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IU # 613

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①

1 Cherita, Wofford @ cdcr.ca.gov
2 Office of the ombudsman
3 1515 S. STREET
4 SAC, CA, 95811

②

6 SUPERVISING SPECIAL AGENT
7 CIVIL RIGHTS SQUAD
8 F. B. I.
9 4500 ORANGE GROVE AVE
10 SAC, CA, 95811

③

12 PRISONERS RIGHT UNION
13 P.O.# 1161321
14 SAC, CA, 95816 916-442-2240

④

16 Kings County GRAND JURY
17 P.O.# 1562
18 HANFORD, CA, 93232-1562

⑤

20 www.auditor.ca.gov
21 INVESTIGATORS, CALIF, STATE AUDITORS
22 P.O.# 1019
23 SACRAMENTO, CA, 95812-9927

⑥

25 PRISON LAW OFFICE
26 General Delivery
27 SAN QUENTIN, CA, 94549

28

Continued contacts

① Division of Adult Institutions

② 916-650-0263 ATTN: Kelly Medina
RPMB ③ cdcr.ca.gov

④ Office of Internal Affairs

Northern Region	CENTRAL Region	Southern Region
P.O. # 3009	5016 CALIF. AVE	Southern Region
SAC, CA. 95812	Suite # 210	9025 HAVEN AVE
916-415-5323	Bakersfield, CA. 93309	Suite # 105
	808-335-7337	Rancho Cucamonga
		Calif. 91730
		909-483-1544

⑨

MRS. BRANDAO III
P.O. # 66

BRACKTON, MA., 02303 (508) 941-5367 / 583-0051

⑩

Deirdre O'Connor, ATTORNEY @ LAW BAR # 169422
INNOCENCE MATTERS P.O. # 10018 TORRANCE, CA. 90505

⑪

Hollywood Police Dept. ATTN: SGT. CEPPE
1358 N. WILCOX AVE.
Los Angeles, CA., 90038

⑫

A.I.D. Y.C. 1-800-249-1329 WINN WHELER
111 PETER ST. SUITE # 408 TORONTO, ON. M5V-2H1

⑬

Los Angeles Police Dept / Hollywood complaint unit
P.O. # 30150 LA, CALIF. 90030 6.1

⑭

Police Commission / Office of the Inspector General
FIGUEROA PLAZA 201 N. FIGUEROA ST. SUITE # 610
LA, CA. 90012

FREE ALAN DEVON MOVEMENT

To: Addressees

In September, 2000 Prayer sought relief on a Life Without Parole conviction by filing for a DNA request motion to the Superior Court Judge Frederick N. Wapner, in Dept. 114. This was granted November 1, 2001. All prior petitions (1997-98) were denied. (Documents are available upon request.) Alan Devon's MOVEMENT FOR JUSTICE can be discovered in many volumes of court documentation, Case No. BA065141, from conviction to post conviction filings.

The big INQUIRY on this capital conviction, maliciously prosecuted by the California State prosecutor and judge, in orchestration with the State's public defender is why no DNA testing was made readily available on such a horrendous crime when blood and saliva samples were extracted from Mr. Devon. Furthermore, once a judge had granted a motion for testing why did the Los Angeles Police Department request that all biological evidence be destroyed? And why was this request processed without notification to Mr. Devon? (The destruction dates were August 1998 to January 2001.)

PRAYER FROM ALAN DEVON TO THE PUBLIC FOR A VOICE: Nearly 2 decades have passed on this injustice by the state officials. It is a constitutional violation for a person to be unable to confront evidence/allegations and it is contrary to the foundations of this country:

PROPOSED PRAYERS:

1. Inquiries on constitutionality of the conviction
2. Write Congress representatives and governor
3. Petitions opposing conviction
4. Publicize by newspaper and radio
5. Confer with law clinics and other legal institutions
6. Secure pro-bono advisors
7. Correlate with Attorney General
8. Create website files
9. Brainstorm other ideas in support of movement



Proverbs 19:17

Proverbs 21:8

Psalms 109:21-51

PLEASE GET INVOLVED!

FREE ALAN DEVON

FREE ALAN DEVON

Alan Devon - F43780
LOS ANGELES COUNTY

STATE PRISON

44750 9th St. W

Van Nuys, CA 91411

http://www.arandevonfree.org/atl.htm



MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 04/10/14

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL
COUNT 02: 211 PC FEL
COUNT 03: 261(A)(2) PC FEL

ON 04/10/14 AT 200 PM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR JUDICIAL ACTION

PARTIES: FREDERICK N. WAPNER (JUDGE) EDWIN HERNANDEZ (CLERK)
PAULA C. CHAVEZ (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

- NO LEGAL FILE -
IN CHAMBERS:

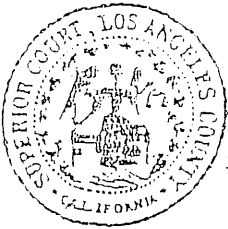
~~THE REQUEST FOR THE COURT TO "REVIEW MY CONVICTION" IS DENIED.~~

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL AS FOLLOWS:

ALAN DEVON, CDC#E-43780
A-5 STATE PRISON
FAB5#143
P.O. BOX 4430
-ANCASTER, CA 93539

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

000478



CHAMBERS OF
FREDERICK N. WAPNER
JUDGE

CRIMINAL DIVISION
The Superior Court
LOS ANGELES, CALIFORNIA 90012

February 23, 2000

CRIMINAL COURTS BUILDING
210 WEST TEMPLE STREET
(213) 974-1234

Mr. Alan Devon, E43780
P.O. Box 1906 4B/4A.103
Tehachapi, CA 93581

RE: BA 065141

Dear Mr. Devon:

All of the court exhibits in this case were destroyed in 1995. Therefore I cannot provide you with exhibit number 32 that you requested in your letter of 12-22-99.

I was in error in 1998 when I denied your request for Preservation of DNA Evidence on the ground that the case was on appeal. I did not realize that the remittitur had been filed on 3-17-95. But the ruling is still correct. Since all of the court exhibits were destroyed in 1995 the request to preserve "all DNA evidence used in trial" was moot in 1998 and therefore the request is still denied.

Yours very truly,

A handwritten signature in cursive script that reads "Fred Wapner".

Frederick N. Wapner
Superior Court Judge

FW/ty

Proverbs 19:17

Proverbs 21:18

Psalms 109:21-31

PLEASE GET INVOLVED!!

