is something wrong with her son because he is very nervous and is afraid of DAVID THATCHER and LEONEL PALAFOX. Ms. Patino said that she heard directly from him but they were armed and capable of killing, including the family. Ms. Patino was not sure why her son was in such fear.

Ms. Patino said that her son, FREDDY PATINO was currently with David Segura and that they are good friends. During my communication regarding this, I discovered that FREDDY PATINO and his friend are currently at the 24 Hour Fitness located near Caldwell and Mooney in Visalia.

I asked when was the last time that she observed the three individuals LEO, DAVID, and her son together. Ms. Patino said that she never has seen LEO with her son in recent times, but has seen DAVID THATCHER. I asked when that was. Ms. Patino wasn't sure, but it perhaps was the week that he was living with those individuals and saw that DAVID THATCHER was driving her son around.

1940 hrs:

I and the other detectives traveled to 24 Hour Fitness located in Visalia. Again, alone and separate from other detectives, I walked into 24 Hour Fitness and made contact with FREDDY PATINO and David Segura. During my contact with FREDDY PATINO, I learned that he was currently at the gym to work out and that he was with his friend. I asked Mr. PATINO if I could speak with him. Mr. PATINO said that I could.

While outside the front doors of the business I asked Mr. PATINO how I could help him and his family with this problem involving two individuals. I explained to Mr. PATINO that I just spoke with his mother and that she was deathly afraid of these individuals and was afraid that they were going to assault her

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son as well as shoot at the house. Mr. PATINO said that was in fact the case. Mr. PATINO advised me that it was LEONEL PALAFOX and DAVID THATCHER whom he feared. I asked if he was afraid for his life. Mr. PATINO said that it wasn't quite that but that he was afraid of getting jumped by these individuals.

I asked how David Segura was involved in this. Mr. PATINO said that David Segura wasn't really involved, he was just there to watch his back.

I asked Mr. PATINO if he would allow me to take his statement and if he could come to the police department for this. Mr. PATINO said that that would be acceptable and perhaps we could clarify the situation involving the vehicle. I advised Mr. PATINO that I would show him the way if he wished to follow this Detective to the police department. Mr. PATINO said that would be acceptable. I then walked to my police car with FREDDY PATINO and David Segura walking to their vehicle. I then left the parking lot and I saw that FREDDY PATINO and David Segura were following behind me. I never advised Mr. PATINO that he was under arrest, that he was under suspicion, nor that he was detained or that he had to travel with this Detective to the police department. I only advised Mr. PATINO that I was there to obtain a statement and perhaps help him with a problem he faced with the two suspects.

I saw that Mr. PATINO and David Segura arrived at the Visalia Police Department and that David Segura drove Mr. PATINO. Both vehicles were parked at the front lobby and both entered.

I then walked Mr. PATINO into the Visalia Police Department. He was not handcuffed nor did he have any reason to feel that he was in any type of custody. Mr. PATINO was asked to sit in an interview room while I activated a VHS videocassette recorder, the tape is listed as evidence item #2.

Mr. PATINO sat and described to me at approximately 7:55 PM what was happening. Mr. PATINO provided me with his name, his DOB: 6/21/82, his home address of [REDACTED] in Farmersville and his phone number of [REDACTED].

During my conversation with Mr. PATINO I asked how I could help him. Mr. PATINO told me about his stolen vehicle and that the stereo in the vehicle was missing. Mr. PATINO said that he found his vehicle through his friend David Segura this morning. Mr. PATINO said that his friends took his vehicle and they took it because they're dopers and they sought, probably, more crank. Mr. PATINO said that those individuals are DAVID THATCHER and LEO PALAFOX.

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LOPEZ, M 188	TDN 126	BY	ATTORNEY	6/29/01
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Mr. PATINO said that on Monday (4 days ago) at approximately 10:00 AM, he lent DAVID THATCHER his vehicle. He was told that LEO and DAVID THATCHER were to return the vehicle at 3:30 that afternoon. Mr. PATINO said that he never saw the car again until today's date.

During my communication with Mr. PATINO I asked if in fact he checked where he used to live according to his mother. Mr. PATINO was able to provide me with that location and it appeared to be near Giddings and Vine. Mr. PATINO said that the location is now abandoned and that it is home on the north side of Vine St. traveling east from that intersection. Mr. PATINO said that a Barbara used to live there and that it is a rough place.

I then learned from Mr. PATINO of his work habits. Mr. PATINO said that he is a construction worker and works from 6:30 in the morning to 4:00 in the afternoon. Mr. PATINO said that he saw his vehicle at the Marco Polo Motel shortly after his arrival at the work place. Mr. PATINO said that his work place is the construction site located just south of Marco Polo, the retirement home development.

During my communication with Mr. PATINO I learned from him that he is afraid of LEO PALAFOX because he is armed with a .22 caliber revolver.

During my communication with Mr. PATINO he told me about his relationship with these two individuals. Mr. PATINO said that he moved out on Friday, June 15, and stayed with these individuals on Vine St. until approximately June 25. Mr. PATINO said that this location that he stayed at was on Vine St. and that it was with LEONEL PALAFOX, an individual that he has known for 15 years, DAVID THATCHER, who he has known for one week, himself, a female by the name of Barbara, and a teenager by the name of Heather. Mr. PATINO said that he remained at that location until he left to get back with his mother. Mr. PATINO said that there was dispute between them and I asked what that was. Mr. PATINO said that it had nothing to do with romance or sex, that it really didn't have anything to do drugs, or that there was some sort of debt for money. Mr. PATINO said that he felt that these individuals were using him and that they wanted him to pay the \$300 rent for that residence.

Mr. PATINO said that since he works at the construction site, he sometimes allows other individuals to use his vehicle. Mr. PATINO said that at the work site he breaks for lunch between 11:30 and 12:00 PM everyday.

REPORTING/RECORDING OFFICER

LOPEZ, M I88

TYPED BY

TDN 126

FURTHER ACTION

() YES
() NO

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() DETECTIVE
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() T-BOLT
() OTHER
() JUVENILE

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TO

AGENCY CITY ATTORNEY
BY
DATE 6/29/01

REVIEWED
CV 803 (12/87)

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

I asked Mr. PATINO if he could tell me his activities on the week of the 18th, through the 22nd, while living with these two individuals. Mr. PATINO said that on Monday he worked. On Tuesday, 6/19, he allowed them to use his vehicle. On 6/20 he allowed them to use the vehicle again. On 6/21 he had the vehicle, but allowed them to use it later, and on 6/22 he kept the vehicle himself at work.

As I continued to speak with Mr. PATINO I learned from him that he was concerned over a debt. Mr. PATINO said that S2 and S3 owed him money for a \$25 debt for methamphetamine.

Mr. PATINO was asked why he feared these individuals and why they would be angry with him. Mr. PATINO said they were angry with him because he called "the cops" on them because of his vehicle. Mr. PATINO said that is the reason why he feels that LEO PALAFOX would try to kill him with his gun.

I asked if he could describe LEO for me. Mr. PATINO was able to and I then displayed to him photographic lineup B. Mr. PATINO was able to positively identify LEO PALAFOX in that photographic lineup and was able to tell me how he looked different now then he did in that photograph. Mr. PATINO said that LEO PALAFOX is more skinny, that he has indents on his face, that he has the same type of facial hair and that his hair is cut short with a #2 blade. Mr. PATINO said that S2 likes to wear black jerseys, black, grey, and tan pants. As I continued to speak with him, he explained to me of his penchant for violence.

I then asked Mr. PATINO to describe to me DAVID THATCHER. Mr. PATINO said that DAVID THATCHER, he has known only a week and realizes that DAVID THATCHER uses a needle to inject both crank and cocaine. Mr. PATINO said that DAVID THATCHER is armed with a knife that is black handled and it is folding. Mr. PATINO said that the black folding knife is eight to ten inches long when extended and that the handle is black. Mr. PATINO was again shown photographic lineup A and he was able to positively identify DAVID THATCHER in that photographic lineup. Mr. PATINO said that photo is different then how he looks now in that he has a hairier face, a longer beard, appears older, and is only 5'6" tall. Mr. PATINO said that he looks heavier in the photo.

Mr. PATINO said that when he lived with these individuals, there was also a 19 year old female by the name of Heather and that he knows that it is Barbara's daughter.

REPORTING/RECORDING OFFICER	TYPED BY	CONTROLLED DOCUMENT CONFIDENTIAL INFORMATION TO BE USED BY CRIMINAL AGENCIES ONLY TO _____ AGENCY _____ DATE _____ BY _____ DATE 6/29/01 VISA 112 FOR 112 REVIEWED CV 803 (12/97)
LOPEZ, M 188	TDN 126	
FURTHER ACTION	COPIES TO	
() YES () NO	() DETECTIVE (X) DISTRICT ATTORNEY	
	() T-BOLT () OTHER () JUVENILE	

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
01-09750
01-09785

CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLING CENTERS	1845 N. DINUBA 1137 S. LOVERS LANE	

In speaking with this individual, I asked what other anger these individuals would have toward him and what secrets they have about him. Mr. PATINO said that he did not know. I asked if he was sure. Mr. PATINO said that it probably had something to do with buying dope in his vehicle. Believing that Mr. PATINO was lying to this Detective and in an abundance of caution, I decided to switch tactics.

Approx. 2030 hrs:

I then provided Mr. PATINO with his Miranda rights. Mr. PATINO understood those rights and continued to speak with this Detective. Mr. PATINO was asked about his involvement in these robberies. Mr. PATINO said that he did not know what I was talking about and I furthermore showed him a color photographic lineup that depicted him as well as five other similars. Mr. PATINO was told about what I had discovered in this case and without telling him specific details about the robberies, asked him to be truthful. Mr. PATINO, however, stated he knew nothing of what I spoke of and perhaps I should speak with the other individuals.

Approx. 2045 hrs:

Det. Winslow entered the room and also spoke to Mr. PATINO in the hopes that he would be truthful.

Approx. 2120 hrs:

I left the room and returned at approximately 2138 hours. While speaking to the suspect, I noted that Det. Winslow learned from him that he knew why these aluminum recycle centers were targeted for robbery. At that time, Mr. PATINO said that they were easy targets. Having received this information, I then asked Mr. PATINO if he could tell me about his involvement. Mr. PATINO said that he lied because he was afraid, but that his involvement was as follows.

Mr. PATINO said that he used his blue vehicle to drive to the north side. Mr. PATINO said that he drove for the purposes of committing this robbery and that his job was only to look and to drive his vehicle.

Mr. PATINO said the first time he believes was on Monday and that the robbery took place in north Visalia. I asked Mr. PATINO to sketch this area and he was able to do so with some accuracy. Mr. PATINO was asked to sign this document that he drew and describe what various persons did on this

REPORTING/RECORDING OFFICER

LOPEZ, M I88

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DATE

6/29/01

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FURTHER ACTION

() YES

() NO

COPIES TO

() DETECTIVE

(X) DISTRICT ATTORNEY

() T-BOLT

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() JUVENILE

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
X-REF: 01-09336
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CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC, 32 PC	ARMED ROBBERY, CONSPIRACY, ACCESSORY AFTER THE FACT	FELONY
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date. Mr. PATINO said that he parked his vehicle along the shopping mall located near the market. Mr. PATINO was able to describe the Fairway Market located on Dinuba Blvd. near Houston. He described that he parked his vehicle on the southern portion of the parking lot and that he waited in the vehicle as DAVID THATCHER traveled to the recycling shed. Mr. PATINO said that he believed that the recycling shed was either grey or white and that his job was to watch for the police. Mr. PATINO said that they discussed what was going to happen and where they were going to leave after. Mr. PATINO said that LEO PALAFOX was to stand near the telephone booths and act like he was making a phone call. Mr. PATINO said that he was able to watch LEO PALAFOX also watching for the police.

Mr. PATINO said that S/DAVID THATCHER then walked over to the trailer and was there for approximately two to three minutes. Mr. PATINO said that upon arrival back at the vehicle, DAVID went to the backseat and that LEO was in the front passenger seat. Mr. PATINO said that he drove away and that they went directly to this location on Vine St. Mr. PATINO said that at that location he learned that there was approximately \$30- \$40 removed from the victim. Mr. PATINO said that this occurred at approximately 1500 to 1600 hours on this first date. Mr. PATINO said that the men bragged about what they had done and he felt prideful and that he was not afraid to do this criminal behavior. Mr. PATINO said that they drank beers to celebrate.

The next location that was described by S/PATINO was the aluminum stand located in Patterson Track. With regard to that robbery, refer to Det. Winslow's report that captures the details and the suspects direct involvement in that robbery. The suspect again made a diagram of the area and described in detail his memory of this robbery and the location of the aluminum recycling shed.

Lastly, on the third robbery, and speaking specifically of the robbery at the Lovers Lane Recycling Center, I learned details. During my communication with Mr. PATINO he told me that he too participated in the robbery of the aluminum shed recycle center near Wal-Mart. The suspect in this case was able to again, draw a map for this Detective regarding the whereabouts of this recycle center and was able to give me in detail what his job was for this robbery. I noted that as he described this robbery to this Detective, he stated that the robbery occurred at this location on Lovers Lane and that prior to the robbery, they had cased the location for the purposes of intelligence prior to the robbery.

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LOPEZ, M I88	TDN 126	
FURTHER ACTION	COPIES TO	
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() NO	(X) DISTRICT ATTORNEY	() OTHER
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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

B01-09239
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Mr. PATINO initially described DAVID as being the individual that was active in the robbery, but later changed his mind and said that it was LEO PALAFOX that committed this robbery with a handgun. Mr. PATINO indicated that he was the driver of the vehicle and that he parked his vehicle just south of the recycling shed. Mr. PATINO said that S/PALAFOX displayed to him a .22 caliber revolver that had eight chambers in a cylinder. Mr. PATINO said that the barrel of the gun is approximately four inches long and it looked like it had been fired. Mr. PATINO did not know the make or model, but said that it was grey and looked like a cowboy-type gun. Mr. PATINO said that the suspect carried the weapon in his black pants, possibly in his pocket.

I asked what happened. Mr. PATINO said that while he waited in the vehicle, he saw that LEO PALAFOX walked to the front entrance of the aluminum shed and enter. He said that afterward he returned and that they both took off. Mr. PATINO said that they took off and traveled to the Vine St. address where the cash was used to purchase methamphetamine and they began using methamphetamine and beer.

Mr. PATINO said that he recalls that LEO PALAFOX sometimes uses dark, black glasses that were rounder and that he also uses methamphetamine. Mr. PALAFOX sometimes uses baseball caps and that he has round, black sunglasses.

After obtaining his admission to this robbery and believing that that was possibly all his involvement in this robbery, I thanked Mr. PATINO and advised him that I would like him to explain to his mother why he was going to be taken into custody. Mr. PATINO understood.

Approx. 2235 hrs:

I telephoned Ms. PATINO on a speaker cellular phone. At that time Martha Patino spoke to her son and listened as her son explained to her the robberies that he had committed with THATCHER and PALAFOX. Mr. PATINO, during this conversation that was fully recorded, stated that they wanted to rob these locations so that they could pay rent and purchase drugs. Ms. Patino, angry with her son, scolded him and he explained that the reason why he did it was so that he would get attention from his father.

After obtaining this statement from the suspect and a confession to what he had done, the vehicle parked outside was impounded as evidence and a urine sample was obtained from S/PATINO.

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LOPEZ, M I88

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FURTHER ACTION

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DATE 6/29/01

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
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CASE NO.

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Afterward, Mr. PATINO provided a short additional statement to Det. Winslow regarding that robbery.

The following is only a synopsis of what was told to this Detective and Det. Winslow over a two hour plus statement provided to this Officer by the suspect. For a more clear and detailed account of his involvement that includes robbery, conspiracy, and accessory, the videotape should be viewed.