FREE ALAN DEVON

FREE ALAN DEVON

ALAN DEVON E43780
CSP
PO BOX 3466 3B01-218L
CORCORAN CA 93212



E-Mail: alandevoxfree@att.net

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FREE ALAN DEVON

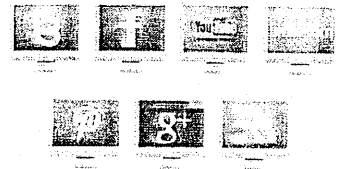
Published on January 10, 2012, by Rufus-Jenny Triplett in Jailbird & Inmate Opinions, Prisonworld Magazine.

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<http://prisonworldblogtalk.com/wp-content/uploads/2012/01/Freedom1.jpg>In September 2000, prayer sought relief on a Life Without Parole conviction by filing for a DNA request motion on the Superior Court Judge, Frederick N. Wagner Jr., in Dept. 114. This was granted November 1, 2001. All prior petitions (1997/98) were denied. (Documents are available upon request.) Alan Devon MOVEMENT FOR JUSTICE can be discovered in many volumes of court documentation, Case #BA065141, from conviction to post conviction filings.

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did the Los Angeles Police Department request that all biological evidence be destroyed. And why was this request processed without notification to Mr. Devon? (The destruction dates were Aug. 1998 to Jan 2001.)

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Alan Devon E43780

Fac c#3-131

PO B0x 5246

Corcoran, CA 93212

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Tags: criminal justice system, Inmate blogging, Mass Incarceration, Prisonworld Blogtalk, Prisonworld Magazine, write a prisoner, Wrongly Incarcerated

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Name *

Email *

Website

Comment



**COUNTY OF KINGS
GRAND JURY**

P.O. Box 1562
Hanford, CA 93232
Office: 449 C Street
Lemoore, CA 93245
grand.jury@co.kings.ca.us
(558) 852-2892 – (559) 924-1009

May 29, 2015

Mr. Alan DeVon
CSP/Cor-IV 3B01-218C
P.O #3466
Corcoran, CA 93212

Dear Mr. DeVon:

The Kings County Grand Jury has received your correspondence or complaint form dated May 19, 2015, which will be considered by the full grand jury.

By law, the grand jury is precluded from communicating the results of its investigations, except in one of its formal public reports. All communications and evidence are considered, but may not result in any action or report by the grand jury.

Be assured that your complaint will be known only to the grand jury. We are sworn to secrecy to ensure confidentiality of your identity and any information you have supplied to us.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Kinney".

Nick Kinney, Foreperson



California
LEGISLATIVE INFORMATION

SB-1058 Writ of habeas corpus. (2013-2014)

Senate Bill No. 1058

CHAPTER 623

An act to amend Section 1473 of the Penal Code, relating to criminal procedure.

[Approved by Governor September 26, 2014. Filed with Secretary of State
September 26, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1058, Leno. Writ of habeas corpus.

Existing law authorizes every person unlawfully imprisoned or restrained of his or her liberty, under any pretense, to prosecute a writ of habeas corpus for specified reasons, including when false evidence that is substantially material or probative on the issue of guilt or punishment was introduced against the person at any hearing or trial relating to his or her incarceration.

This bill would provide, for purposes of a writ of habeas corpus, that false evidence includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances. The bill would state that its provisions do not create additional liabilities, beyond those already recognized, for an expert who repudiates his or her original opinion or whose opinion has been undermined by later scientific research or technological advancements.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1473 of the Penal Code is amended to read:

1473. (a) Every person unlawfully imprisoned or restrained of his or her liberty, under any pretense, may prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint.

(b) A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

(1) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to his or her incarceration.

(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to subdivision (b).

(d) This section shall not be construed as limiting the grounds for which a writ of habeas corpus may be prosecuted or as precluding the use of any other remedies.

Dawah International,



PROPOSED PRAYERS:

1. Inquiries on constitutionality of the conviction
2. Write Congress representatives and governor
3. Petitions opposing conviction
4. Publicize by newspaper and radio
5. Confer with law clinics and other legal institutions
6. Secure pro-bono advisors
7. Correlate with Attorney General
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Proverbs 19:17

Proverbs 21:18



*Provided for clarity
If needed of any*

FREE ALAN DEVON MOVEMENT
Psalms 109:21-31

FREE ALAN DEVON

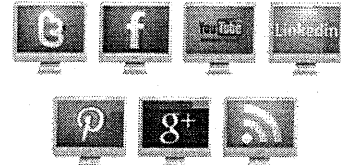
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PrisonworldTv

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Alan Devon E43780

Fac c#3-131

PO BOx 5246

Corcoran, CA 93212

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Tags: criminal justice system, Inmate blogging, Mass Incarceration, Prisonworld Blogtalk, Prisonworld Magazine, write a prisoner, Wrongly Incarcerated

No Comments.

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Your email address will not be published. Required fields are marked *

Name *

Email *

Website

Comment

000479



CRIMINAL DIVISION
The Superior Court
LOS ANGELES, CALIFORNIA 90012

CRIMINAL COURTS BUILDING
210 WEST TEMPLE STREET
(213) 974-1234

February 23, 2000

CHAMBERS OF
FREDERICK N. WAPNER
JUDGE

Mr. Alan Devon, E43780
P.O. Box 1906 4B/4A 103
Tehachapi, CA 93581

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Yours very truly,

Frederick N. Wapner
Superior Court Judge

FW/ly

August 25, 2014

Mr. Devon,

First I apologize for taking so long to respond. I must admit I do not remember the details of your case, it is over 20 years old.


As you know I am still with the Department, at this point I do not know how I can be of help too you.

I will do whatever I can within the law and rules of the my department.

If you believe that I or any other member of the LAPD was involved in misconduct in regards to your case you have the right to make an official complaint. I have enclosed a complaint form.

Of course I never want have anything to do with putting and innocent man in jail, but at the same time I have to respect the law and remember that you were convicted of this crime.

Michael Slider



Detective Los Angeles Police Department
Devonshire Detectives
10250 Etiwanda Av.
Northridge, CA. 91325

LOS ANGELES POLICE DEPARTMENT COMPLAINT OF EMPLOYEE MISCONDUCT

This form should be used exclusively to report employee misconduct. Complaints regarding Los Angeles Police Department policies and procedures, or police response time to a location, should be discussed with the watch commander at your local police station. Upon completion of this form, you may either return it in person to the nearest police station, or mail the top copy to LOS ANGELES POLICE DEPARTMENT, Internal Affairs Group, P.O. Box 30158, Los Angeles, CA 90099-4896. A preaddressed business reply envelope has been provided for your convenience. Keep the second copy for your records.