RECOMMENDATIONS:

This investigation continues. The SPATINO should be charged with several counts of armed robbery. SPATINO and SPALFOX are currently being sought by the Visalia Police Department as well as other County agencies. The following agencies have been notified of this development: Fresno, Exeter, Bakersfield, Tulare, and the Tulare County Sheriff's Office.

End of Report.

REPORTING/RECORDING OFFICER

LOPEZ, M 188

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TDN 126

FURTHER ACTION

() YES
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TO CITY ATTORNEY	
AGENCY	DATE
BY	6/29/01
DATE	
VISALIA POLICE DEPT. REVIEWED CV 803 (12/87)	

VISALIA POLICE DEPARTMENT
LIVE LINE-UP INSTRUCTIONS

You are about to be shown a group of people. Before you view these people, please read the following carefully:

1. Because a police officer is showing you a group of people, this should not influence your judgment in any way.
2. The person who committed the crime may or may not be in the group of people.
3. You are in no way obligated to identify anyone.
4. Study each person carefully before making any comments. Consider that hair styles change and that persons can alter their identity by growing or shaving facial hair.
5. SPECIAL INSTRUCTIONS: _____

DATE: 7-11-01

I declare that no other instructions about the people in the line-up, the defendant or procedures were given to me before viewing the line-up.

Dominic Lopez
Person Viewing Live Line-Up

Francisco Jabor AO

[Signature]
Officer Showing Live Line-Up

Ø / Ø
Person Selected

7/11/01
Date

1400
Time

1410

COMMENTS: _____

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DATE _____

VISALIA POLICE DEPT.

CV 803 (12/87)

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

G01-09239

CODE SECTION

CRIME

CLASSIFICATION

211 PC, 182 PC

ARMED ROBBERY, CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

RECYCLE CENTERS IN VISALIA

SUSPECT INFORMATION:

#1 PATINO, FREDDY
DOB: [REDACTED]

#2 PALAFOX, LEO
DOB: [REDACTED]

#3 THATCHER, DAVID
DOB: [REDACTED]

EVIDENCE:

- #1 Both 35mm photographs of S/THATCHER and S/PALAFOX in live lineups at the Tulare County Pretrial Facility on 7/11/01. Additionally Polaroid photographs of the above were also taken in support of the 35mm photographs obtained. The photographs were taken Crime Lab Technician Bob Douglas, the Polaroid photographs were taken by Detective Earl Grimes and Detective Feller. Those photographs will be maintained by the Visalia Police Department, marked, dated, sealed, and secured pending their development and later use by the Tulare County District Attorney's Office as evidence.

WITNESS INFORMATION:

- #1 Attorney Tim Donahue
Conflict Attorney
- #2 Attorney Michelle Lippard
Tulare County Public Defenders Office
- #3 Detective Floyd Hagar
TCSO
- #4 Detective Mark Feller
- #5 Detective Jason Salazar
- #6 Detective Earl Grimes

REPORTING/RECORDING OFFICER

LOPEZ, M 188

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

G01-09239

CODE SECTION

CRIME

CLASSIFICATION

211 PC, 182 PC

ARMED ROBBERY, CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

RECYCLE CENTERS IN VISALIA

CIVILIAN WITNESSES:

#1 Ortega, Francisco J.
(Case #01-09239)

#2 Lopez, Domingo
(Case #01-09750)

7/11/01 approx. 1145 hrs:

I made contact with Civilian Witness #1 Ortega and Witness #2 Lopez at the Recycling Center located at 1845 N. Dinuba Blvd. in Visalia. In preparation for this live lineup, I advised the gentlemen that I wished to transport them to a facility where they would have the opportunity to look at some individuals.

I then transported these individuals with this Detective, to a Carls Jr. located at Ben Maddox and Center St. in Visalia. At that location I obtained food for the 15 similars that were being utilized by Detectives in this live lineup. I furthermore provided food for the witnesses and transported those items and witnesses to the Pretrial Facility located in Visalia.

At the Facility I made contact with Deputy District Attorney Melinda Aiello, as well as Attorney Tim Donahue. I furthermore made contact with Det. Salazar, Det. Feller, and Det. Grimes and ascertained the preparations and arrangements had been made for these live lineups.

After being so prepared and apprised, each of the defendants had the opportunity to speak with their attorney's. The live lineup process began shortly thereafter. Prior to commencing with the live lineup, I provided both W/Domingo Lopez and W/Francisco Ortega with instructions per the Visalia Police Department live lineup instruction sheet. Those instructions were given to them in Spanish and translated by this Detective. Prior to entering the room and independent of each other the witnesses were asked to view a group of individuals. Those individuals were prepared within the Tulare County Sheriff's Department's live lineup room located at the Pretrial Facility. The first group of individuals in this lineup were the individuals with S/DAVID THATCHER. In lineup instruction sheet A, I began with W/Lopez.

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VISALIA POLICE DEPT.

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CODE SECTION	CRIME	CLASSIFICATION
211 PC, 182 PC	ARMED ROBBERY, CONSPIRACY	FELONY
VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.
RECYCLE CENTERS IN VISALIA		

Approx. 1335 hrs:

Mr. Lopez was escorted into the room that had Deputy District Attorney Aiello and Conflict Attorney Donahue. W/Lopez was able to view both the front and each side of the defendants and chose S5. In that position I noted that it was DAVID THATCHER and later documented that on the lineup instruction sheet. Mr. Lopez, in Spanish, stated "five, it looks the most like the person" and furthermore stated "he looks a little shorter in this room". Deputy Floyd Hagar then proceeded with his live lineup instruction sheet with his witness, followed by an additional viewing of the suspects in this lineup by W/Francisco Ortega.

Approx. 1344 hrs:

Francisco Ortega entered the live lineup room and was unable to identify anyone in this live lineup.

Subsequently thereafter, Michelle Lippard of the Tulare County Public Defenders office entered the room with Ms. Aiello and live lineup B commenced. The lineup included S/PALAFX with a group of other men.

Approx. 1400 hrs:

With the same admonishment, Domingo Lopez was unable to identify anyone and shortly thereafter at approximately 1410 hours, Francisco Ortega was not able to identify anyone as well. However, Deputy Hagar noted, as did I, that his victim was able to positively identify Mr. PALAFX in position #4 of that live lineup.

After obtaining the positive identification of both THATCHER and PALAFX on robberies, all of the men were excused from the live lineup room. Each of the men were provided with a hamburger, french fries and some candy, paid for by Visalia Police Department funds. CSI Bob Douglas, at various locations within the live lineup room, was able to photograph each of the individuals present for this lineup together and separately.

Within in the lobby of the Pretrial Facility I showed photo lineup D to both V/Ortega and V/Lopez with negative results.

Photo lineup D was subsequently provided to Deputy Floyd Hagar in the hopes of using that lineup for additional investigation into the robberies that he has pending with the Tulare County Sheriff's Department.

REPORTING/RECORDING OFFICER

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FURTHER ACTION

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BY [REDACTED]
TO CITY ATTORNEY
AGENCY [REDACTED] DATE 7/11/01
BY [REDACTED]
DATE [REDACTED]
VISALIA POLICE DEPT
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CV 803 (12/97)

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.
G01-09239

CODE SECTION

CRIME

CLASSIFICATION

211 PC, 182 PC

ARMED ROBBERY, CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

RECYCLE CENTERS IN VISALIA

RECOMMENDATIONS:

Based on the positive identification of S/THATCHER as well as PALAFOX again, the suspects should be charged additionally by the Tulare County District Attorney's Office (D) additional counts of armed robbery, etc.

On this date the S/THATCHER was arrested by this Detective and additional charges placed on his booking sheet with the Tulare County Sheriff's Department.

End of Report.

REPORTING/RECORDING OFFICER

LOPEZ, M 188

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TDN 126

FURTHER ACTION

() YES

() NO

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(X) DISTRICT ATTORNEY

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AGENCY

BY _____ DATE

DATE 7/11/01

VISALIA POLICE DEPT.

REVIEWED _____

CODE SECTION

CRIME

H01-9239

CLASSIFICATION

211 PC (Multiple counts.)
182 PC

ARMED ROBBERY
CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

B & C RECYCLING ET AL.

SUSPECT INFORMATION:

1. PATINO, FREDDY
DOB: [REDACTED]
2. PALAFOX, LEONEL
DOB: [REDACTED]
3. THATCHER, DAVID CHARLES
DOB: [REDACTED]
WMA, 5'9", 170 lbs, brown short hair/hazel eyes
SS#: [REDACTED]
Currently on active parole
CDC#: K81267
Tattoo of Tulare County on chest
1000 1st Street and 1000 N. Visalia, CA

WITNESS INFORMATION:

1. Officer Luma Fahoum
2. Officer Nathan Flaws
3. Officer Jeremy Ediger
4. Sergeant Steve Scofield
5. Sergeant Ed Lynn
6. Officer Kevin Wright
7. CDC Agent. Gary Paden
8. CDC Special Agent. of SSU (Special Services Unit) Rich White
9. Detective Dennis Wright
10. Detective Daralei Wiebe

EVIDENCE:

1. (1) VHS videocassette tape containing the conversations had with the suspect at the Visalia Police Department on 7/8/01.

REPORTING/RECORDING OFFICER

TYPED BY

LOPEZ, M.

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MMN/122

FURTHER ACTION

COPIES TO

() YES

() DETECTIVE

() NO

(X) DISTRICT ATTORNEY

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AGENCY DATE
BY DATE
DATE 7/10/01
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CV 803 (12/97)

7-12-01 SM

H01-9239

CODE SECTION

CRIME

CLASSIFICATION

211 PC (Multiple counts.)
182 PC

ARMED ROBBERY
CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

B & C RECYCLING ET AL.

2. A blood sample obtained from the suspect, THATCHER, involuntarily at the Visalia Police Department pre-processing center on 7/8/01. The blood sample was ultimately transferred to the care and custody of Mineral King Laboratory employee for processing and analysis.
3. Various amounts of clothing discovered at the residence at [REDACTED] in Visalia and left at that location by the suspect. One pair of boots, "Big Mac" size 9 1/2.
4. Chrome-colored butterfly knife.

The aforementioned items of evidence after being cataloged, photographed, and obtained were marked, dated, sealed, and secured into Visalia Police Department Evidence pending their eventual need.

On 7/8/01 at approximately 1700 hours:

The aforementioned officers and detectives responded to the area of [REDACTED] Visalia, California. Upon arrival at that location, it was determined via a telephone call, that S/THATCHER was currently present at this address and within this specific apartment. After identifying the suspect THATCHER as an occupant of this residence, I was summoned from my off-duty status to respond to the Visalia Police Department.

At approximately 1730 hours:

I responded to the Visalia Police Department and was apprised of the status of S/THATCHER by Det. Dennis Wright. Shortly thereafter, I responded to the scene and made contact with members of the California Department of Corrections, Special Services Unit that included Agent Rich White, and Agent Gary Paden. During my communication with the investigators, I determined that S/THATCHER had been contacted at this apartment at approximately 1700 hours and subsequent to this initial time, agents have had three telephone communications with S/THATCHER and discovered that he was to surrender to authorities outside. The suspect THATCHER however, did not cooperate nor did he exit as he stated he would to Agent Gary Paden.

During the communication with S/THATCHER, Agt. Paden discovered that he was physically unimpaired, he was not armed, and he did not want to be arrested or harmed. Agt. Paden advised that would not be the case and that his surrender would be accepted without delay or injury.

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TYPED BY

LOPEZ, M.

188

MMN/122

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DATE

7/10/01

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CV 803 (12/97)

VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

H01-9239

CODE SECTION

CRIME

CLASSIFICATION

**211 PC (Multiple counts.)
182 PC**

**ARMED ROBBERY
CONSPIRACY**

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

B & C RECYCLING ET AL.

At approximately 1740 hours:

I decided to make contact with the suspect myself. Using Agt. Paden's telephone, I dialed the number and received no response. The following is a list of times that I attempted to contact S/THATCHER at that location in the hopes of his surrender.

At approximately 1742 hours:

I telephoned the number and received no response.

At approximately 1748 hours:

I telephoned the number and received no response.

At approximately 1752 hours:

I telephoned the number and received no response. At the same time, and after receiving no response, I yelled to DAVID THATCHER from a distance of approximately ten yards and received no response.

At approximately 1759 hours:

I telephoned the number and received no response.

At approximately 1800 hours:

I yelled toward the residence of S/THATCHER from a distance of ten yards with no response.

At approximately 1802 hours:

I telephoned the number and received no response.

At approximately 1805 hours:

I gave an audible announcement again to S/THATCHER to surrender and to answer the telephone with no response.

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FELONY

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At approximately 1805 hours:

I again telephoned the number and yelled loud again with no response.

At approximately 1810 hours:

I telephoned the number and made contact via the telephone with Deanna Ramirez. During my communication with her, I advised her that the police were present and that the residence was surrounded. I advised Ms. Ramirez that it was our intention to arrest the suspect THATCHER for his parole violation and that detectives and officers were prepared to make that arrest inside the home if necessary. I asked Ms. Ramirez for the safety of all involved to immediately remove herself and the child from the premises so that if the S/THATCHER chose to utilize violence, no one would be hurt. Ms. Ramirez agreed and decided to come out.

While speaking with Ms. Ramirez, I learned that DAVID THATCHER at this point, wished to surrender. Ms. Ramirez stated DAVID THATCHER wished to speak with this Detective. I advised him that I would speak with him.

Via the telephone, I advised S/THATCHER to surrender and that he would not be harmed. S/THATCHER laughingly said that he would and left the apartment backwards as ordered by this Detective. As S/THATCHER exited this apartment, he was ordered to the ground where he was handcuffed and taken into custody by this Detective and Agt. Gary Paden without incident.

Moments thereafter, S/THATCHER was transported back to the Visalia Police Department via Visalia Police Department patrol. I then made contact with Deanna Ramirez who was speaking to Sgt. Ed Lynn a short distance away. During my contact with Ms. Ramirez, I obtained verbal permission from her to search the home for the weapons believed to be in the possession of S/DAVID THATCHER. Ms. Ramirez when asked if I could search her home for those weapons stated "Yes, you can search my home, go ahead". That consent was listened to and observed by Detective Daralei Wiebe and Sgt. Ed Lynn.

Other investigating officers and I then proceeded to search the residence for the outstanding weapons in possession of S/THATCHER and as evidence in this case. A search of the residence revealed several items of clothing of note. Those items of clothing included a khaki pair of pants and a pair of black work boots. Those items of evidence as well as other personal items belonging to the suspect were seized for their evidentiary value as well as for safekeeping for the suspect. I noted that

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S/THATCHER wore during his arrest, no shirt, a white pair of boxers, and a black pair of pants. I subsequently seized those black pants as well from S/THATCHER at the Visalia Police Department.

At the Visalia Police Department, I took the opportunity to photograph S/THATCHER. I noted that his appearance is distinctly different than previous booking photos within the Tulare County Mugshot Computer System. I saw that S/THATCHER appeared to have more facial hair, that he appeared darker in skin color and had almost a full beard. S/THATCHER was photographed by this Detective with a Polaroid camera. Those Polaroid photographs will remain in this case folder.

At the Visalia Police Department, S/THATCHER was walked into the Visalia Police Department Interview Room. S/THATCHER was made comfortable and was told of his current status with regard to parole, that being that a parole hold was placed for his person. S/THATCHER understood. While speaking to S/THATCHER, I learned more personal information from him and also attempted to contact other family members who were aware of his flight status. After completing those actions, I advised S/THATCHER of his Miranda Rights which he understood and had a conversation with S/THATCHER.