Name Alan Devan Phone 622-43700 Day Evening
 Address 3801-278 Language Spoken English/Spanish
 Date of Occurrence 1998-2001 Time of Occurrence 1992-98
 Location of Occurrence SID/ECU

Names, Badge Numbers or Serial Numbers of Employees Involved (If known) <u>Detective PERRY #22622</u> <u>Detective GANNON #17299</u> <u>LINDA Delgado DA.</u>	Names, addresses, and telephone numbers of witnesses present at the time of occurrence (If known). <u>DR. WILLIAM MOORE EB199 LADP</u> <u>DR. EVGENE CARPENTER LADP CORNER</u> <u>DR. HARRY KIANN</u> <u>JANET N. WAPNER JR. CCB, CAPT</u>
--	--

(LIST ADDITIONAL EMPLOYEES AND/OR WITNESSES UNDER THE "DETAILS" SECTION.)

Details - (Please state your complaint, including names, times, locations, witnesses, and any other information that would help in investigating your complaint. If employee names are unknown, explain what each employee looked like.)

Detective PERRY/GANNON OPERATED WITH THE D.A. OF LOS ANGELES LINDA DELGADO TO NOT DISCLOSE DISCOVERED EVIDENCE TO ALFONSO PATE ME FOR A SEXUAL ASSAULT. THE OFFICER M. SHILLER ASKED ME FOR AN INTERVIEW ON 9/15/92. I HAD TAKEN PHOTOS FOR HIM EXPRESSING IDENTIFICATION WHICH WAS USED AS A BACK UP. EVIDENCE FOUND ON MY CLOTHING WAS TYPE O (40% OUT OF 100) PEOPLE HAVE THAT TYPE. I REQUESTED DNA TEST. JUDGE I HAD GRANTED TEST. THE D.A. CEMENTALIST GAVE NO MATCH TO THE VICTIM VAGINA OR ON ME BUT THEY ARGUED IT COULD HAVE BEEN I NEVER GOT PRESERVATION WHEN REQUESTED TWICE

Date 5/31/98 Signature [Signature]

DEPARTMENT USE ONLY

To be completed by the supervisor receiving this form.

Supervisor's name _____ Serial Number _____
 Date and time received _____ Division _____

Final disposition _____
 (i.e. forwarded to IAG; 01.28.00 initiated; sent correspondence to complainant, etc.)

(Attach additional sheets, if needed.)

CF NO. _____	DIV. NO. _____
--------------	----------------

COMPLAINT PROCESS

your complaint as soon as possible. The Grand Jury's term of service begins and ends June 30th of the following year.

your specific concern and describe the circumstances as clearly and concisely as possible.

Attach your complaint with copies of pertinent information and evidence in your possession.

Deliver your complaint in a sealed envelope to:

Kings County Grand Jury
P.O. Box 1562
Hanford, CA 93232-1562
(559) 582-3211 ext.2892

The responsibilities of the Grand Jury is the investigation of the public's complaints to all branches of city and county government are being administered efficiently, and in the best interest of its citizens.

Information submitted to the Grand Jury will be treated confidentially whenever possible.

Findings of the complaints investigated by the Grand Jury are published in its final report. Residents of the county are made aware of its investigations, findings and recommendations and the entities reported on are required by statute to respond.

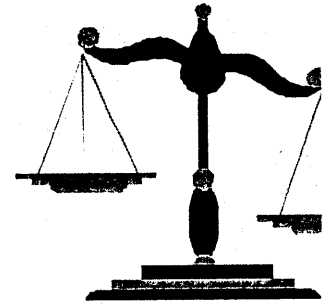
GENERAL INFORMATION

A major function of the Kings County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions. By law, the proceedings of the Grand Jury are confidential. The findings and recommendations of those complaints and issues it chooses to address are published in its final report.



KINGS COUNTY

GRAND JURY

COMPLAINT FORM

GRAND JURY COMPLAINT FORM

AGENCY ABOUT WHICH COMPLAINT IS MADE

AGENCY:

ADDRESS:

TELEPHONE NUMBER:

Los Angeles Police Dept. &
 Los Angeles Dist. Attorney
 18110 1/2 Feltz Criminal Justice Ctr.
 210 W Temple St, LA, CA, 90012
 213-974-3570

GRAND JURY USE ONLY

DATE RECEIVED: _____

NUMBER: _____

SUBJECT: _____

NATURE OF COMPLAINT: Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. **Please note: The Kings County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.**

Restriction of Exculpatory Evidence Request Preserved!



WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Result

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

YOUR NAME: Alex D. Over E4310 DRIVER'S LICENSE NO.: _____

ADDRESS: 4001 Perry Ave, Gardena, CA 93712 TELEPHONE NO.: _____

The information I have submitted on this form is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

[Handwritten Signature] 5/7/15

CASE CHART

Name/DOC#	Alan De'Von
Address	Fac C #8-131 PO Box 5246 Corcoran, CA 93212
DOB	3/5/65
Race	Black - Irish
Date of crime	9/12/92
Age at time of crime	25 years old
Date sentenced	11/22/93
Sentence	LWOP - Life without Parole
Victim	Brenda Kaye
Race of victim	White
Relation -defendant	Friend/Customer
Facts alleged by state	Motive for murder (\$40 debt for crack-cocaine) Victim is said to have blacked my eye, scratched my arms and back in violent robbery/rape and murder. Also with blood and semen on victim and (blood on my clothing) convicts me!
County Trial	Superior Court (LA County) C.C.B. Dept #14 210 W. Temple St. L.A., CA 90012 Judge F.N. Wapner
Factual summary allegations	Victim's rm-mate spoke lastly w/victim at 10:15 - 10:45 the night of the murder, told detective she feared victim would be raped.
Trial Judge	Barnard B. Kamins
Prosecutor	Linda Delggadillo
Defense Attorney	Ron Rothman
Plea	Not guilty
Trial By	Jury
Race Jurors	4 blacks, 8 whites
Convicted of	1 st Degree Murder, robbery in the 1 st degree and rape with commission
Confession	Alleged
Eyewitness Testimony	None (Circumstantial evidence- Witness testimony)
Forensic Testimony	S.I.D - E.C.U. lab reports DR# 92-06-39640 Finger/latent print C.C.#92-8504, Witness Statements, Private Investigator reports, analyzed evidence reports.
Jailhouse Snitch	James Lee Rembert (DR#9206-40066) BK#3239080 and Tamara Gonzalez (BK#3531036)
Defendant Testimony	Not guilty of crime
Exculpatory Evidence Offered	On August 19976, and April of 1998, I offered blood and saliva samples to exonerate the claim that blood found on my clothing when arrested on 9/21/92 (6 days preceding the crime) was not victim's as given in court. The Judge denied request on both occasions until Centurion Ministries (innocence project) filed a motion for discovery-preservation in 2000. A affidavit by jail house snitch was offered as well as new evidence in the form of discovered police reports and witness statements expressing I wasn't