During this videotaped conversation with S/THATCHER, I learned the following in synopsis. S/THATCHER indicated that he was currently using methamphetamine. S/THATCHER was shown color photographs as well as photographic line-ups A, B, and C in the possession of this Investigator. Upon showing S/THATCHER these photographic line-ups, I saw that he was able to recognize other individuals connected to this robbery spree but did not wish to identify them for this Detective. Not until I specifically chose each of the involved parties, did S/THATCHER acknowledge that he knew in color photographic line-up S/PATINO, in photographic line-up A, himself, in photographic line-up B, S/PALAFIX, and he did not know the ultimate individual in photographic line-up C.

During my contact with S/THATCHER, [REDACTED] ant to [REDACTED] his [REDACTED] [REDACTED]. However, during my contact with him, he was able to indicate that he did know these individuals and had associated with some of them at 10 [REDACTED]. While speaking with S/THATCHER, I asked if he could tell me his habits and/or his work status as of the last few weeks and S/THATCHER said he was unemployed and did not work. He said that he has been staying at that location on occasion ([REDACTED]) and that he stays also on a Sanders Street address and also with his girlfriend Tammy Masters. During my conversation with him, I asked if it was true that he had armed himself recently and was seen in possession of a knife. S/THATCHER said that he did in fact have a knife but it was only a three-inch folding knife with a black handle and a steel blade. He said that the knife is currently at his uncle's house and it was in the possession of his cousins. When I questioned him further about the knife and asked for it, he said the knife has been disposed of.

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H01-9239

CODE SECTION	CRIME	CLASSIFICATION
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VICTIM (S) NAMES (S)	ADDRESS	PHONE NO.

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When asked if he was in fact in possession of a .22 caliber revolver as described by witnesses and associate friends of his, S/THATCHER said that he did not know anything about a firearm and that if these persons suggested that he had a firearm, they were lying. I asked why they would have a reason to lie if they are supposedly his friend. S/THATCHER did not have an answer. I then advised S/THATCHER that I was curious to know why he was committing so many robberies with his friends and associates that he had just identified for this detective. S/THATCHER said that he did not know anything about robberies and that he does not know what I'm talking about. I advised S/THATCHER that I was well aware of what he had done and that it was the same type of crime that he had committed to get involved with California Dept. of Corrections. S/THATCHER at approximately 2010 hours requested an attorney. I then ended my conversation with S/THATCHER.

S/THATCHER moments later reinitiated the conversation and asked this Detective who it was that "snitched" on him. Because S/THATCHER reinitiated this conversation and asked this Detective a question, I took the opportunity to continued to speak with him and learned no additional important information, other than he was curious to know who turned him in. At approximately 1820 hours, the S/THATCHER again asked for an attorney and no other questions were posed to him.

S/THATCHER prior to making this statement to this Detective spoke with his parole agent. During his conversation with the parole agent, he stated that he had been using methamphetamine and that methamphetamine was used the night previous. S/THATCHER as a result was asked for a blood sample, S/THATCHER stated he did not want to voluntarily provide a blood sample and was requested on numerous occasions to submit. After several attempts convincing S/THATCHER to provide said sample, S/THATCHER was placed in handcuffs and made to stand up against the wall. S/THATCHER against that wall was held and blood was taken from the back of forearm. S/THATCHER was not injured in any way as a result of removing the blood, but was not willing to provide that on his own.

That blood sample was ultimately transported to Mineral King Lab for analysis by the lab technician that arrived at the Visalia Police Department pre-processing center. Within that same pre-processing center, I was able to take photographs of the suspect after this blood sample was taken and those were going to be ultimately used in the suspect's prosecution.

After obtain this information, the remaining items of evidence were booked into property, including the suspect's shoes for the Tulare County Sheriff's Department comparison.

Based on this information and on the outstanding felony 3056PC warrant outstanding with the California Dept. of Corrections, DAVID THATCHER was booked into County Jail pursuant to that

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303 S. JOHNSON STREET
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CASE NO.

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**211 PC (Multiple counts.)
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**ARMED ROBBERY
CONSPIRACY**

FELONY

VICTIM (S) NAMES (S)

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offense only. The S/THATCHER will ultimately be arrested for various 211 robbery crimes as described in these reports.

On 07-09-01 at approximately 0930hrs:

I contacted Tulare County District Attorney's Office and advised them of the line up scheduled for Wednesday, 07-11-01 at 1300hrs.

At approximately 0955hrs:

I made contact with Sgt. Waltz and Sgt. David Montoya of the Tulare County Sheriff's Department/Pre-Trial Facility and made arrangements for a live line-up that included DAVID THATCHER and LEONEL PALAFOX.

At approximately 1010hrs:

I contacted Tulare County Sheriff's Department and advised Sgt. Verissimo of this pending live line-up. Sgt. Verissimo assigned Det. Hagar to assist Det. Winslow in this investigation and also informed this detective that Det. Hagar had traveled to Bob Wiley Detention Facility to speak with the S/THATCHER regarding his involvement Tulare County Sheriff's documented crimes. I learned subsequently thereafter from Det. Hagar that the S/THATCHER did not wish to provide him with a statement and furthermore learned that he had advised S/THATCHER that a live line-up was pending and not to change his appearance.

I contacted Bob Douglas of the Visalia Police Department crime laboratory and informed him of this live line-up and learned that he would be attending for the purpose of photographically documenting the line-ups and the suspects as they appeared to the witnesses in this case.

At approximately 1025hrs:

I contacted Francisco Ortega and Domingo Lopez, victims of the aforementioned 211PC crimes, both indicated that they would be available for this live line-up and would be ready for this Detective on the future date.

At the Tulare County Detention Facility, Det. Earl Grimes, Det. Feller, and I traveled to that location and made contact with Tulare County Sheriff's Department personnel. In an effort to facilitate this live line-up, detectives were able to make contact with numerous subjects that would be suitable for a live

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line-up that included individuals similar in appearance to the S2/LEONEL PALAFOX and S3/DAVID THATCHER. While at the facility, detectives purposely sought individuals who are in custody at the time these robberies took place and were able to find suitable candidates. The candidates all are similar in appearance, height, weight, and description to that of the suspects. Those names and individuals were documented in a memorandum and subsequently provided to the Tulare County Sheriff's Department for their approval and their assistance for the live line-up on Wednesday, 07-11-01. Refer to that memorandum.

07-09-01 approximately 1630hrs:

I contacted Sgt. David Montoya who informed me that the facility at Pre-Trial jail will be available and all preparations have been made for the upcoming live line-up on Wednesday, July 7, 2001. Sgt. Montoya has apprised all jail personnel of this development and will apprise working sergeants on that date as well.

07-10-01 approximately 1145hrs:

I contacted the Tulare County public defenders office and advised them via a telephone message of the live line-up scheduled for the following day at 1:00p.m. That message also included the suspects' names, offenses, and purpose for the line-up. Det. Jason Salazar of the Visalia Police Department and Det. Harold Lyles of the Sheriff's Department were present for that notification.

1300hrs:

I again contacted the Tulare County public defenders office, Terry Quintana and asked if she had received a prior message left by this detective. Ms Quintana, a secretary at that location, stated that she is not aware of the information and took the same information from this officer. I again advised her that a live line-up would take place on 1:00p.m on 07-11-01 and that a member representative of the public defenders office would be asked to attend.

Ms Quintana stated that she would contact the supervisor and advise them of the developments and would provide her with this detectives call back number.

I was contacted by Tulare County Deputy District Attorney, Melinda Aiello, who informed this detective that perhaps the conflict attorney should also be notified. Det. Mark Feller at approximately 1430hrs contacted Jay Powell, the Tulare County conflict attorney at 625-4343 and advised him of the potential conflict with the Tulare County Public Defenders office and also provided him with an

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VISALIA POLICE DEPARTMENT
303 S. JOHNSON STREET
VISALIA, CALIF. 93291

CASE NO.

CODE SECTION

CRIME

H01-9239

CLASSIFICATION

211 PC (Multiple counts.)
182 PC

ARMED ROBBERY
CONSPIRACY

FELONY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

B & C RECYCLING ET AL.

invitation to attend this live line-up scheduled for 07-11-01. Det. Feller discovered that Jay Powell if not present himself will send a representative to that facility on that date. Mr. Powell was also provided with Melinda Aiello's information as the prosecutor in this case.

RECOMMENDATION:

Additional investigation is forthcoming. Live line-up information to follow.

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TYPED BY

LOPEZ, M.

188

MMN/122

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01-9239

CODE SECTION

CRIME

CLASSIFICATION

211PC

ROBBERY

VICTIM (S) NAMES (S)

ADDRESS

PHONE NO.

BC RECYCLING

1538 N. DINUBA

SUSPECT INFORMATION:

PALAFIX, LEO; DOB [REDACTED]
THATCHER, DAVID; DOB [REDACTED]

PHOTOGRAPHIC EVIDENCE:

35mm color negatives of David Thatcher's boots.

07-12-01 0845hrd. THURSDAY:

On this date, in the crime lab, at the request of Det. M. Lopez #188, I took numerous photos of Thatcher's boots. Det. Lopez provided the boots to me.

The boots are American Steel Toe Co. "Big Mack" brand and are size 9 1/2. The boots are black leather with a block type track pattern. I took several photos of the track pattern of the boots with a scale. The boots were booked into the Visalia PD Property / Evidence Section per Det. Lopez's Property Record.

Refer to the Detective's report for additional information. All photographic negatives will be kept on file in the Crime Lab under the above listed case number.

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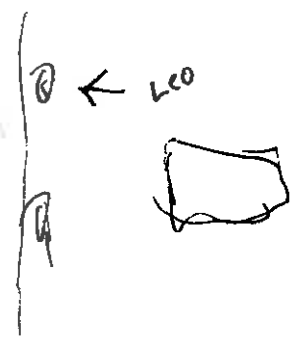
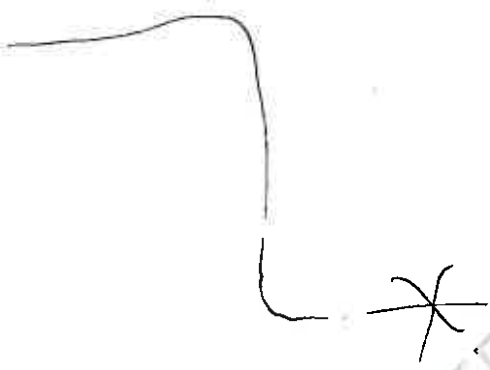
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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

(Door closing)

LOPEZ: What's your name brother?

PALAFOX: Leo.

LOPEZ: Last name?

PALAFOX: Palafox.

LOPEZ: You know what day it is today?

PALAFOX: Mmmm--uh--(inaudible) the second.

LOPEZ: Do you know what day of the week?

PALAFOX: Monday.

LOPEZ: Are you sleepy right now?

PALAFOX: Hmmm?

LOPEZ: Are you sleepy tired?

PALAFOX: A little bit.

LOPEZ: Do you know what time it is?

PALAFOX: (Inaudible)

LOPEZ: What time do you think it is?

PALAFOX: I don't know--about--maybe about 2--1--2.

LOPEZ: 3. Are you pretty healthy, other than the...

PALAFOX: Yeah, uh--yeah, but I'm I've just got a complication with my arm. I got...

LOPEZ: Aaauch, what's that all about?

PALAFOX: (Inaudible) bullet (inaudible)

LOPEZ: Let me see. Oh, these are old bullet holes. (inaudible) that?

PALAFOX: (inaudible) two years ago--two--three years.

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App. 1831

TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

LOPEZ: Who shot ya?

PALAFOX: I don't know.

LOPEZ: Four times huh?

PALAFOX: I got shot like eight times.

LOPEZ: Wow, they plugged you up.

PALAFOX: Yeah.

LOPEZ: What's the thing on your arm for?

PALAFOX: Hmmm?

LOPEZ: What's that?

PALAFOX: I have a metal bar in my arm right now, a bullet hit me right here
(inaudible)

LOPEZ: So what's your full name?

PALAFOX: Leo. (Inaudible) L-E-O P-A-L-A-F-O-X.

LOPEZ: Leonel or Leo?

PALAFOX: Leonel.

LOPEZ: Leonel?

PALAFOX: Yeah.

LOPEZ: N-E-L?

PALAFOX: Yeah.

LOPEZ: How tall are you?

PALAFOX: Uh--(inaudible)

LOPEZ: Stand up.

PALAFOX: I'm 6'1",

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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

LOPEZ: Stand up. Without your shoes on. Straight. Okay. How much do you weigh right now?

PALAFOX: I'm not even sure.

LOPEZ: How much do you think?

PALAFOX: About 158--160. (inaudible)

LOPEZ: Black hair, brown eyes. What was that tattoo I saw?

PALAFOX: (Inaudible)

LOPEZ: [REDACTED]?

PALAFOX: Mmm hmm.

LOPEZ: Well, I--I guess you know why you're here now, do you not? You don't have a clue? (Inaudible) your family.

PALAFOX: Yeah.

LOPEZ: And all that kinda stuff and that's why you know--for me it's important to know the truth. The reason why everybody's here is basically living arrangements. And I think that just because people live together doesn't mean necessarily that they're all doing these things. All right? So, this will be a chance for you to tell me about them and--and all the other kinda stuff. But since you were put in handcuffs and since you were put in a cell, I'm gonna tell you what your rights are. You probably already know them. Right? You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned and if you cannot afford to hire an attorney, one will be appointed to represent you before any questioning if you wish one. Do you understand each of these rights?

PALAFOX: (Inaudible)

LOPEZ: Okay. Now the questions I need to ask are of--well let's start off with your girlfriend--um--you know who I'm talking about right?

PALAFOX: Heather.

LOPEZ: What's her name? Heather?

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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

PALAFOX: Mmm hmm.

LOPEZ: And her last name?

PALAFOX: Parks.

LOPEZ: All right and her mother?

PALAFOX: Barbara.

LOPEZ: And her last name?

PALAFOX: Wilbourn.

LOPEZ: And you know David Anaya of course.

PALAFOX: (Inaudible)

LOPEZ: He was in—he was in the cell with you right now wasn't he?

PALAFOX: Yeah.

LOPEZ: Okay. And of course you know David Thatcher, do you not?

PALAFOX: Uh—(inaudible) um...

LOPEZ: What?

PALAFOX: He's my girlfriend's uncle or something like that.

LOPEZ: He's your girlfriend's uncle. That's right. And you know Barbara's—I think it's her brother, Billy?

PALAFOX: Yeah, I know him.

LOPEZ: Billy Wilbourn? Okay. And you know—who am I missing? Um—Michelle Ibarra? (inaudible) was in there?

PALAFOX: (Inaudible)

LOPEZ: Huh?

PALAFOX: She's David's wife.

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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

LOPEZ: David's wife there you go. Then you got Heather Fletcher.

PALAFOX: I don't know who that is.

LOPEZ: You don't?

PALAFOX: Hmm mmm.

LOPEZ: Okay. That's somebody that you won't--all right. So, these are all the people--opp--I forgot one. A guy that they just mentioned his name is Freddy. Do you know Freddy?

PALAFOX: (Inaudible) Freddy (inaudible)

LOPEZ: I got a picture of him some place in the computer. Freddy Patino, you might know him you might not?

PALAFOX: (Inaudible)

LOPEZ: Well he's the one whose car you guys borrowed according to Heather. A blue car.

PALAFOX: I didn't borrow no car from him.

LOPEZ: David did.

PALAFOX: Maybe, I don't know.

LOPEZ: Okay. Either way, I'll show you photo of him later. Anyway, it's my understanding that you guys were living together--some of you up on sorta hanging out at [REDACTED], is that right?

PALAFOX: Yeah, (inaudible) I used to go over there cause Heather was there (inaudible)

LOPEZ: Your girlfriend?

PALAFOX: Yeah, she was staying with her mom.

LOPEZ: All right and in this time you guys got evicted or something like that?

PALAFOX: Yeah, she did.

LOPEZ: Okay, what is your home address if you're not in Vine?

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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

PALAFOX: Um—(inaudible)

LOPEZ: [REDACTED]

PALAFOX: North Divisadero.

LOPEZ: North Divis. And that's where your kids live too?

PALAFOX: Mmm hmm.

LOPEZ: [REDACTED]?

PALAFOX: (Inaudible) [REDACTED]'s mother (inaudible) Exeter (inaudible)

LOPEZ: How do you get along with mama?

PALAFOX: All right.

LOPEZ: Are you guys still seeing each other?

PALAFOX: No, she's with some other guy so (inaudible) my kids (inaudible)

LOPEZ: What is your uh—what's your mother's name on Divis—Divisadero?

PALAFOX: Teresa.

LOPEZ: All right. What's her last name?

PALAFOX: Palafox.

LOPEZ: Whose Rafaella?

PALAFOX: My sister.

LOPEZ: She live there too?

PALAFOX: Mmm hmm.

LOPEZ: Now when you weren't living on Vine, where you living on Divisadero?

PALAFOX: Mmm hmm.

LOPEZ: Okay. And who were you living on Divisadero with, other than [REDACTED]?

PALAFOX: My mom and my sister live there.

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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

LOPEZ: Teresa, Rafaella? Who lives way in the back?

PALAFOX: I don't know some tenants.

LOPEZ: Border brothers?

PALAFOX: I guess.

LOPEZ: Who lives in the front?

PALAFOX: Some other family.

LOPEZ: Now, I understand you guys stayed at the hotel last night, the Marco Polo?

PALAFOX: Yeah, me and Heather stayed there in a room.

LOPEZ: What room were you guys in?

PALAFOX: 269.

LOPEZ: And it was just Heather and you?

PALAFOX: (Inaudible)

LOPEZ: Who stayed in 268?

PALAFOX: I don't know.

LOPEZ: Well, Barbara rented it for you guys, didn't she?

PALAFOX: She rented the room for me and Heather, yeah.

LOPEZ: Okay. Then she rented the room 268, was that for David Thatcher?

PALAFOX: I don't know.

LOPEZ: You don't know who?

PALAFOX: No.

LOPEZ: Or, rather than lying would it be better to say, I just don't wanta say?

PALAFOX: No, I don't know.

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TAPED STATEMENT OF LEO PALAFOX
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LOPEZ: Oh, okay. You don't know. And where'd you stay before that?

PALAFOX: (Inaudible)

LOPEZ: Where were you staying, cause I hear you guys been evicted for a while?

PALAFOX: I--I wasn't--I wasn't living at that address, I've been living at my--at my house at...

LOPEZ: Just at home?

PALAFOX: Yeah.

LOPEZ: Okay. How do you get around?

PALAFOX: (Inaudible)

LOPEZ: How do you get around like from--from location to location?

PALAFOX: I walk if I have to.

LOPEZ: You make Heather walk?

PALAFOX: Huh?

LOPEZ: Do you make Heather walk?

PALAFOX: Uh huh.

LOPEZ: She was telling me that she stays in Porter--or uh Farmersville.

PALAFOX: Yeah, she stays in Farmersville with her grandma.

LOPEZ: How do you guys get together? How do you meet? How do you get...

PALAFOX: Well her mama went and picked her up from...

LOPEZ: Oh. This lady here with the red convertible?

PALAFOX: Yeah.

LOPEZ: What other cars do you use?

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TAPED STATEMENT OF LEO PALAFOX
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PALAFOX: I don't use any other car.

LOPEZ: Okay. Now, I'm gonna show you a picture of Freddy--this Freddy guy, who we're lookin' for. So you know--maybe you know him by a different name. Do you see the fella that I'm talking about in this color photo? You eyes are lookin' right at him.

PALAFOX: I don't know him.

LOPEZ: This guy right here, number 3. He kinda looks like you a young version. Freddy from Farmersville. Skinny guy.

PALAFOX: I think I seen him before.

LOPEZ: Yeah, of course you guys were hanging out together.

PALAFOX: Oh, yeah, with Barbara.

LOPEZ: Yeah. So, in talking with Freddy here, one day what am I gonna know that he knows about you. Cause I just talked to mama and she said that he was staying there a week. She gave me a list of all the names and sss--she said that he stayed there a week with you guys. Now why--she wouldn't lie to me about that.

PALAFOX: I know if I seen him there of something, I don't know.

LOPEZ: Okay, has this last few weeks you've been using drugs I guess, huh?

PALAFOX: No.

LOPEZ: No drugs?

PALAFOX: I smoked bud...

LOPEZ: You know...

PALAFOX: ...but you know (inaudible)

LOPEZ: Really?

PALAFOX: Yeah.

LOPEZ: In these past few weeks, was this guy hanging out with you guys at all?

PALAFOX: Not with me.

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TAPED STATEMENT OF LEO PALAFOX
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LOPEZ: Do you know where he is now?

PALAFOX: (Inaudible)

LOPEZ: But he's from Farmersville though at least?

PALAFOX: I guess.

LOPEZ: Okay. You guess or you know?

PALAFOX: I don't know.

LOPEZ: Have you seen him lately?

PALAFOX: Mmm no.

LOPEZ: Have you seen him since you lived over there on Vine?

PALAFOX: Mmm mmm.

LOPEZ: Okay. I'm showing you this line-up A, who do you recognize here? Well, how about David Thatcher, right here? Maybe that doesn't look so much like him.

PALAFOX: (Inaudible)

LOPEZ: That's him, is it not?

PALAFOX: (Inaudible) him.

LOPEZ: Let's talk about David. Parole wants him, did you know that?

PALAFOX: (Inaudible)

LOPEZ: Did you know he was on parole?

PALAFOX: No.

LOPEZ: When was the last time you saw David?

PALAFOX: Uh—I'm not sure. Maybe like (inaudible) days—maybe (inaudible)

LOPEZ: Two days? Where's he staying at?

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TAPED STATEMENT OF LEO PALAFOX
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PALAFOX: I don't know--I wouldn't know.

LOPEZ: I found Heather with a bullet. She said it belongs to a gun that you have or that David has.

PALAFOX: I don't have no gun.

LOPEZ: So Heather would lie about that?

PALAFOX: (Inaudible)

LOPEZ: Okay. Do you know of a gun that you used to have?

PALAFOX: No, I never had a gun (inaudible) one.

LOPEZ: Never had? Never owned?

PALAFOX: Hmm mmm.

LOPEZ: When I spoke to Barbara, she said that she saw you guys again with the gun, is she lying too?

PALAFOX: She saw, she didn't see me with no gun.

LOPEZ: She saw David with a gun?

PALAFOX: (Inaudible) see me.

LOPEZ: So that would be a lie?

PALAFOX: (Inaudible) seen me with a gun.

LOPEZ: Oh, I'm tellin' ya. So would she be lying you think?

PALAFOX: If--She said she seen me with the gun, yeah.

LOPEZ: Okay. Now, you use Crank?

PALAFOX: (Inaudible)

LOPEZ: No?

PALAFOX: Mmm mmm.

LOPEZ: Heroin?

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TAPED STATEMENT OF LEO PALAFOX
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PALAFOX: No. Just a little weed.

LOPEZ: Just weed?

PALAFOX: Mmm hmm.

LOPEZ: Any medications?

PALAFOX: Uh—I take Celebrex and a muscle relaxer for (inaudible)

LOPEZ: Do you still take em?

PALAFOX: Yeah, I was (inaudible) pain, yeah.

LOPEZ: Why do you think you're here?

PALAFOX: Huh?

LOPEZ: Why do you think you're here?

PALAFOX: I don't know.

LOPEZ: Why do you think?

PALAFOX: I do not know.

LOPEZ: You have no idea?

PALAFOX: No.

(phone ringing)

LOPEZ: Yes. Hmmm? Send em back. Interview room. Yes. Thanks. My partner's coming. So you have no idea why you're here?

PALAFOX: Nope.

LOPEZ: Okay. Have you and David been involved in dope use together? How about you and Heather? How about you and Freddy? How about you and all the other people that show up at that house?

PALAFOX: I—I smoke weed—I mean...

LOPEZ: (laugh)

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PALAFOX: ... if that's what you call being involved in it.

LOPEZ: Well how about this? You don't sell dope do you?

PALAFOX: No, I don't.

LOPEZ: And you don't have any weapons?

PALAFOX: No, I don't.

LOPEZ: No weapons at all?

PALAFOX: No.

LOPEZ: Are you a gangster?

PALAFOX: Well, I had a knife—I had a knife and that was it.

LOPEZ: What color was the knife?

PALAFOX: Uh—(inaudible) black one.

LOPEZ: Black, it was a dagger wasn't it though?

PALAFOX: (Inaudible)

LOPEZ: It's not like a folding knife is it?

PALAFOX: I really don't know. It was in a sheath.

LOPEZ: Come on in Doug.

WINSLOW: (Inaudible)

LOPEZ: Good--good timing and again you look great. impeccable. This is my friend Doug.

PALAFOX: Hello.

WINSLOW: How are you doing Leo?

PALAFOX: All right.

LOPEZ: Doesn't he look good?

~~You're timing it~~
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TAPED STATEMENT OF LEO PALAFOX
CASE # 01-09239

WINSLOW: (Inaudible)

LOPEZ: Doesn't he look good?

PALAFOX: Yeah, he does.

LOPEZ: He's sharp man. He is sharp. We were just talking about drugs. He doesn't use drugs, he—he knows...

PALAFOX: Oh, yeah, I smoke weed.

LOPEZ: He smokes grass. He knows some of the things.

WINSLOW: Alotta people smoke grass though.

LOPEZ: Oh, I—I see them. All right so other than this black knife on your sheath, you don't have any other weapons?

PALAFOX: No, I don't.

LOPEZ: Okay. How about uh--David? Have you seen David with some weapons?

PALAFOX: No, I never have. I've only seen him (inaudible) once or twice before.

LOPEZ: So you—you don't hang out with him?

PALAFOX: No.

LOPEZ: So, if Barbara told me that you did, it would be a lie?

PALAFOX: I guess so.

LOPEZ: If Heather said it, she would be lying too?

PALAFOX: Yeah.

LOPEZ: Oh, I understand that he asked you—actually stayed there on Vine with you guys for a while?

PALAFOX: Not with me, I—I didn't stay there, so I don't know—I don't know if he stayed there or not.

LOPEZ: So...

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TAPED STATEMENT OF LEO PALAFOX
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PALAFOX: I mean I'd go over there to see Heather and (inaudible) but...

LOPEZ: Do your thing?

PALAFOX: Yeah, I (inaudible) came back in her room and...

LOPEZ: But you never saw these guys or you don't remember--(inaudible) see them?

PALAFOX: Oh, there was alotta people there, so I don't know you know. (Inaudible)

LOPEZ: And do you work?

PALAFOX: No, not right now. I (inaudible)

WINSLOW: How do you support yourself?

PALAFOX: Huh?

WINSLOW: How do you support yourself?

PALAFOX: (Inaudible) odd jobs like paint and you know little things that are not that heavy because of my (inaudible) messed up (inaudible)

LOPEZ: Have anything lately?

PALAFOX: I did a--did a kitchen floor for my--for my aunt.

LOPEZ: Which one?

PALAFOX: (Inaudible) my mom's (inaudible)

LOPEZ: And what's her name?

PALAFOX: (Inaudible)

LOPEZ: Her last name?

PALAFOX: Garcia.

LOPEZ: And uh--when was that?

PALAFOX: (Inaudible) two--three--it's be like seven--seven days ago.

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TAPED STATEMENT OF LEO PALAFOX
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LOPEZ: How long did it take?

PALAFOX: It took me two days.

LOPEZ: Two days?

PALAFOX: (Inaudible) strip it--(inaudible) buy all the materials and stuff.

LOPEZ: Other than (inaudible) other than this, life's been pretty tough on you huh?

PALAFOX: What do you mean?

LOPEZ: Well it seems like you know you're--you're having a kind of a rough situation right now. You're in pain here, you hurt--you know. You're kinda getting...

PALAFOX: I'm alive--still alive.

LOPEZ: Okay.

PALAFOX: It could be worse.

LOPEZ: Ho? How could it be worse?

PALAFOX: Well, I coulda died when you guys shot at me.

LOPEZ: How long ago was it when you got shot?

PALAFOX: Maybe two or three years ago. (Inaudible)

WINSLOW: Why'd you get shot?

PALAFOX: (Inaudible) years.

LOPEZ: Was that here in Visalia?

PALAFOX: No, it was in Farmersville.

LOPEZ: Did they do (inaudible) police stuff over there?

PALAFOX: Mmm hmm.

LOPEZ: But I mean if you're lookin' at stuff--just generally speaking, we're talkin' that--you know--you--you don't have a place to live, other than--you're...

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TAPED STATEMENT OF LEO PALAFOX
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PALAFOX: (Inaudible)

LOPEZ: Well you're at a hotel.

PALAFOX: I just went to a hotel to stay with Heather to spend the night with her and shit.

LOPEZ: So things are going good for you then?

PALAFOX: The same as always.

LOPEZ: The reason why I ask that question...

PALAFOX: Hmmm...

LOPEZ: ...is because you are here for a reason. And I think it's cause you have some hard luck. I think in talkin' to some of these people here, I've got a situation where people are just trying to get by. All right? And when people try to get by, when everything else is just not workin' they can't get a job, and they are--I don't know having a difficult time finding some place to live on their own. They have trouble with their ex's or kids and you wanta do things for em and you can't. When they start getting to that level, people start doin' things. And that's why I'm here. Because you've done some things that I am aware of. I have been looking for you for that reason. I figured it was something kinda like this, but I wasn't exactly sure. Not until I meet you now and see how you are and you've just kind of an easy-going guy, but it is for that reason that you're here. And it's for that reason, we're concerned for our safety when we arrested you cause we thought you might be come kind of a lunatic. But what from what I can gather here, you're just a guy whose got some pain, whose had some rough times in his life and I think this one is another little hump. Okay? And for that reason, I when I spoke to these other people and you're family first, I wanted to see if they had a part (inaudible) If they also were bad, down on their luck and having a difficult time. All right? Specifically what I'm talking about is when you took some money--some petty theft from some aluminum farmers. Now, it's not a question of who, you have been positively identified and you will be arrested for that today. The thing of it is, I wanta know about this little thievery. I mean we're not talking a huge amount of money here, I wanta know the why. Why was it that you needed--or you felt that you just couldn't kinda go to welfare and pick up a few dollars here and there. Why did you think you had to rob these aluminum farmers to get some chump change. In talking to you, that's why we're here. And that--that's it simply is why and the one that I'm talking about--and I'll show ya

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what I'm talking about. The one that I'm specifically talking about is the ones in Visalia that are over there on Lovers Lane. And I'll show you a picture of yourself so you know I'm not bullshitting ya. This photo thing here was shown to all the people. They picked you in a heartbeat. It didn't take more than a second. All right? So, that's why I'd like to know and I'm sure there would be a reason for it. Is this just because you can't get a job or you needed money? What's up? Why?

PALAFOX: No. I have nothing to say about that (inaudible) I need to talk to my lawyer now.

LOPEZ: Did you say that was gonna happen? Didn't you mention that?

WINSLOW: (Inaudible) Rap sheet (inaudible)

LOPEZ: I kinda figured. Okay. Well then...

WINSLOW: Well, just for the record, (Inaudible) I've got you on two (inaudible)

LOPEZ: (Inaudible) counts of armed robbery, with a weapon so you know. Alrighty.