	inside the victim's apartment at the time of death.
Additional Evidence by State	Photos of me with bruises, a blackened eye all allegedly occurring the night of the incident. Also testimony corner, stating even if there isn't any trauma to genitals a rape could have still occurred. My attorney stated in closing arguments that things got very ugly and escalated into a killing in trial
Mitigating Evidence By Defense	
Mental Retardation.	N/A
Mental Illness	N/A
	Juvie criminal in Illinois "None" (1965 - 1982)
	US Navy (1982 - 1985) Distribution and Loan-sharking
	State of CA - Possession of Narcotics (1989 -1992)
	No other criminal implications
State Appellate Attorney(s)	Janyce K. I. Blair, Suite B Ocean Plaza 302 W. Grand Ave El Segundo, CA 90245
Defendant's Appellate Attorney	Cheryl Johnson 1053 Colorado Blvd Suite# F L.A., CA 90041
Date Appellate Brief Filed	July 18, 2005 Court of Appeals 2 nd District B180531
Grounds Raised	Government failed in destroying exculpatory evidence (DNA and semen) The trial court erred by summarily denying appelant's motion to dismiss.
Date of Opinion	July 18, 2005

Opinion citation	Dismissed (Opening brief treated as Habeas Corpus)
Cert Supreme Court?	S- 136798 Dated August 29, 2005
Writ Attorney	Pro'se Alan De'Von
Grounds Alleged	Appeal Court erred in hitch violation is same as Habeas Corpus
	Incompetence of appoint Appellate Counsel
	Constitutional violation argued 5 th , 6 th and 14 th amendments
Writ Judge	Chief Justice C.J. Georges
Date of Decision	June 21, 2006
Decision	Petition of Writ - Denied
New Evidence	CA v. Trombetta (Destruction of evidence)
	Affidavits from witness (Jail House Snitch)
	Newly discovered police reports / investigate
Current Status	Pending federal review (Deadline on petition July 07)

Document Version 1/6/03

APPLICATION FOR CLEMENCY



Office of the Governor
State of California
State Capitol
Sacramento, California 95814

This Application for Clemency must be used to request:

- A commutation (reduction) of the applicant's current sentence if the applicant is presently in prison or jail, or on probation or parole.
- A pardon based upon innocence, or
- A pardon based upon rehabilitation if the applicant has completed his or her sentence but is not eligible for a Certificate of Rehabilitation under Penal Code section 4852.01.

Please complete sections I, III and IV, and that portion of section II that applies to your case.

Please TYPE or PRINT in blue or black ink.

APPLICANT INFORMATION

To be completed by all applicants

LAST Name DEVON	FIRST Name ALAN	MIDDLE Name NWILL
Date of Birth MARCH 29, 1946	Place of Birth ILLINOIS	Social Security Number 243-68-1212
		Prison Number E45720

Current Residence

Address 900 GLENVIEW AVE	Apartment, Lot, Suite, or Box Box 5746
City CORCORAN	State CALIF
	Zip Code 93218

Reason for Requesting Clemency

What reason best describes your request? (To complete the corresponding portion of section II.)

- Pardon based on rehabilitation and not eligible for a Certificate of Rehabilitation under Penal Code section 4852.01
 Commutation Pardon based on Battered Woman's Syndrome
 Commutation of current sentence
 Compassionate Release
 Pardon based upon innocence
 Other

Why are you requesting clemency?

SEEKING JUSTICE FOR THE INNOCENTS IN PRISON!

Conviction Information

Commitment Offense 1st DEGREE MURDER w/ SPECIAL CIRCUMSTANCES	Date of offense SEPT, 1942	Date of conviction NOV, 1945	Arresting agency L.A. P.D.	Court of conviction L.A. COUNTY
Superior court case number PA165141	Your trial attorney's name and address FORN ESTIMANLEY 1212 MORNING STAR DR MANHATTEN, CALIF	Sentence L.W.O.P.	Prison no. around which parole or time credit release based on ETFP: 2023	
Did you appeal your case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, appellate case number and status of case APPEAL DENIED 3/19/47 SEE EXHIBIT "A"				

III
NOTICE TO DISTRICT ATTORNEY

Penal Code section 4804 requires that you give the district attorney of the county of conviction written notice of your intention to apply for a pardon. You must complete the attached form and mail it to the district attorney **before** you submit this application to the Governor's Office. If you are requesting a pardon for more than one conviction involving more than one county, each district attorney must be given notice.

I declare under penalty of perjury under the laws of the State of California that I have served the district attorney of the county of

Los Angeles with notice of my intent to apply for a pardon, as required by Penal Code section 4804.
(Name of county)

Alan Davin 1/14/08
(Applicant's signature) (Date)

IV
DECLARATION UNDER PENALTY OF PERJURY

This Application for Clemency may be submitted to the Board of Pardon Hearings for investigation and recommendation pursuant to Penal Code Section 4312. This application may also be submitted to law enforcement or other agencies for investigation or recommendation.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I understand that any omission or misstatement of facts may result in denial of my application and the filing of perjury charges against me.

Alan Davin 1/14/08
(Applicant's signature) (Date)

PARDON BASED ON INNOCENCE

Complete this section if you are requesting a pardon based upon innocence.

Describe the evidence of your innocence that was discovered after conviction and explain its importance.

1 - WITNESS FOR FEB 2014 - LISA STANLEY WIFE FOR I WAS AN APT. OF VICTIM THAT NIGHT
IN JANUARY PROJECT HELPED DISCOVER THE ATTACKED STATEMENT FROM SHOWING I WAS NOT
2 - TWO WITNESSES WERE FORCED TO AFFIDAVIT ON MY BEHALF THAT THE PROSECUTOR HELD BACK
3 - AN DNA SAMPLE REQUESTED TO BE TESTED WAS NEVER INTERFERED UPON REQUEST
4 - PHOTOS WERE KEPT EXPOSING NO VESTS INTERFERED TO MY PERS. BY PROSECUTOR
THE PROS. AT THE VICTIM HEARD THE VICTIM IN THE STRuggle FOR LIFE. See Exhibits "C"

Has this new evidence been presented to the arresting agency or court attorney? If so, what was the result?
YES, The Superior Ct. had a denied the EXTRAORDINARY/WAIT (Intermittent) on
FIVE EVIDENCE WITH WITHOUT Lying & the prosecution with holding the PROSEC.
THE 2012 LEGISLATION MESSAGE FROM THE GOV. 2012, 2015 (S.B. 1331) HAS
WAS A BARRER AND DENIED. THE PROS. WERE DENIED ON DNA TESTING BECAUSE THE PROS.
STATED THE PROS. A IS STRIKE DENYING ALL FROM REQUEST IN THE WIT TO DENY THE
DNA EVIDENCE FOR TESTING. See Exhibits "D"

Has this new evidence been presented to the courts? If so, what was the result?
ALL COURT LEVELS DENIED THIS NEW EVIDENCE FOR PARDON - 11/2014
3 - MITA WALKER 11/2014

COMMUTATION/PARDON BASED ON BATTERED WOMAN'S SYNDROME

Complete this section if you are requesting clemency based upon battered woman's syndrome.

Describe the evidence of battering and its effects in the relationship between you and the victim that led to the crime.

Was this evidence presented if trial?

Have you sought a writ of habeas corpus pursuant to Penal Code section 11133 based upon this evidence?

COMMUTATION OF SENTENCE

Complete this section if you are currently under sentence and requesting clemency for any reason not covered above.

Explain why you are requesting clemency.

Have you sought relief from the courts?

Prior Convictions: List all prior convictions, including any in other states or countries.

Offense(s)	Date of Offense(s)	County of Conviction(s)	Sentence(s)
THEFT	11/21/85	CLF	Supv. 1-yr
Possession Cont. Sub.	9/5/85	CLF	Prob
Felony THEFT	11/22/85	CLF	Probation
Possession Cont. Sub.	5/25/86	CLF	Probation
THEFT	8/10/87	CLF	Probation
THEFT	9/09/87	CLF	Probation
FURZARBY	11/23/87	L.A. (Baldwin)	Probation
Car Sell, No License and Substanc	11/23/87	L.A. County	Probation
March Possession of Marijuana	1/9/89	L.A. County	Probation/Bond
Registration of Cont. and Probation	9/14/92	L.A. County	Probation
Prob. Vehicle	9/21/92	L.A. County	Prob
Misdemeanor	9/21/92	L.A. County	Prob

— See Exhibit "B" —

Current Attorney Information

Are you currently represented by an attorney? Yes No

If yes, please provide us with name, address and telephone number of attorney.

Telephone number: 11/A

Address:

Information Required by Penal Code Section 4807.2

Has anyone paid or given any money, gift or consideration to anyone for assisting you with this application? Yes No

If yes, please provide us with name, address and telephone number of person.

Telephone number: 11/A

Address:

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF KINGS

CONFORMED COPY
ORIGINAL FILED ON

MAY 19 2015

JEFFREY E. LEWIS, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS

DEPUTY

3
4
5 In re Application of

No. 15W-0046A

6
7 ALAN DEVON,

ORDER RE: PETITION FOR WRIT OF
HABEAS CORPUS

8
9 Petitioner,

10 for Writ of Habeas Corpus.
11
12

13 On March 20, 2015, Petitioner ALAN DEVON ("Petitioner") filed a petition for writ of
14 habeas corpus ("petition"). Having reviewed the petition, this court finds as follows:

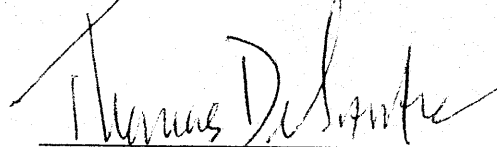
15 1. The substantive allegations of the petition are largely illegible due primarily to
16 Petitioner's failure to employ adequate spacing between the handwritten lines of text.
17 Petitioner is free to re-file his claims provided he does so in a manner which allows the
18 court to easily determine the nature of his request for relief. Petitioner bears a heavy
19 burden initially to provide facts sufficient to support his claims. (*See, People v. Duvall*
20 (1995) 9 Cal. 4th 464, 474.); and,

21 2. To the extent this court has been able to decipher a portion of one or more
22 of the claims set forth in the petition, the same appear to be directed towards conduct
23 undertaken by staff working at a California Department of Corrections and Rehabilitation
24 facility not located in Kings County, California. Petitioner appears to be currently housed
25 at Corcoran State Prison; thereby rendering moot one or more of his claims of misconduct
26 by non-Corcoran State Prison personnel. If the conduct of which Petitioner complains is
27 continuing while he is housed at Corcoran State Prison, his remedy is to seek
28 administrative exhaustion concerning the same before asking the court to become
involved in the conditions of his confinement. (*See, Wright v. State of California* (2004)
122 Cal. App. 4th 659, 665 [Under state law, exhaustion of available administrative

1 remedies is a jurisdictional prerequisite to resort to the courts.]) In reaching this
2 determination, the court has taken note of the fact that the Amador County Superior Court
3 already denied one or more of Petitioner's claims based upon his failure to exhaust
4 administrative remedies in connection with conduct by Mule Creek State Prison personnel.
5 This court declines to second-guess the ruling by the Honorable J.S. Hermanson, Judge of
6 the Amador County Superior Court.

7 IT IS HEREBY ORDERED, the petition is denied. On its own motion the court
8 extends the time to rule on this petition, finding good cause to do so under California
9 Rules of Court, rule 4.551, subdivision (h) considering the unusually high number of
10 pending writ petitions, the administrative delay in presentation of the record for
11 consideration by this judicial officer, this court's recent trial/holiday calendar and
12 administrative duties, and the insignificant prejudicial effect thereof to the parties.

13 Date: May 19, 2015



14 Thomas DeSantos,
15 Judge of the Superior Court

Name: Devon Alan
Address: 4001 King Ave. Corcoran
P.O.# 3406 3801-248L
CORCORAN, CA. 93212
CDC or ID Number: E43700

SUPERIOR COURT OF THE STATE OF CALIF.
IN/FOR THE COUNTY OF (Kings)
(Court)

EX PARTE
PETITION FOR WRIT OF HABEAS CORPUS

No. 15W-0066A
(To be supplied by the Clerk of the Court)

Alan DeVan
Petitioner
vs.
THOMAS DESANTOS
Respondent

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline
- Other (specify):

1. Your name: Alan Devon
2. Where are you incarcerated? CSP/CAJ-IV
3. Why are you in custody? Criminal conviction Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

187, 2N, 261, 261(a) 1st Degree Murder
And special circumstances

b. Penal or other code sections: 187, 2N, 261, & 261(a)

c. Name and location of sentencing or committing court: Criminal Courts Bldg,
210 W. Temple St. LA, CA

d. Case number: BA065141

e. Date convicted or committed: 1993

f. Date sentenced: 1993

g. Length of sentence: LWOP

h. When do you expect to be released? 2019

i. Were you represented by counsel in the trial court? Yes No *If yes, state the attorney's name and address:*
Ron Rothman esq
1212 Morningside Dr. Manhattan Beach, CA.