WINSLOW: I need the shoes that (Inaudible) unless you had—Did you have shoe tracks?

LOPEZ: We're gonna take em over here. He's got the shoes and everything over there. So I'll—what I'll do is get em. Come on.

WINSLOW: Did you have shoe tracks? (inaudible)

LOPEZ: Uh--No, I don't (inaudible) concrete. (inaudible)

WINSLOW: If I can get em.

LOPEZ: Yeah.

WINSLOW: (inaudible) Goshen (inaudible)

(Inaudible conversations)

End of taped statement.

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TAPED STATEMENT OF BARBARA WILBOURN
CASE # 01-09239

BARBARA: I was just told never to go to (inaudible) bunch of people's houses (inaudible) I--I was just told (inaudible) or he used that excuse we should say. (Inaudible) never around (inaudible) Leo's has always been there for Heather (inaudible)

LOPEZ: I just finished talking to your daughter.

BARBARA: Mmm hmm.

LOPEZ: For a long time.

BARBARA: I know.

LOPEZ: And there was important things that I had to speak with her about. Now I know you know these people, so I'm gonna go ahead and tell you straight up that the information that you have and the things that you know about what these boys have been doing, it's pretty important and that's why you're here. Okay? I know you know what they've been doing.

BARBARA: Do I?

LOPEZ: I know you know.

BARBARA: Okay, good. Because...

LOPEZ: Because that--that's...

BARBARA: ...I've been asking them questions.

LOPEZ: Good. First of all, I wanta show you some line-ups here. I want you to tell me who are some of these people. Here's the color photo.

BARBARA: I recognize one person.

LOPEZ: Whose that?

BARBARA: Freddy.

LOPEZ: What's Freddy have to do with anything? Who is he?

BARBARA: Freddy was--Freddy was uh--I don't know how Freddy's a friend of Leo's. Uh--Freddy...

LOPEZ: Where's Freddy live?

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TAPED STATEMENT OF BARBARA WILBOURN
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BARBARA: Farmersville.

LOPEZ: How old is he?

BARBARA: I'm not sure. Maybe 21--22 (inaudible)

LOPEZ: No he come--he comes to your house too, doesn't he?

BARBARA: No, not anymore. He only came for a short period of time.

LOPEZ: Didn't he actually live with you guys?

BARBARA: Yeah for (inaudible) That's what I was gonna tell ya. I guess (inaudible)

LOPEZ: Do you remember what week that was?

BARBARA: Um--Probably about three weeks ago or so.

LOPEZ: What was he driving?

BARBARA: A brown car.

LOPEZ: What color? Think about that.

BARBARA: Mmmm...

LOPEZ: I already know the answer.

BARBARA: Really? Cause I'm thinking it's brown.

LOPEZ: Well think again. It was there for a week, (inaudible) using it.

BARBARA: I never used it.

LOPEZ: Let's go then. What color?

BARBARA: I'm still thinkin' it's brown. What color is it?

LOPEZ: Four door? Two-door?

BARBARA: (Inaudible) it could be a four-door. It seemed like an older rustier kinda car (inaudible)

LOPEZ: What's his story?

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TAPED STATEMENT OF BARBARA WILBOURN
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BARBARA: (Inaudible)

LOPEZ: ...while they're at your house and you're telling me that you're oblivious to all this?

BARBARA: I didn't know they were committing robberies. I didn't ask them. How am I suppose--If--if you live with your mother, she's gonna know you're committing robberies? She might know you're up to something, but she don't know what you're doing.

LOPEZ: So you're trying to tell me that everybody in the house knows what's going on, but you don't?

BARBARA: (Inaudible) everybody in the house who?

LOPEZ: Everybody else who we're talking about right here.

BARBARA: You're talking about Heather and Leo. They're the ones that live in the house.

LOPEZ: Okay and then all the people that hang out there. They sure in the heck know everything about that's going on.

BARBARA: (Inaudible) do they?

LOPEZ: Mmm hmm.

BARBARA: Really? Cause if Freddy and David haven't hung out at the house for--since they week that he stayed there.

LOPEZ: I know. They all know.

BARBARA: (Inaudible)

LOPEZ: They all know.

BARBARA: No, they don't.

LOPEZ: So you tell me how is it that you don't know...

BARBARA: I'm really glad. Well how is it that I don't know? That's un...

LOPEZ: Yeah, your daughter sure knows. I just talked to her.

BARBARA: Well that's--that's nice.

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

(Talking in background)

LOPEZ: Hey can you do me a favor? I got a friend out there in the lobby, his friend. Maybe you can get a statement from him?

OFFICER: Okay.

LOPEZ: Okay. Can you show where the air conditioning--room is?

UNKNOWN: (Inaudible)

LOPEZ: Oh, you don't have your keys?

UNKNOWN: (Inaudible)

LOPEZ: There you go. All right (inaudible) this junk (inaudible) right here. So that--what are you guys working on today?

PATINO: Oh, just--we were gonna decide that when--when you got there.

LOPEZ: Did you like body parts?

PATINO: Yeah, we got uh--uh paper schedule, but I guess (inaudible) didn't say.

LOPEZ: All right. Well what'd you guys normally do?

PATINO: Just chest, wings, and legs and stuff.

LOPEZ: Chest wings?

PATINO: Chest, the wings...

LOPEZ: Oh, (inaudible)

PATINO: (Inaudible) the legs.

LOPEZ: Okay. Okay, what's your name again? What'd your mom say?

PATINO: Freddy--Freddy Patino.

LOPEZ: Freddy Patino.

PATINO: "Y".

LOPEZ: And how old are you Freddy?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: 19.

LOPEZ: And your birthday?

PATINO: [REDACTED]

LOPEZ: And you live with your mom?

PATINO: Yeah.

LOPEZ: Yeah--What's the address over there?

PATINO: [REDACTED]

LOPEZ: E. Cottonwood. And that's Farmersville?

PATINO: Yeah.

LOPEZ: And um--What's the phone number there?

PATINO: [REDACTED] you gotta put star 82 in front of it.

LOPEZ: 4?

PATINO: 081.

LOPEZ: [REDACTED]?

PATINO: Yeah, but you gotta put star 82 in front of the 594 so it'll work.

LOPEZ: Oh. Oh, no big deal. So you're construction worker?

PATINO: Yeah (inaudible)

LOPEZ: 7:55 p.m., 6/28. When I--when I contacted you at the gym were you surprised?

PATINO: Yeah, everybody was staring at us like--kinda (inaudible) and like.

LOPEZ: Yeah, but I was cool with ya, wasn't I?

PATINO: But people are like thinkin' something.

LOPEZ: Well it's not like I handcuffed you or anything did I?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: Nah.

LOPEZ: We were out there checking out girls. (laugh) Well, I know some of the people there, they—they say it's a good place to join...

PATINO: Yeah—I—I know a couple people there too.

LOPEZ: Really, I mean they say it's a good place to join, so they were trying to get me to join. They didn't (inaudible) or nothin'.

PATINO: Nah.

LOPEZ: Nah, it was cool. You know what I mean?

PATINO: Yeah.

LOPEZ: It's casual. And the reason why I went there is cause I spoke to your mother and she said that there's a problem over there and that I should talk—well I talked to her already. That's why I didn't get a chance to eat cause I was too busy talkin'. What was it she was gonna feed everybody?

PATINO: I don't know, she—I was barely gonna go show up after the work out and just...

LOPEZ: Okay. She was tellin' me about some problems that you're having--that you were having or are still having I guess. And uh--when I talked to you at the gym, I basically said that I'm—I'm willing to help you. Okay and that's—didn't you just come down here?

PATINO: Who?

LOPEZ: You.

PATINO: Over here?

LOPEZ: Yeah. How can I help you is what I'm getting to?

PATINO: Oh.

LOPEZ: How'd you get here first of all?

PATINO: Uh--You went and picked me up.

LOPEZ: Who picked who up?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: Oh, uh—I don't know. I went to the mall...

LOPEZ: No—no—no, how did you get to here, to this location right now?

PATINO: Oh, I followed you.

LOPEZ: In whose car?

PATINO: My car.

LOPEZ: Okay, is that car registered to you?

PATINO: Yeah.

LOPEZ: But you didn't drive?

PATINO: No.

LOPEZ: Cause you don't have a license?

PATINO: Yeah, I have one.

LOPEZ: Okay. And whose your friend?

PATINO: David.

LOPEZ: David what?

PATINO: Segura.

LOPEZ: Segura?

PATINO: Yeah.

LOPEZ: How come you didn't drive your own car?

PATINO: Well sometimes I let him drive.

LOPEZ: Okay. That's it?

PATINO: Yeah.

LOPEZ: Okay. How can I help you?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: Uh--Try to make sure something don't happen to my family cause of this deal that that I happened about the stolen car. Cause um--when I took the--when we went today at--in the morning, he went over there to the store to get some soda's.

LOPEZ: Whose he?

PATINO: Dave.

LOPEZ: Okay.

PATINO: And he saw the car there when he was walking back to work so I--he went to the work site--ran to find me. I dropped my hardhat, ran to the phone--pay phone by the Beacon, right there where we got sodas.

LOPEZ: Okay.

PATINO: Found the car, we called the Visalia P.D. and he came out there. We didn't see nobody, the door was open everything and the stereo was gone.

LOPEZ: Oh, so the stereo's missing? What kinda stereo?

PATINO: Uh--Pioneer.

LOPEZ: Anything else?

PATINO: Nah, that's it.

LOPEZ: Okay, let me ask you the--these--these simple questions. First of all, where are you talking about--the--this vehicle?

PATINO: The Beacon.

LOPEZ: At where?

PATINO: The Marco Polo Hotel. It was found right there, the officer asked me questions about who those two people were and (inaudible) came out.

LOPEZ: Okay.

PATINO: Got in the car and took off.

LOPEZ: So the Marco Polo and the Beacon is where you found your car?

PATINO: Yeah.

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CASE # 01-9239, 01-09336- 01-09750

LOPEZ: Or who found it?

PATINO: David did.

LOPEZ: Your friend?

PATINO: He saw it and he ran to catch me.

LOPEZ: And where were you?

PATINO: At work.

LOPEZ: Where does he work?

PATINO: Same place. He went to the store and get a soda (inaudible) and walk back to work.

LOPEZ: Okay and do--and this is right at the Marco Polo...

PATINO: Yeah.

LOPEZ: ...Hotel is where the car was?

PATINO: Yeah.

LOPEZ: And the stereo was missing?

PATINO: Yeah.

LOPEZ: And--and what's the deal with um--these people taking your car? What--what was that all about?

PATINO: Well, Monday about 10 they're--they borrowed it. Supposed to bring it back at 3:30.

LOPEZ: Whose they first of all?

PATINO: David Thatcher and Leo Palofax.

LOPEZ: David Thatcher...

PATINO: And Leo Palofax.

LOPEZ: And Leo--and what are they to you?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: Leo is a friend of the family for about 10-20 years and David Thatcher's one of his friends.

LOPEZ: And he's just friends--okay. And these two fellas you gave em the car? Or they stole your car?

PATINO: Well, basically I le--I told em--well they wanted to borrow it. And they used it. They said we'll bring it back at 3:30--I told em, hey bring it back at 3:30--Leo goes alright.

LOPEZ: When did you give it to em to use?

PATINO: Monday 10:00.

LOPEZ: Monday 10:00 in the morning?

PATINO: Supposed to bring it back at 3:30, but they never did. I guess they went to Tulare or where ever and got some dope or somethin'.

LOPEZ: They're dopers?

PATINO: They...

LOPEZ: Are the dopers?

PATINO: Yeah. Uh...

LOPEZ: So, mo--This last Monday, correct?

PATINO: Sss--Three days ago.

LOPEZ: Okay, so Monday you leant them the car.

PATINO: Yep.

LOPEZ: And who'd you leaned the car to specifically?

PATINO: David.

LOPEZ: To David Thatcher?

PATINO: Yeah--yeah.

LOPEZ: And he was with Leo Palofax?

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TAPED STATEMENT OF FREDDY PATINO
CASE # 01-9239, 01-09336- 01-09750

PATINO: Yeah. I told em bring it back at 3:30. They never brought it back. The next day I had to walk to uh—to a house about 10 blocks away just to get to a phone to David's sister's house and we waited that day out. We called the next day too at Leo's mother. Told her if he's been around. She goes no—no, she just kept on saying no, but I think he was.

LOPEZ: (Laugh) Okay.

PATINO: And then today--well...

LOPEZ: You found your car?

PATINO: Yeah. Yesterday we called em up and said we'd give em another day till today at 12, (inaudible) the car. And it was there about 8 this morning.

LOPEZ: Did somebody tell you the car would be there?

PATINO: Nah, no one. David just went to the store and ran back and said the car was there, so we just went and check it out.

LOPEZ: Okay.

PATINO: (Inaudible)

LOPEZ: Okay, so Monday they had the car. Tuesday, they had the car?

PATINO: Yeah.

LOPEZ: Wednesday...

PATINO: I think it was Wednesday or Tuesday that they saw it at Walmart. David's old lady's sister.

LOPEZ: Okay, but you didn't have it on--on either Monday, Tuesday, or Wednesday?

PATINO: No.

LOPEZ: They had it?

PATINO: Yeah.

LOPEZ: After 10:00 in the morning?

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PATINO: Yeah. Uh...

LOPEZ: And did you--did you ever talk to em face to face and said give me my car back?

PATINO: They were never to be--no where to be found. We went to (inaudible) uh--the house. It was abandoned--they took off out of the house.

LOPEZ: What house is this?

PATINO: On Vine Street, some house on Vine. It's the only abandoned house.

LOPEZ: Was it--Vine and what?

PATINO: Vine--I don't know.

LOPEZ: Well how do I get there?

PATINO: Oh--You take oh...

LOPEZ: Draw on a map--draw--draw me a map up there since I'm too lazy to. If I'm going up what street? Court Street? Locust? 63 Dinuba?

PATINO: Uhhhh...

LOPEZ: Conyer?

PATINO: You know how Demaree Street goes like--oh, Giddings go--Giddings goes like this?

LOPEZ: All right.

PATINO: That way, on the north side of Visalia.

LOPEZ: Okay.

PATINO: Go all the way down Giddings, there's Buena Vista right here.

LOPEZ: Okay.

PATINO: You go to the next road Vine right here.

LOPEZ: Okay.

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CASE # 01-9239, 01-09336- 01-09750

PATINO: And it's not--not the first tan house (inaudible) you keep on going it's like towards the end of the street. There's the street like that, but it don't--it don't go no more that way, it just goes like that and this way. Well some where right here's the house, it's like--it's all abandoned no ones (inaudible)

LOPEZ: It's abandoned?

PATINO: Well they took off, they took everything out of there and split.

LOPEZ: Who used to live there?

PATINO: Some chick.

LOPEZ: What's her name?

PATINO: Barbara.

LOPEZ: So, they abandoned the house so you looked for them there and you couldn't find em?

PATINO: Yeah and then David's aunt or--sister went to look for him. I mean Leo's aunt or sister went to look for him and she couldn't find him.

LOPEZ: Okay and your car wasn't there?

PATINO: Nah.

LOPEZ: So you did not see your car after--well you got to work on Monday morning?

PATINO: Yeah.

LOPEZ: And what time did you start work on Monday morning?

PATINO: 6:30, I start every day 6:30.

LOPEZ: And what do you do over there at the construction site?

PATINO: Labor--general cleanup. Today when we got the car back, I--I went home after I took--I took the car home.

LOPEZ: Wait a minute, 6:30 to what time?

PATINO: 4.

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LOPEZ: 4? Every single day?

PATINO: Yeah.

LOPEZ: And how long have you had this job, just this week?

PATINO: About three months.

LOPEZ: Three months?

PATINO: Yeah, two or three months. Yeah, basically three months.

LOPEZ: Okay. So, at 6:30 Monday morning until today...

PATINO: Today--this morning.

LOPEZ: Thursday, at what time did the cops--or what time did you find it?

PATINO: About 7--7:30, I'm not sure of the time, I wasn't even looking at the clock.

LOPEZ: 7:30 is where you saw--where your friend saw car?

PATINO: Yeah. (inaudible)

LOPEZ: And that's where...

PATINO: ...picked me up and went to call the cops.

LOPEZ: Okay. And why'd you call the cops? Or why--why were you guys looking for to call the cops? What's up? Why? Why do you need my help?

PATINO: To--to get the car back. Cause we don't know if they were gonna pull something or something like--have a gun or something.

LOPEZ: Okay the reason why I ask that is because more often than not, these kinda problems are civil. They're gonna say that the reason why they had the car is cause you owed em money or they're gonna say the reason why they kept the car is because you have a debt that you haven't paid or gave em a bounced check or you owe em and I--I wanta ask ya is that why you're scared of these people?

PATINO: I don't owe em nothin', they actually owe me.

LOPEZ: They owe you. So you're coming to me for help, isn't that right?

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CASE # 01-9239, 01-09336- 01-09750

PATINO: Yeah.

LOPEZ: And is--is there any--is there anything I should know if I'm gonna help ya?

PATINO: Yeah, uh--just like in case they get stupid--cause I know they're the type that'll go back to my house and tried to pull something like pull a knife or a gun cause Leo's strapped down with a .22 revolver.

LOPEZ: Is he right now?

PATINO: Yeah. I think he should have it on him. They've been having it for a while.

LOPEZ: .22 revolver huh?

PATINO: Yeah, silver.

LOPEZ: Well, but let me ask you this, if you want me to help you right? What are they gonna say that--that they've--that you've done to them?

PATINO: Probably owe em money, but I don't owe em nothin'.

LOPEZ: They owe you?

PATINO: Yeah.

LOPEZ: Okay. Well let's get to that then. Let's just finish with this thing right here. When I spoke to your mom, mom said that you actually moved out and lived with em.

PATINO: Yeah for a week.

LOPEZ: Okay. Now if--if this week began, this week began on the 25th, all right? She said that you have lived with them the week before, is that true?

PATINO: Yeah.

LOPEZ: Is that true?

PATINO: Week before.

LOPEZ: Okay.

PATINO: (Inaudible)

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LOPEZ: Let me see what day that--that starts on the 18th, I know this cause we go to court. That a Monday?

PATINO: I think so.

LOPEZ: Okay. And so on the 18th, you moved in with em? Or what day did you move in? Cause that's a Monday, I know that.

PATINO: Yeah, just like--two or three days before that.

LOPEZ: So, like Friday?

PATINO: Yeah (inaudible)

LOPEZ: So on Friday, it would have been the 15th. See how I can do the math...

PATINO: Yeah.

LOPEZ: ...of June, this month? Correct?

PATINO: Yeah.

LOPEZ: You moved in with them? Where?

PATINO: In--on Vine Street that one house, that's gone.

LOPEZ: Okay. And we're talkin' it was--whose living there now? When--when you lived there on the 15th, Friday?

PATINO: We just kicked it there, me, Leo, David, and Barbara and her daughter Heather.

LOPEZ: Leo, David Thatcher, you?

PATINO: Yeah.

LOPEZ: Um--and Barbara?

PATINO: Yeah and her daughter Heather.

LOPEZ: How long have you known David and Leo?

PATINO: David about that whole week and Leo about 20--15--no 15 years--16 years. He knows my family.

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LOPEZ: And David?

PATINO: About a week.

LOPEZ: A week. So you moved in with em but uh—you don't like it or what—what happens?

PATINO: I just—I didn't move in with em—you know—I just kicked it there at the night time during the night. Just...

LOPEZ: Well that's--that's kinda like living there. (laugh) So, from Friday the 15th, to how long did you live with them?

PATINO: About eight days.

LOPEZ: Until--until what date? Do you remember when you moved out of there with them?

PATINO: About six days ago, five or six days ago.

LOPEZ: So, let's see five day--that of been next Saturday? Sunday?

PATINO: Friday, Saturday, Sun--one of those days.

LOPEZ: Well did you work the day that you said I'm not living here anymore? When--when did you go back to your mom's, Saturday or Sunday or Friday or when?

PATINO: I think Saturday.

LOPEZ: Okay. Until Saturday the--just this last Saturday, right? It would have been the 20...

PATINO: Oh, no I was home the last Saturday.

LOPEZ: But you stayed with them about eight days?

PATINO: Yeah.

LOPEZ: Almost a week.

PATINO: Saturday.

LOPEZ: So the Saturday after is when you got out of there?

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PATINO: Yeah.

LOPEZ: Okay, I think I got my math right, so we're talkin' about the 23rd?

PATINO: Yeah.

LOPEZ: Because today is the 20—whatever we are.

PATINO: 7th.

LOPEZ: 7th, that it? I don't know where we are.

PATINO: 28th.

LOPEZ: 28th.

PATINO: Yeah.

LOPEZ: So just last Saturday you went back home? So since Saturday have you been sleeping at home?

PATINO: Yeah, I've been there all the time.

LOPEZ: Since Saturday?

PATINO: Yeah.

LOPEZ: Working out with your friend David?

PATINO: Yeah.

LOPEZ: So Saturday till now you're with them and over here you're living with mama?

PATINO: Yeah.

LOPEZ: Getting some food again.

PATINO: (Laugh)

LOPEZ: Now, in this time period that you're with them, is there anything I should know about you getting into debt with them?

PATINO: Nah.

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LOPEZ: Okay.

PATINO: No.

LOPEZ: Is there any reason, did you like sleep with one of their girlfriends...

PATINO: Nah.

LOPEZ: ...did you uh—I don't know. Did you go out and beat up one of their friends?

PATINO: No.

LOPEZ: Is it a sex thing? Is it a romance thing?

PATINO: Nothing wrong--nothing at all.

LOPEZ: So there's no problems...

PATINO: Nah.

LOPEZ: ...between you and them that relate to sex? Drugs?

PATINO: Nah uh.

LOPEZ: Rock and roll?

PATINO: Nah, nothing.

LOPEZ: No, sex, drugs, how about money? That's usually the important thing here?

PATINO: Nah.

LOPEZ: Okay, did they want you to pay rent?

PATINO: They wanted me to help her out with about \$300, but that's making me pay the whole thing, so I said it's too much for me to pay \$300 for about five days.

LOPEZ: Okay. Now, when you were living there with them, uh—I guess I can pretty much check this with your work. Did you go to work every single day when you...

PATINO: I've been going to work every single day since I started.

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LOPEZ: Okay.

PATINO: There's only one time I missed I think.

LOPEZ: 6:30...

PATINO: I got sick—I got sick (inaudible)

LOPEZ: What day was that from...

PATINO: Like one or two months ago—when I first started.

LOPEZ: Oh—oh, but—but not this week? But the last week when you were living with them, did you go to work every day?

PATINO: Yeah.

LOPEZ: And it's from 6:30...

PATINO: To 4.

LOPEZ: To 4. So, I can say that the week of—is there like a time sheet you punch in or how's that work?

PATINO: Nah, we just go to work and at the end of the week or the middle—the first day, they just tell us sign the time sheet and that's it.

LOPEZ: That's easy.

PATINO: They make it for us, we just sign it.

LOPEZ: How much is it an hour?

PATINO: Right now, they're paying me 7.25 an hour. 280 a week, 290.

LOPEZ: 7.25 and hour?

PATINO: Yeah.

LOPEZ: Okay. That's not bad. So, from 6:30 to 4, what time is lunch break? 11 from...

PATINO: 11:30.

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LOPEZ: 11:30?

PATINO: Yeah, 11:30 to 12.

LOPEZ: Just a half hour is all you get?

PATINO: Yeah.

LOPEZ: That's it?

PATINO: Yeah. Half an hour. You get a break at 9 and at 2:00.

LOPEZ: 11:30 to 12, and then what now?

PATINO: A break at 9 and break at 2, a little kick back break.

LOPEZ: And you do what--what kind of construction? What do you do?

PATINO: Labor--like general...

LOPEZ: You do everything?

PATINO: ...general clean-up.

LOPEZ: Anything--oh. Do you know how to do any carpentry or that?

PATINO: Nah. I'm trying to learn.

LOPEZ: Now, when you're working are those dudes working with you?

PATINO: Nah, they don't work there.

LOPEZ: Your mom said that basically they were using you. She said that they were taking advantage of ya and you've never been taken advantage like that. Did you what? Let em use your car this whole time when you were at work?

PATINO: Just two days that's it. And I think that's when they had to pick up a lotta dope.

(Nextel beep)

LOPEZ: Really?

PATINO: So, they had to make a run.

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LOPEZ: (Nextel beep) Uh--In an interview. Um--I can't get--talk right now.

OFFICER: Got it.

LOPEZ: What two days were those?

PATINO: Uh....

LOPEZ: That you leant them the car?

PATINO: That week. During that week.

LOPEZ: When you were living with em? Hanging out with em?

PATINO: Yeah.

LOPEZ: What days were those?

PATINO: I'm not sure.

LOPEZ: What days do you think?

PATINO: (Inaudible) Tuesday and Wednesday.

LOPEZ: And they had the car all day?

PATINO: Basically, they'd come at sss--10 or 11 and come back at 3:30 and just say I'll bring you food--I'll (inaudible)

LOPEZ: But on Tuesday and Wednesday they had it all day?

PATINO: Basically all day.

LOPEZ: And that would have been the um--19th and the 20th of June. Okay, how about Monday when you first--you know--the first weekend you were there, then ya--the Monday that followed?

PATINO: (Inaudible) used the car.

LOPEZ: Uh..

PATINO: I was done using it after that.

LOPEZ: Did you let em use it during Monday?

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PATINO: Monday?

LOPEZ: Mmm hmm.

PATINO: When the last one?

LOPEZ: No.

PATINO: Oh, the first day of the week?

LOPEZ: The first Monday, the week before?

PATINO: I was using it that day. I used it (inaudible)

LOPEZ: At your...

PATINO: Yeah. I had it all day.

LOPEZ: At work. Okay and you say they went and bought dope?

PATINO: I think so cause...

LOPEZ: Tuesday and Wednesday? Or Tuesday, Wednesday, Thursday, Fri...

PATINO: I'm not sure. Cause those fools were all spun out.

LOPEZ: Well how about you, you're not you're working?

PATINO: Yeah, I've been working.

LOPEZ: Okay, the week that you were over there living with them, Monday through Friday, how many days did they have your car?

PATINO: About four.

LOPEZ: So they had the--your car every day?

PATINO: And when I'd go back ho--from work after Tuesday and Wednesday, when I'd go back. They're try to borrow it--they borrowed to go somewhere, I don't know where they'd go.

LOPEZ: If I understand you correctly and tell me if I'm wrong. But when they have the car, did they have the car while you were at work?

PATINO: Just Tuesday and Wednesday.

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LOPEZ: Okay and the rest of the time?

PATINO: I'd have it and then when I'd go back a--after work they try to borrow it and take off somewhere, but I don't know where they were.

LOPEZ: And they did use it?

PATINO: Yeah.

LOPEZ: Like at night time?

PATINO: Yeah.

LOPEZ: But did you have it every morning to get to work?

PATINO: Uh--Nah. I got about three rides from (inaudible)

LOPEZ: But why didn't you use your own car?

PATINO: I don't know.

LOPEZ: Well did you leave it at home?

PATINO: I left it at their--their house.

LOPEZ: So you don't know what happened? So on Monday the 18th...

PATINO: I used it.

LOPEZ: You took it to work?

PATINO: And--yeah.

LOPEZ: Okay. Tuesday and Wednesday they had it?

PATINO: Yeah.

LOPEZ: And Thursday and Friday you didn't use it?

PATINO: No, I had it there, but I think...

LOPEZ: You didn't take it to work?

PATINO: Nah.

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LOPEZ: Is that correct?

PATINO: I just left it go Friday--yeah. Cause (inaudible) needed Friday.

LOPEZ: So, Thursday--I'm sorry, what'd you say about Thursday? What happened on Thursday?

PATINO: Thursday they had it and then Friday I had it.

LOPEZ: They had it on Thursday?

PATINO: Yeah.

LOPEZ: Okay. And Friday you had it at work?

PATINO: I had to go to work all day--they didn't come by.

LOPEZ: Okay. Now because you leant them the car, did you rent it to em?

PATINO: Nah.

LOPEZ: They went and scored dope?

PATINO: I think, that's what they were doing.

LOPEZ: Okay, did you expect--did they expect you to pay for dope and you didn't? Is that why they're ticked off at you?

PATINO: Nah, they actually owed me some dope but I ain't gonna deal with it no more. I ain't messing around.

LOPEZ: How much do they owe you for dope?

PATINO: Probably about 40--or 27--a little more.

LOPEZ: A twenty?

PATINO: A twenty half-teen--or twenty five.

LOPEZ: How much a half-teen or what? What? What are we talking about? A twenty five?

PATINO: Yeah.

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LOPEZ: They owe you? They burned you?

PATINO: Yeah, kind of burned me.

LOPEZ: What do you mean kinda? What does that mean?

PATINO: Like there's were supposed to bring it that day, they never showed up with it.

LOPEZ: Okay, so they burned you for 25?

PATINO: Yeah.

LOPEZ: What day was that?

PATINO: The day they took the car. Monday at 10, they were supposed to come back at 3:30 with it, but they never showed up.

LOPEZ: Okay, and that Tuesday or what day?

PATINO: Monday.

LOPEZ: Mon..

PATINO: 3:30, we had to wait around till 5 to get another ride from some other dude to go to that dude's that house to call my mom.

LOPEZ: So basically these guys are out buying dope with your car?

PATINO: Yeah.

LOPEZ: And at the time you still—you still use dope?

PATINO: Nah. I've been clean for about three--two--about a week.

LOPEZ: How about since you've been back to your mom's house?

PATINO: Yeah, I haven't used at all.

LOPEZ: Okay, so you've been clean since mom's?

PATINO: Yeah.

LOPEZ: But when you were with them you were spun out too and doing all that?

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PATINO: Just two or three days.

LOPEZ: When you were hanging out with them? Okay. So, if you want me to help you please tell me why is it these people and I—if I understand correctly they wanta kill you? That's why you have your friend...

PATINO: Yeah.

LOPEZ: ...taking care of you? Why do these people want to kill you and how can I help you?

PATINO: Probably cause I—made a big deal about calling the cops on them and all that.

LOPEZ: About the car when they took it and didn't bring it back?

PATINO: Yeah.

LOPEZ: And so they thought that you burned them?

PATINO: Yeah, cause I called the cops. But they actually burned me, cause the stereos gone and everything.

LOPEZ: So calling the cops pissed em off?

PATINO: Yeah, I don't know what they did with the car or what, they could have killed somebody or robbed em.

LOPEZ: Why do you say they coulda killed somebody? Are they killers?

PATINO: Um--Well if they get ticked off they'll be pretty (inaudible) they get crazy.

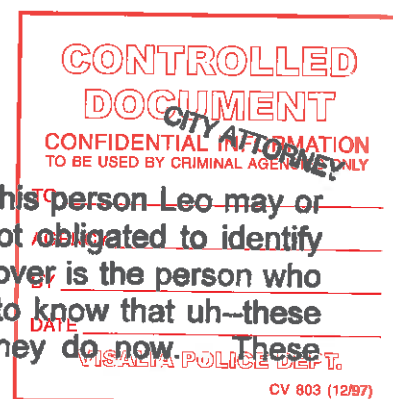
LOPEZ: They get crazy?