4. What was the LAST plea you entered? (Check one):
 Not guilty Guilty Nolo contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have?
 Jury Judge without a jury Submitted on transcript Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Judge Thomas DeSANTAS opinion NOT TO second guess the Ruling by the Honorable J.S. Hermanson Judge of the Amador County Superior Court as I have exhausted Administrative Remedies but that is a futile to do so in (CDCR) as they operate with misconduct -

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *in re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

ON MARCH 20 2015 I filed petition # 15W-0046A, I expressed exhaustion of A/R Appeals over complaints continuously in CDTA filed DIRECTOR WL. Decisions are futile, I told the Honorable J.S. Hermanson Judge at Amador Superior Court, for example, the V.C.G.C.B. claim # G6229008 held a meeting in April 16, 2015 issue to complex and suggested court, the (TLR) over hearing devices (CDTA) appeared and confiscated or destroyed and made me buy more hearing devices see Appeals decision AT 6/6. Also about TTY-text exhausted alleged staff confiscated/framed then (CDCR) lie saying returned or text not allowed, finally (TLR) exhausted my H. GRIEVANCES, I claim in E.O.P. and single cell for false allegations of Rape charges the 602 REVIEWER STATES I REFUTED AND ASK FOR CELL MATE, AN LIE!

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authority that you think are relevant. If necessary, attach an extra page.)

MCSP (CORCORAN) CDCR: 14-0215A / 14-0240 & 14-0242 / TLR # 140751 & 140752
MCSP (CORCORAN) CDCR: H/C: 14045548 AND 14045438
These were not substantiated allegations, the court said my petition was illegible (sorry my mental health is an issue)

AND I WAS GIVEN A FREEDOM TO RETIRE. Done!

7. Ground 2 or Ground 2 (if applicable):

(CDCR) CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION IS BEING SUPPORTED BY THE (TLR) THIRD LEVEL REVIEW (DIRECTORS / CHA OF I/M APPEALS) WITH THE "CODE OF SCIENCE" HELD BY EACH OF ITS EMPLOYEES (BOTH).

a. Supporting facts:

ON FEB. 17, 2004 A DIRECTOR RICHARD SIMMER (A) PUT A MEMORANDUM; SUBJECT: ZERO TOLERANCE REGARDING THIS CODE OF SCIENCE OF IT EMPLOYEES SWORN / NON-SWORN. STAFF REFUSES CDCR-22 INFORMAL WL, GRIEVANCES, THE A/C REJECTS A/R-FILED ERRONEOUSLY / REPETITIOUSLY ALLEGING TIME CONSTRAINTS TO DIRECTING IT TO THE WRONG FACILITY OR DEPT. STAFF LIE AND ALLEGE A TELEPHONIC INTERVIEW - OCCURRED ON SUCH / SUCH DATE, (NO RECORD TO REFLECT ANY HEALTH CARE APPEAL, THE DOCTORS (PCP) SAY THEY EXAMINED YOU BUT NEVER PHYSICALLY TOUCHED YOU, THE (RVR'S) REVOLATION REPORTS ARE THE WORST I'VE GOTTEN SEVERAL FOR HAVING AN DISABILITY (HEARING IMPAIRMENT) CHARGE, DISMISSING A DIRECT ORDER MY DEFENSE, I HAD NO HEARING AIDE TO KNOW "GUILTY" ADVERSE NO PHONE CALL DAY ROOM OR YARD 90 DAYS, THE WILDEST IS ON PROPERTY APPEALS FILED OR OVER (RVR'S) WHERE DUE PROCESS IS AN ISSUE, NO STAFF ASSISTANCE FOR E.O.P. - INMATES (MENTALLY IMPAIRED) THE PUNISHMENTS ARE IMPOSED PRIOR TO DISCIPLINARY OFFICER SIGNS OFF ON HEARD OFFICERS FINDING

I HAVE H/C - DIRECTORS M # HQA 0327 OVER (EOP) M #
SEE (TLR) 14.03225 CASE # HQA 456
SEE (RVR) LOG # C13-07-0016R

8. Did you appeal from the conviction, sentence, or commitment? Yes No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): _____

b. Result: Denial c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal? Yes No If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? Yes No If yes, give the following information:

a. Result: Denial b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

n/a

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

Yes, see Attached -

b. Did you seek the highest level of administrative review available? Yes No
Attach documents that show you have exhausted your administrative remedies.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DIVISION FIVE

COURT OF APPEAL - SECOND DISTRICT

FILED

JUL 17 2003

JOSEPH A. LANE

Clerk

J. BELCHER

Deputy Clerk

B168258

In re

ALAN DEVON

on

Habeas Corpus.

(Super. Ct. No. BA065141)

(Frederick N. Wapner, Judge)

ORDER

THE COURT:

The court has read and considered the petition for writ of habeas corpus, filed June 30, 2003. The petition is denied. Petitioner is procedurally defaulted from raising the issue of ineffective assistance of trial counsel due to the failure to raise this issue in prior habeas corpus petitions. (See *McCleskey v. Zant* (1991) 499 U.S. 467, 498; *In re Clark* (1993) 5 Cal.4th 750, 771, 775.) The petition is also denied on the merits. Petitioner has failed to meet his burden of showing that but for counsel's alleged errors, the outcome of his trial would have been different. (*Strickland v. Washington* (1984) 466 U.S. 668, 693-694; *People v. Fosselman* (1983) 33 Cal.3d 572, 584.)


TURNER, P.J.


ARMSTRONG, J.

OFFICE OF THE CLERK
COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
JOSEPH A. LANE, CLERK

DIVISION: 5 DATE: 02/01/94

California Correctional Inst.
Alan De'Von
C-43780
P. O. Box 1905 3521
Tehachapi, CA. 93581

RE: De'Von, Alan
VS.

In Re: Alan De'Von On Habeas Corpus
2 Criminal B081343
Los Angeles No. BA065141

THE COURT:

The petition for writ of Habeas Corpus is denied.

JAN 24 1994

Assigned to DIVISION EL

Name ALAN DE'VON

Address P.O. 1905 Ed. 352L

California Correctional INSTITUTION

Tehachapi, Ca.