PATINO: Yeah.

LOPEZ: Now, you told me that Mr. Leo here has a gun?

PATINO: Yeah. (inaudible)

LOPEZ: Now, I'm gonna show you some photos here and this person Leo may or may not be in these photos. Okay? You're not obligated to identify anyone in these photos, but what I'm trying to discover is the person who took this car from you, all right? Uh—I want you to know that uh—these people in these photographs may not look like they do now. These



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photos could be old or new. They could have facial hair or lack of, but what I would like you do to is take a look, you've known this guy fifteen years, I think it'd be pretty simple.

PATINO: (Inaudible)

LOPEZ: All right you ready? (laugh) For the drama, ba--ba--ba--bum.

PATINO: Right there.

LOPEZ: (Laugh) What number is Leo?

PATINO: 137.

LOPEZ: All right, so you're pointing to 39137, this man in the corner?

PATINO: Yeah.

LOPEZ: Okay. Now this is the Leo, what's his last name?

PATINO: Palafox.

LOPEZ: This is the Leo in photo line-up B that has a gun?

PATINO: Yeah.

LOPEZ: And he goes crazy?

PATINO: Well, I don't know if he gets all crazy, but if he has someone try to look at him wrong or tries to start something with him, he'll go like--he'll try to hit em up like with the butt and all kinds of stuff.

LOPEZ: Okay. Does he look like this now, or does he look a little bit different?

PATINO: He's skinny and also (inaudible) he gots indents right here like...

LOPEZ: Indents?

PATINO: Yeah.

LOPEZ: Zits?

PATINO: Nah, it's like scared up--it's poked in like--it's sucked up--you know--all skinny.

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LOPEZ: Skinny?

PATINO: Yeah.

LOPEZ: Does he have facial hair?

PATINO: He has a little like thing right here. Well last time I seen him he had a little like—just like that one, but really small.

LOPEZ: Does he have a mustache?

PATINO: Yeah, small.

LOPEZ: Kinda little thing here still?

PATINO: Just like that.

LOPEZ: Just like that photo?

PATINO: Yeah. Just smaller.

LOPEZ: How is his hair?

PATINO: Um—It's (inaudible) when I've seen with him he always had it short like this.

LOPEZ: So that's about what, a quarter inc—what shave is that? 3--3 blade? 4?

PATINO: 2.

LOPEZ: A 2 or 2 blade, is that what they call it? So, he's like that too? 2 blade shave?

PATINO: He's been like that.

LOPEZ: And what was he wearing when you saw him? What does he wear?

PATINO: I don't know what kinda clothes he (inaudible)

LOPEZ: What does he normally wear?

PATINO: Just jersey's--black jersey's.

LOPEZ: Black jersey's? What else?

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PATINO: Long pants. I don't know sometimes brown, sometimes black, gray.

LOPEZ: Tan pants?

PATINO: Yeah.

LOPEZ: Well does he--what I'm asking I guess better is he dressed like a cholo?

PATINO: Kinda.

LOPEZ: Now, is this guy mad enough at you because you call the cops because he was taking off with your car with David to kill you?

PATINO: Probably not to kill me, probably to start like trying to do something to my family, you know.

LOPEZ: Well, what's your family do, your family didn't do anything?

PATINO: I know. He might try to be out there and try and get me and I don't want my family to get in the way.

LOPEZ: Okay, so are you telling me that this man is capable of killing you?

PATINO: Hurting me.

LOPEZ: Hurting you?

PATINO: But I--I don't know if killing me.

LOPEZ: Well he's got a gun?

PATINO: Yeah, probably kill me.

LOPEZ: And he's crazy and he's all cranked up. Is it crank that he's all spun out on?

PATINO: Well he does that pretty much a lot.

LOPEZ: Well is there anything else?

PATINO: Nah.

LOPEZ: Okay. How am I--how'm I--How do you want me to help you, exactly?
How--how do I stop him?

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PATINO: How do you stop him? Pick him up (inaudible) I don't know, just like (inaudible)

LOPEZ: Okay, but you're afraid of him because of your family and you're afraid of him because you called the cops on him because he took your car?

PATINO: Yeah, he might try to do something against me.

LOPEZ: And--and you think he would do this...

PATINO: If not him, he's friend David would try something.

LOPEZ: Okay. Well let's talk about David. Now David you've only known for a week?

PATINO: Yeah.

LOPEZ: So, you don't--you care about him much or what?

PATINO: Nah.

LOPEZ: You don't like him?

PATINO: He's all right, but nah--I really don't care about him.

LOPEZ: Is he a meth head too?

PATINO: He's a...

LOPEZ: Spun head?

PATINO: ...needle guy.

LOPEZ: A needle--oh, we talking Crank too?

PATINO: Yeah. Or Coke.

LOPEZ: All right, Crank and Coke. And you're hanging out with him too, that whole week?

PATINO: Just that week.

LOPEZ: Okay. Now this David guy, does he have a gun?

PATINO: Nah he has a knife.

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LOPEZ: What's his knife look like?

PATINO: It's a black one. It's about when--pull--pull the blade out to about that long.

LOPEZ: It's a big knife?

PATINO: Yeah.

LOPEZ: Draw it for me.

PATINO: When it's closed up and then when he opens it it's about that long (inaudible)

LOPEZ: So it's a pretty big folding knife, huh?

PATINO: Yeah.

LOPEZ: (Laugh) Shit. So, we're talking about eight to 10 inches?

PATINO: Yeah. That's (inaudible) that's illegal.

LOPEZ: It's illegal?

PATINO: Well it--it--well they told me if it's longer than like about (inaudible) you shouldn't have it.

LOPEZ: Okay.

PATINO: (Inaudible)

LOPEZ: And this black kni--it's a folding knife?

PATINO: Yeah.

LOPEZ: And David what does--what did um--Does it have anything special on the blade? Is it like a dagger where it's got point--you know--it's sharp on both sides? Does he have little...

PATINO: I never checked it out, I just saw him pull it out...

LOPEZ: Oh, okay.

PATINO: ... a couple times.

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LOPEZ: So, it's a black handle you said?

PATINO: Yeah.

LOPEZ: Now is he mad at you?

PATINO: I don't know what he'll do. I don't know if he's mad or what?

LOPEZ: Are you afraid of him too?

PATINO: He might try and pull--he try might to pull something on me. Like if I go see him, he'll probably try to charge me.

LOPEZ: Charge you...

PATINO: Yeah.

LOPEZ: ...and kill you?

PATINO: Probably just shank me and s...

LOPEZ: Shank you with his knife? Now whose--who'd be ticked off more, David or this Leo guy? Um--Who'd you lend the car too? Who'd you give the keys to?

PATINO: David.

LOPEZ: But you barely know him?

PATINO: Yeah. (inaudible)

LOPEZ: So you thought it was okay, you've known him for only a week? All right. I'm gonna show you some photos here um--the person who we're talking about, David, may or may not be in these photos. You're not obligated to identify anyone in here. Um--and know that um--the photograph is not um--may or may not be what you see him looking like now. Facial hair changes, he could have--be thinner, heavier, could have more hair on the head or not. Okay. I'm gonna show you these photos and if you can tell me if you see this David person, let me know.

PATINO: All right. That kinda looks like him right there.

LOPEZ: What number's that?

PATINO: 53805.

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LOPEZ: 53805. That kinda looks like him?

PATINO: Yeah.

LOPEZ: Or is that him?

PATINO: I think--yeah, that's him right there.

LOPEZ: Okay. Now that's in line-up A. 53805 and that's David Thatcher?

PATINO: Yeah.

LOPEZ: He's the guy that might wanta hurt ya?

PATINO: Yeah.

LOPEZ: Okay. How do you want me to help you when it comes to this dude?

PATINO: Same--Basically the same thing.

LOPEZ: Okay. I guess you have the option of pressing charges somewhat, would you wanta do that with these guys?

PATINO: I'd have to talk to my mom cause she's wants us to keep the family safe.

LOPEZ: Keep em safe and you're worried that if you--you have to say something about these guys even more so, you might have some problems?

PATINO: Yeah.

LOPEZ: Okay, so is that why you came down to the department just so I could do something for you? I appreciate that. Now, David why does he look a little bit different in this photo to you know. You just--it looked like you hesitated a little bit.

PATINO: Cause he gots more hair on--on him right now (inaudible)

LOPEZ: So, he has a hairier face?

PATINO: He has a--a heavier uh--(inaudible) like right here, it's--it's longer. And right there...

LOPEZ: What's longer? His chin?

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PATINO: Chin, yeah.

LOPEZ: Or his beard?

PATINO: He's (inaudible) the beard.

LOPEZ: The beard is longer?

PATINO: And he looks older right now than right there.

LOPEZ: Older?

PATINO: Yeah, a little chubbier.

LOPEZ: How tall is he?

PATINO: About--as tall as me or a little taller.

LOPEZ: How tall are you?

PATINO: 5'5", he probably 5'6", 5'7" maybe.

LOPEZ: Now is he thin like you or is he....

PATINO: No, he's kind of more heavy-set. Like--probably maybe about 160--155.

LOPEZ: So, he's more--little stockier than you?

PATINO: Yeah.

LOPEZ: Cause you're--you're thin.

PATINO: Yeah.

LOPEZ: How much do you weigh?

PATINO: 128 (inaudible)

LOPEZ: You are thin huh?

PATINO: Yeah, I weighed (inaudible) I weighed 124 yesterday. When I left, David said that Leo and Heather went over there to the job site.

LOPEZ: Whose--whose Leo and whose Heather?

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PATINO: Leo Palafox and Heather's uh--Barbara's daughter.

LOPEZ: Oh, how old is she?

PATINO: About 19, 20.

LOPEZ: Oh, so she's an older girl? They went to the job site?

PATINO: Yeah.

LOPEZ: Looking for you?

PATINO: Yeah, he--he--they told David--well David saw em and they were asking my homie--uh--Ernie from work...

LOPEZ: Mmm hmm.

PATINO: ...and if they see me that they had the car there and stuff and that they saw the cops, so I don't--I think they were in the hotel somewhere, just looking out. And they took my lunch box and everything over there, so (inaudible)

LOPEZ: You think these people will be waiting for you over there tomorrow?

PATINO: No, they took my--lunchbox and stuff over to work, so I'll be getting it tomorrow--my lunchbox.

LOPEZ: Oh, so these people took care of you?

PATINO: They just took my stuff back, my lunchbox and that's it. But I don't know if there's a stereo in my lunchbox.

LOPEZ: Why (laugh) Why would they be nice to you and at the same time, why would you be worried they're trying to hurt ya? Or your family?

PATINO: They're probably just don't want me to call the cops on em, they don't wanta go back to jail.

LOPEZ: Okay. Well let me ask you this. What secrets do they think you know? Or better yet, what secrets do you know of them?

PATINO: I know that --I just know David Thatcher's on parole, that's it. That's about it.

LOPEZ: You've told me some secrets about them already.

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PATINO: Yeah, they go buy dope.

LOPEZ: That's right they go buy dope. Leo what again? Palafox?

PATINO: Palafox.

LOPEZ: Now, you know they buy dope in your car. The buy dope for you sometimes, but you're off that now?

PATINO: Yeah, I haven't touched...

LOPEZ: You're sober and cool.

PATINO: ...(inaudible)

LOPEZ: (Inaudible) cool with everything, right? Okay.

PATINO: (Inaudible) out, just...

LOPEZ: You're at the gym, right? There's some hot lookin' women there.

PATINO: (Inaudible)

LOPEZ: (Laugh) Everything's cool.

PATINO: (Inaudible) for about four days (inaudible) and just (inaudible)

LOPEZ: That--You're mom said that you were worried about your car being good or bad or something, what?

PATINO: Yeah, they could have done something in there like killed somebody, or shot somebody or did a drive-by, I don't know.

LOPEZ: What have they done?

PATINO: That I know of nothing, but it--I don't know what they could have done in the street when I wasn't there.

LOPEZ: When you weren't there?

PATINO: Yeah. I don't know what they could have done (inaudible) They could have shot someone or, hit something or...

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LOPEZ: When I spoke to your sister she said you're so nervous that you can't even stand it, because you're afraid that they might have done something?

PATINO: Yeah, cause it's gonna fall back on me, they're gonna try to say I did something too and it wasn't me.

LOPEZ: Yes, they will. Okay, then that being the case and since you're here first...

PATINO: The last couple days, I've been (inaudible) all the time.

LOPEZ: I understand that.

PATINO: (Inaudible)

LOPEZ: I understand that. That being the case, now you know you knowing that they might try to blame you for something, I'm gonna give you the first shot. Okay? And I'm gonna give you the first shot to tell me what secret they know about you or what they will try to blame you for, okay? All right, you're--you're an army man, are you not?

PATINO: I gotta (inaudible) about two weeks.

LOPEZ: You have a commitment and all that and in the army they teach you something about honor, about integrity, about standing up like a good soldier and telling the truth.

PATINO: Yeah.

LOPEZ: Okay. I'm gonna ask you to do that now. Because I can see it on your face there's something there you need to tell me and I--I'm gonna ask you to tell me. All right, like a soldier, because in the end I think you'll understand why it's important. Okay? What is it that I need to know?

PATINO: Just, when I was with em, I'd get all messed up (inaudible)

LOPEZ: Okay.

PATINO: They'd have people over, buy dope, it's like a dope house. And I guess the lady couldn't pay rent, so they all split. Then they took my car and now they--this guy even told me, I'll be with you for a while. Like kicking back like a friend, well he's been my friend for a couple months--since--since we worked there, he said I'll be watching your back if something comes up. I'll back you up, cause he knows they might try to pull something, he knows how they...

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LOPEZ: Yeah, I know that--I understand that.

PATINO: ...try to do--okay.

LOPEZ: But I wanta know what they're gonna blame you for?

PATINO: Probably I owe em rent money or I owe em dope, but I don't.

LOPEZ: I was hoping that you would--you would basically be able to explain certain things to me. I was hoping that (inaudible) that you've been in that you would actually have taught you certain things. So, I'll give you one more shot. What is it that these people know about you that I'm gonna find out about? It's very important cause they have nothing to loose, I'd like to know what is it that they know about you that they are afraid of you telling the cops? Cause I probably already know.

PATINO: That I used, I don't know. Probably that I used dope and I'll try to pin it on them that they were saying that I was doing the deals, but I never went on em with the deal, they always goes by themself. They don't want me to see their hideouts you know. So, I just stayed there while they went and (inaudible).

LOPEZ: Okay. You know we've had this conversation, the doors are wide open. You came here on your own.

PATINO: Yeah.

LOPEZ: You came here in your own car. You followed me, you're being pretty cooperative. I'm listening to what you say. I've given you the benefit of what it is that your mother tells me about you.

PATINO: (Inaudible)

LOPEZ: She is worried. She told me more things about why they're worried for you. I hoped that you were strong enough to be able to do that, but I'm concerned, all right. So, that being the case, I'm gonna tell you a couple of things here and before I do um--I want you to know certain things. Okay? And the reason why I do that is because basically I don't want anyone to believe um--that I've treated you bad. I don't want anyone to think that, okay? So, I'm gonna tell ya, you have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. And if you cannot afford to hire an attorney, one will be appointed to represent you before any charges if you wish one. Do you understand those rights? You do?

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PATINO: Yeah.

LOPEZ: Okay, having those rights in mind, what I wanta do right now is share with you some secrets and discuss those with ya, okay? All right. And you know what--what I'm about to show ya? Do you have any idea what that is?

PATINO: (Inaudible)

LOPEZ: That's right. Maybe before I do that I'll ask you one more time. Okay. What is it that I know you've done in talking to specific people--what would they blame you for if I took the picture of these guys who are sitting in the next room?