CDC or ID Number E-43780

FILED
JAN 24 1994
JOSEPH A. LANE Clerk
JAYDEE HILBURN Deputy Clerk

LCS Angeles County Court BUILDING

DEPT. 114 JUDGE Kamins

(Court)

ALAN DE'VON E43780
Petitioner
vs.
STATE OF CALIFORNIA
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

B081343

No. (To be supplied by the Clerk of the Court)

X-REF
B080839 (5) A

INSTRUCTIONS — READ CAREFULLY

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies.
- If you are filing this petition in the California Supreme Court, file the original and thirteen copies.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201.111 of the California Rules of Court (as adopted effective January 1, 1992). Subsequent amendments to Rule 44.5 may change the number of copies to be furnished the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction Parole
- A sentence Credits
- Jail or prison conditions Prison discipline
- Other (specify): _____

1. Your name ALAN DEVON

2. Where are you incarcerated? TEHACHAPI CALIFORNIA CORRECTIONS

3. Why are you in custody? Criminal Conviction Civil Commitment

Answer subdivisions a. through i. to the best of your ability:

a. If criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon") or state reason for civil commitment: FIRST DEGREE MURDER WITH SPECIAL CIRCUMSTANCES ROBBERY & RAPE ENHANCEMENTS

b. Penal or other code sections: 187/WITH 211,263

c. Name and location of sentencing or committing court: LOS ANGELES SUPERIOR COURT
LOS ANGELES, CALIFORNIA

d. Case number: Ba065141

e. Date convicted or committed: NOV. 8, 1993

f. Date sentenced: NOV. 22, 1993

g. Length of sentence: LIFE WITHOUT POSSIBILITY OF PAROLE

h. When do you expect to be released? N/A

i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address: RON ROTHMAN (STATE APPOINTED COUNSEL)
WILSHER DISTRICT, LOS ANGELES CALIF.

4. What was the LAST plea you entered? (check one)
 Not guilty Guilty Nolo Contendere Other _____

5. If you pleaded not guilty, what kind of trial did you have?
 Jury Judge without a jury Submitted on transcript Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. (For example, "the trial court imposed an illegal enhancement.") If you have additional grounds for relief, use a separate page for each ground. Page 4 is designed so you can state ground 2. For additional grounds, make copies of page 4 and number the additional grounds in order.

I WAS REPRESENTED EXTREMELY POOR DURING MY TRAIL BECAUSE OF AN OBVIOUS CONFLICT OF INTEREST BETWEEN I AND COUNSEL, ALSO COUNSEL SHOWN NEGLIGENCE TO ASSIST WITH PREPARED DEFENSE WITH A PLEA OF NOT GUILTY BECAUSE OF CREDIBILITY REASONS STATED DIRECTLY BY COUNSEL

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages.

CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal. 2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

INTINALLY I WAS SUBJECTED TO DEVELOPE MY ENTIRE DEFENSE IN WHICH WAS DISREGUARDED BY MY APPOINTED COUNSEL, SECONDLY DURING TRAIL ON DAY ONE, MY APPOINTED COUNSEL BEGAN ATTACKING ISSUES GIVEN BY EXPERTS SHOWING MEANINGLESS ARGUEMENT AND A LACK OF KNOWLEDGE REGARDING EVIDENCE PRESENTED BY PROSCUTOR, THIRDLY COUNSEL AGAIN WAS EXTREMELY UNFIMILAR WITH DATES, TIMES, AND PERSONS ENVOLVED, HAVING TO CONSISTANTLY REFERR TO DATA PREVIOUSLY OBTAINED., MAKING MEMBERS OF THE JURY ALERT OF HIS UNPREPAREDNESS ENVOLVING MY CASE. FORTHLY, COUNSEL RON ROTHMAN EITHER FOUND IT IMPORTANT TO CROSS EXAMINE THE PROSCUTORS WITNESS'S CLAIMING CREDIBILITY REASONS IN WHICH WAS A MAJOR FLAW IN THE RESULT OF MY TRAILS OUT COME. FITHLY DURING MY COUNSEL'S CLOSING ARGUREMENT CONFLICT EMERGED SO DRASTICALLY TO WHERE A MARSDEN HEARING WAS HELD DURING TRAIL AND I WAS NOT RESPECTED TO BE RELIEVED FROM COUNSEL AFTER EXPRESSING MATURE CAUSE BUT LOOK APON AS A DISRUPT, AND BEING UNEDUCATED, I CAUSED DIRECT REMARKS TO BE AIMED AT JURY

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

IN PEOPLES VS. IBARRA(1963) 60CAL2d 460,464

IN PEOPLES VS. SAUNDERS, SUPRA, 2 CAL3d1033, 1041-1042

Peoples vs. Marsden (1970) 22 Cal 118, 125 P2d 118

7 Ground 2 (if applicable):

THE APPOINTED ATTORNEY RON ROTHMAN FOR HIS OWN REASONS
POSITIONED HIS DEFENSE TOWARDS THE PROSECUTOR BY EXCLUDING
STATEMENTS AND MAKING ASSUMPTIONS TO HOW THE RESULT OF THESE
MATTERS ACCURED, SPECIFYING HE NEEDED TO BELIEVE ME OF ONLY
THE SPECIAL CIRCUMSTANCES SURROUNDING THE CHARGES.

a Supporting facts:

DURING CLOSING ARGUEMENTS I WAS FOUND ALTRUSTRIC BY MY JUDGE
BECAUSE I WAS BEING LOUD AND OUT SPOKEN AGAINST MY ATTORNEY
WHICH WAS WHAT SUBJECTED ME TO REMARKS SUCH AS BY MY COUNSEL
RON ROTHMAN "LADIES AND GENTLEMAN OF THE JURY, AS YOU CAN SEE
MY CLIENTS REGARDARD FOR COUNSEL IS SHOWN BY HIS OUTLANDIOUS
BEHAVIOR WHICH LET US SEE HE IS A VERY VIOLENT AND DISTURBING
INDIVIDUAL, SECONDLY MR. ROTHMAN STATED TO THE JURY BEFORE THERE
DELIBERATION "LADIES AND OF THE JURY AS IT HAS BEEN CLEARLY
DEMOSTRATED BY MY CLIENT AGAIN WITH HIS ABRUPT ATTITUDE THAT
WE CAN SUGGEST HE AND THE VICTUM IN QUESTIONED AROSE IN
ARGUEMENT THEN THINGS ESCLATED TO WHERE MY CLIENT GOT AS SHOWN
TODAY EXTREMELY UPSET, WENT VIOLENT AND THINGS GOT PRETTY UGLY
BUT IT HAS NOT BEEN PROVEN A ROBBERY, FINALLY I TRULY WANTED
TO NOTE I WAS PROVIDED WITH A PRIVATE INVESTIGATOR WHO THREW
THE COURTS TOOK AN OBSERVATION AND DATA OBTAIN ESSENTIAL TO
MY CASE WHICH WHEN DURING TRAIL WAS WITH HELD BY APPOINTED
COUNSEL FOR PERSONAL REASONS NOT ELABORATED BRINGING A
MALINGERING SENSE TO THE INVESTIGATOR'S PURPOSE.

b Supporting cases, rules, or other authority:

8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If your answer is yes, give the following information about your appeal:

Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court")

Result _____ Date of decision _____

Case number or citation of opinion, if known _____

Issues raised: a. _____

b. _____

c. _____

d. _____

Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known.