PATINO: I (inaudible)

LOPEZ: So you want me to let you know some more? Cause the reason why is that when you lie to me like this...

PATINO: I don't really know what they're gonna try to put--pull on me.

LOPEZ: (Inaudible) The thing of it is, I know what you've done. Okay. I know what they've done. I know what you've done and I think what happened here is that you had a taste of it, and you said, "Oh, my gosh, what am I doing here? What am I getting into? What have I done?" All right, you've already told me why, drugs, booze, hanging out with these guys. Now...

PATINO: (Inaudible)

LOPEZ: ...that's right you shouldn't have done. And now the army teaches you about responsibility, does it not? That's what I'm asking you to do. Cause what I'm about to show you is the thing that you don't wanta see and I'd rather hear it from you, rather than me asking you. All right, questions like that. I want you to be that good person that you're supposed to be. What is it that you did that you weren't supposed to? What crime did you commit?

PATINO: What do you mean?

LOPEZ: No, I'm not gonna tell you that until. I wanta see what you're gonna say here army man. Are you gonna stand up and be responsible for the crimes that you committed?

PATINO: The only thing I've done is in 10th grade I got arrested on...

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LOPEZ: No. We're talking last week. Last week, it's called robbery where I come from.

PATINO: (Inaudible)

LOPEZ: That's right it's called robbery and the thing about it that makes it ridiculous and we're talking (inaudible) and that's why its almost ridiculous that I'm having this conversation with you knowing how you are and how you were raised and this...

PATINO: (Inaudible)

LOPEZ: ...is what I'm gonna show you. Okay. This is what you don't wanta see. Do you see this?

PATINO: (Inaudible)

LOPEZ: And who is that?

PATINO: Me.

LOPEZ: That's right and why do you think you're in this?

PATINO: They told me let me see your picture, that's the one they took (inaudible)

LOPEZ: That's right, why do you think I have this and where do you think I went with this and why do you think it's in there like this?

PATINO: They just said let me take your picture, that's all they did.

LOPEZ: Okay, that's why. I showed this to people and they told me what you've done. That's called robbery. Okay? That's right, we're talking stealing beer can money. (laugh)

PATINO: I never went up to nobody (inaudible)

LOPEZ: Oh, yeah, that's why I'm here and that's why you're here because now what I'm kinda gathering from you is that you are like your friends, that you are doing these things and that you are gonna be a part of them. And that's what I'm asking, are you gonna be a part of this mess or are you gonna stand away and explain to me why you screwed this up. I know what they're doing, and I know when they do it. Right, it isn't just once, it's multiple occasions.

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PATINO: I never (inaudible) anybody.

LOPEZ: We'll there are certain times you did and that's why I'm asking you here. To stand up for the things that you did. I'm not saying you did it every single time, but I'm saying for certain that I know you did and I've got the reports right here. But I'm asking you as a man to stand up and explain to me...

PATINO: I never (inaudible) anybody.

LOPEZ: It's not the number, son. What we're talking about is you made a mistake and I want you to explain to me—all right, what was going on in your head. I know you didn't hurt any of these people, but the bottom line is \$20, \$30 means something to somebody else. Your vehicle is the vehicle that was seen. You were seen. What more do you need? All right, you look a heck of a lot different than Leo, you're a heck of a lot different in color than the other guy and so my friend that's the three musketeers in your car. Now, I'm not blaming you for all of them. I'm not, but son this is such a serious thing that I'm asking you, this is for your mother and everybody else. They need to know the truth. I don't want you to lie to me anymore.

PATINO: (Inaudible)

LOPEZ: All right, I need to know what you did at the locations where you were at. If you stood there, I need to know. If you loo—looked at the guy wrong I need to know exactly. All right?

PATINO: I just stood—it was only one time that we pulled up to some house and I guess Leo went and said—stay in the car and I just sat there waiting for em to come back out and was—(inaudible) Barbara's house (inaudible)

LOPEZ: Okay, but I know you know what they did.

PATINO: (Inaudible)

LOPEZ: All right—all right. They did the deal now didn't they? What did they rob?

PATINO: I don't know.

LOPEZ: Yes you do.

PATINO: Cause he came out with dope, that's it.

LOPEZ: Let's talk about what you know specifically and I know you're lying to me right now and later on I am gonna be telling your mother what it is that you

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acted like—like them. Now either you are part of this mess what they are, who don't care about anything or you are what I know you to be. I've seen where you're raised. I met your people. All right? So, I am concerned that for whatever reason you are not gonna stay with what you are. If you made a mistake, doesn't the army tell you to say yes sir, I did?

PATINO: Yeah. (Inaudible) go talk to em today.

LOPEZ: That's right and how do you think he's gonna feel for a person that doesn't stand up and say what it is that they did wrong?

PATINO: I never seen nothing go down.

LOPEZ: Well that's fine.

PATINO: That's the deal (inaudible)

LOPEZ: Somebody saw you. Son, somebody saw you in this line-up and all of a sudden you are in the ball game now. You are part of this. Not because you're a lookie-lue, not because of your (inaudible) no, because you were there and participated. That's right that you were a part of it. Now if you were strung out on dope and you know just wondered what it was like, that's a big difference. That's a huge difference. You have no real record do you?

PATINO: No.

LOPEZ: That's right. Or the army wouldn't have taken you. So, son I need to know. They have a record. Yeah, that's why they're photos are in there. So, son I need you to explain to me what it is that went wrong.

PATINO: I don't know.

LOPEZ: Well explain it to me. Was it the dope?

PATINO: Well I was on dope for that whole week. After that I haven't touched it.

LOPEZ: Okay, you tell me what your participation was. What you did exactly at these aluminum places at these recycle—you tell me what you did exactly. You did.

PATINO: Recycle places.

LOPEZ: That's right. You know what I'm talking about let's now play this game.

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PATINO: I seriously don't. (Inaudible)

LOPEZ: Seriously I think so.

PATINO: I've never been driving by a recycle place (inaudible)

LOPEZ: I'm not gonna say that, I'm talking robbery. I wanta know what your part is when you went in there. When you went in there with a gun or went in with a knife or both, or Rambo or you watched, or you held, that's the bottom line. That's why your photo is inside there. I don't wanta hear this. I don't do nothin', I didn't do anything.

PATINO: I never held a weapon. (inaudible)

LOPEZ: All right what did you do? You tell me who had the weapons. You already told me actually.

PATINO: Yeah, that's all I ever seen.

LOPEZ: But I wanta know what you did specifically.

PATINO: Just sit in the car. Basically all the times when I went with em, just sit in the car.

LOPEZ: Let's start from the beginning. All right, let's start from the beginning son. I'm gonna start with Monday, then there's Wednesday, then there was a Friday of last week. Okay? You tell me about Monday and tell me the truth now, okay? Cause you're already caught in I don't know how many lies here and it's ridiculous.

PATINO: I never...

LOPEZ: Let's start with Monday What did you do? Where were you at exactly before this robbery? Your words now. These are the words I'm gonna write down.

PATINO: I was at...

LOPEZ: For the robbery.

PATINO: I was at their house all night and in the morning, I took—I took the car to work and I stayed at work all day, then borrowed my car then (inaudible) this Monday or last Monday?

LOPEZ: Last Monday.

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PATINO: Last Monday? I went to work, then I went back to their house and kicked it and smoked some dope, that's it.

LOPEZ: Well I wanta know why your face was picked out on that robbery?

PATINO: I don't know. I don't even know who did it. Who took the car.

LOPEZ: No the people who were there who got their little stupid money stolen, that's what I want to know son. Here's the problem--here's the problem understand me here. When there's people out there doing this kinda thing. They'll see a face, they'll see two faces and they'll ask, whose doing what? Whose doing what? Whose doing what? To them they mix em up, so I want you to tell me specifically what happened in each one. It's very important, all right? If you held the gun for any moment of time, I need to know. If you held that knife for any length of time, I need to know. If you stood there and just watched, I need to know because if these people are confused, they might put something in somebody's hand that shouldn't be there.

PATINO: (Inaudible)

LOPEZ: Well let's get back to it now. We're talkin' Monday--Monday one week from this last Monday. The first Monday that you were over there living with them the first time you did this robbery.

PATINO: I still don't know where you got em from. I never had any weapons, I just don't (inaudible)

LOPEZ: Then describe to me what you saw as opposed--Because just like what we talked about, whose gonna blame who? You think they're gonna blame themselves?

PATINO: No.

LOPEZ: Who do you think they're gonna blame? You.

PATINO: Me.

LOPEZ: That's right brother.

PATINO: But I never (inaudible)

LOPEZ: That's why--well that's why I need to hear, you tell me. They know every single secret and they will sell their soul to lie.

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PATINO: I never seen nothing go down those--that whole week I was with them. Just we went and buy dope and come back, that's it.

LOPEZ: But you know what went down here. All right?

PATINO: They did something.

LOPEZ: You God bless it rights they did. And I'm saying they, because it's the three of you. All right? I know that for certain. Certain things I do know I know which ones you did not do. I know which ones you did not put a knife to somebody. I know that.

PATINO: I would never do that.

LOPEZ: That's right you might not. But you were right there and that makes you a problem and an accessory and the way you tell me here, I didn't do nothing and didn't lie. I don't believe this.

PATINO: I never saw...

LOPEZ:: Then--then tell me what it is specifically that they told you they were gonna do. I'll leave it to you that way and what you did with them. Because you might be innocent of a couple, but not all.

PATINO: I seen him with a camcorder once, but I don't know where he got it from. He just drove up said I got the camcorder (inaudible)

LOPEZ: Let's just talk about the robberies. Specifically.

PATINO: I never seen nothing happen. They probably did it while...

LOPEZ: Let's talk about the robberies that you participated in--we're talking about the recycling places. You tell me specifically, if you're gonna tell me that you don't know nothing about this.

PATINO: I never been to a recycling place here in Visalia, just always in Exeter. We always go to Exeter, me and my dad. That's all we never been in our life I don't know where you (inaudible)

LOPEZ: It's robbery.

PATINO: I (inaudible) it's always two houses on the north side.

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LOPEZ: Unfortunately, I'm concerned that your face was picked out and I wanta know why.

PATINO: They probably mistaken, I don't know.

LOPEZ: Well there's only three of you. Do you think you look like Leo?

PATINO: Nah uh.

LOPEZ: Do you think you look like David Thatcher? Then explain that to me?

PATINO: I don't know I never se--really seen nothing go down (inaudible) and everything. I never seen anything. I just saw em with the camcorder, that's about it.

LOPEZ: Explain it to me. What do I hafta do? What do I hafta do to--to understand what it is that you did specifically?

PATINO: I don't remember doing anything.

LOPEZ: Book ya, to get your memory to come together here?

PATINO: I never did any--I was never a part--cause I wouldn't rob anybody. I never done that before. If I saw something go down, I'd run away from it.

LOPEZ: Like you did.

PATINO: But I never seen anything happen when I was with em, just (inaudible)

LOPEZ: You ran away from these dudes.

PATINO: Yeah, I didn't wanta stick with them cause I don't know what they're gonna (inaudible)

LOPEZ: Because they're robbing. Why were you worried about you car? I'll tell you why you're worried about your car.

PATINO: (Inaudible)

LOPEZ: That's right. Not that. You were worried about the car because you know what happened, you know what they did.

PATINO: They did some robberies probably.

LOPEZ: That's right they did probably.

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PATINO: I don't know when—I don't know when. Probably when I was...

LOPEZ: What did they tell you?

PATINO: They said we're gonna go to this place and this place to score some dope, but I don't know what they did along the line or (inaudible)

LOPEZ: Let's hear about the robberies. How'd they get paid?

PATINO: They probably like robbed them and got the money. They never gave me no money cause I don't know where they--when did robberies and...

LOPEZ: And--and what did you see when they were robbing them?

PATINO: I never seen em rob anybody. They never pulled a gun or a knife, we just cruised all day.

LOPEZ: That's right you cruised all day.

PATINO: But we never really--when I was with em, I never seen em pull a knife or nothing, just get ready in case something went down We'd just cruise (inaudible) down the street.

LOPEZ: When you were waiting in the car like you said for them to do their robberies...

PATINO: (Inaudible) That was the--that one day wasn't a robbery, he just was supposed to go score some dope.

LOPEZ: Where?

PATINO: At an apartment, I was just sittin' there.

LOPEZ: Where?

PATINO: On the north side, but I don't know what apartment it's called, cause I never come to Visalia, just to work (inaudible) back home.

LOPEZ: That's too bad. They say about taking responsibility.

PATINO: I never seen em do anything--pullin'

LOPEZ: You keep saying they. They're saying you. You do not look like Leo. You definitely don't look like David. That being the case I wanta know

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what it is that you did that they would know you. I think it's robbery. Unfortunately, I think it was your first try at this. You made a mistake you were using drugs, and you did it...

PATINO: I never pulled nothin' on nobody.

LOPEZ: You did it with a gun?

PATINO: No, I never held the gun--his gun at all.

LOPEZ: But you sure know that he has it, don't ya?

PATINO: Yeah, he had it at the house. He's...

LOPEZ: Why if I showed you picture to people, would they pick you? Why? Explain that to me why. Out of the three of you, I even put your friend in.

PATINO: I don't know.

LOPEZ: Explain that.

PATINO: I don't—I never did nothing wrong. I never pulled a gun nothing. I wouldn't have the guts to go up to somebody give me your money, or anything.

LOPEZ: The thing of it is, you're doped up, you're hanging out with these guys and their showing you some new tricks. I'm not sure that they showed you the dope world, but I sus--suspect that--that they made it go to the next level. Okay? What else did they try to teach you? Because I know if they said to you, hey you know what? You're a--you're a sissy. Come on in, join the party.

WINSLOW: How you doin', Freddy?

PATINO: Yeah.

WINSLOW: Hi, Dave Winslow. How are you? I work for the Sheriff's Office.

LOPEZ: He knows all about you too.

WINSLOW: I'm sorry, I didn't mean to interrupt.

UNKNOWN: (Inaudible)

LOPEZ: Tell me why?

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PATINO: I never been in one of those--I never know what he got.

LOPEZ: I've never been inside of one of those. Now, that's exactly what I'm talking about. So please get on with this, don't lie in front of this guy too.

PATINO: I'm--you can put me on test. I never it's--been involved in a robbery. I never pulled a gun on anybody ever.

LOPEZ: Okay, that's fine. Well there's a whole gray area there that we're talking about and I want you to describe to me what it is that you saw on some of these others, if you don't wanta tell me what you did. That's up--something between you and...

PATINO: I never did nothing.

LOPEZ: Well tell me what you saw as far as who went inside one of those.

PATINO: Leo went to a house and came out with some dope then we split. That's all I've seen.

LOPEZ: Nah uh--We're talking inside one of those. You know exactly what I'm talkin' about. And really, if you think you're gonna try to convince me otherwise, son I'm twice your age.

PATINO: No, I have never assisted in anything. I never seen...

LOPEZ: No, not only assisted, but you are in it. You are it. That's why your photo is in that photo line-up (inaudible) That's why they're photos are in there. And what I'm hoping is that we're gonna get to the meat of this matter here and stop lying to me about this. Stop telling me the kinda garbage that I'm--I'm expecting to hear from them. This is your first time, is it not?

PATINO: First time since coming right here (inaudible)

LOPEZ: Yeah, well this is something serious. Now you're not--how old are you?

PATINO: 19.

LOPEZ: That's right. And now we're talking something serious. That being the case, I would hope that for the sake of your family that you would say what it is that you need to say. That is the truth and stop doing this 7th grade stuff.

PATINO: I never--I (inaudible) any robbery, you can put me on a test man.

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