9. Did you seek review in the California Supreme Court? Yes. No. Result _____

Date of decision _____ Case number or citation of opinion, if known _____

Issues raised: a. _____

b. _____

c. _____

d. _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal: PRESENTLY I FILE A NOTICE

OF APPEAL, EXPRESSING INEFFECTIVENESS OF COUNSEL WAS NOT ONE

OF THE GROUNDS I CAME TO NOTE BY THE COUNSLOR APPOINTED

II. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In Re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].)

Explain what administrative review you sought or explain why you did not seek such review:

N/A

b. Did you seek the highest level of administrative review available? Yes. No.
Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you previously filed any petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. (1) Name of court N/A
Nature of proceeding (for example, "habeas corpus petition") _____
Issues raised: a. _____
b. _____
c. _____
Result (Attach order, if available) _____ Date of decision _____

(2) Name of court _____
Nature of proceeding _____
Issues raised: a. _____
b. _____
c. _____
Result (Attach order, if available) _____ Date of decision _____

For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result.
N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

MY DELAY WAS ACKNOWLEDGING I COULD PROCESS THIS WRIT MY SELF
WITH THE RESPECT OF STILL PROCESSING AN APPEAL

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known.

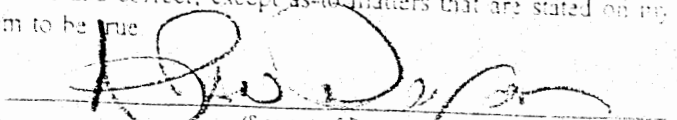
17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain.

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court.

THE RESULTS OF THIS PETITION BY THE SUPREME COURTS HAS TO BE
MADE TO THE APPEALS CT., And A PITITION FOR REVERSAL BY THE
SUPREME COURT HAS TO BE MADE TO THE APPEALS COURT.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 1/19/74


(Signature of Petitioner)

DECLARATION OF INDIGENCY

1

2

3

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5

I DO NOT HAVE SUFFICIENT FUNDS TO PAY FOR THE
PREPARATION OF THIS HABEAS COUPUS.

6

7

I'AM WITHOUT FUNDS AND WITHOUT RESOURCES THEREFORE
I ASK THIS HONORABLE COURT TO PLEASE EXCEPT MY PETITION.

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AUG 24 2007

Alan Devron E43700

FAC. C. # 4/228

P.O. 5246

00200 FAXE, CA. 93712

In The COURT of Appeals of The STATE of Calif,
Second Appellate District
DEVRON FIRE

Alan Devron
Petitioner,

v.

S. C. L. A.
The People
Respondent.

CASE # B201077

NOTICE of Appeal TO
ORDER on Aug, 15, 2007

(Super Ct. No. # SAC 65141)

(Frederick N. Wapner) Judge

on 7/27/07 The Superior Court Judge F. N. Wapner denied
A Request of Discovery pursuant to penal code 1054.9!
The denied Request was for withheld evidence that could help
the pending federal petition on Appeal. A writ of Mandate
was timely filed within "20" days of the Superior's decision
pursuant to the penal code passed in 2002 to the Senate Bill
1391, 1115. The order by this court denying petitioner's
Request to have the Superior Court follow the penal code
for Life imprisonment should have been granted. Petitioner
Request a Timely Notice to Appeal this Decision to the 9th
District. Executed this 19, Day of August, 2007.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

COURT OF APPEAL - SECOND DIST.

F I L E D

AUG 15 2007

JOSEPH A. LANE Clerk

D. NOLAN Deputy Clerk

ALAN DE VON,

Petitioner,

v.

THE SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent.

THE PEOPLE,

Real Party in Interest.

B201077

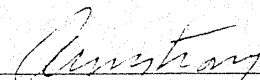
(Super. Ct. No. BA065141)

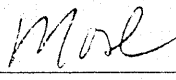
(Frederick N. Wapner, Judge)

ORDER

THE COURT:

The court has read and considered the petition for writ of mandate, filed August 7, 2007. The petition is denied.


ARMSTRONG, Acting P.J.


MOSK, J.


KRIEGLER, J.

KL

1 Alan Devon E43780
2 FAC. C/K-20E
3 P.O. 5536
4 CIRCULAR, CA, 993212

9/4/07
~~UNRECORDED~~

6
7 Deputy Clerk, Jed H. Belcher

CASE # B201077

9
10 I'm in Receipt of The documents returned
11 to me on August 24, 2007. My Notice of Appeal
12 for The Denial of The WRIT of Mandate per
13 PENAL sec. 1054.9. by *05713 in RE State (204)
14 to Cal. Rpt. 536, 32 CAL. 4th 682, 95 P.3d 444,
15 CRIMINAL LAW 1510, Habeas Corpus 636. (see ATTACHED)

* 19

19 Mr. Belcher in The notice you offered I show
20 No pending actions, no case # / Docket sheets attached
21 To show I do have pending actions ARENT These
22 what The rule consider pending?
23

* 25

25 Also, I know A correct remedy for a denial of a
26 petition for habeas Corpus would be to file a petition
27 for Review with The California Supreme Court but
28 does A writ of Mandate Also have These rules?

please Reply

GENERAL DOCKET FOR
Ninth Circuit Court of Appeals

Court of Appeals Docket #: 07-55664

Filed: 5/22/07

Nsuit: 3530 Habeas corpus (Fed)

Devon v. Clark, et al

Appeal from: Central District of California, Los Angeles

Case type information:

- 1) prisoner petition
- 2) state
- 3) habeas corpus

Lower court information:

District: 0973-2 : CV-07-02405-TJH
presiding judge: Terry J. Hatter, Jr., Chief District Judge
Date Filed: 4/11/07
Date order/judgment: 4/20/07
Date NOA filed: 4/30/07

Fee status: due

Prior cases:

97-55569	JTS	EL	AWT		
Date filed:	5/1/97	Date disposed:	6/6/97	Disposition:	jurdef/jdg
98-15494	null	null	null		
Date filed:	3/24/98	Date disposed:	6/15/98	Disposition:	42-1/clk
93-56662	JRB	MMS	HP		
Date filed:	10/15/98	Date disposed:	8/13/99	Disposition:	af.rr/mem
00-15425	null	null	null		
Date filed:	3/9/00	Date disposed:	5/31/00	Disposition:	42-1/clk
01-56272	PRH	HP	KMW		
Date filed:	8/3/01	Date disposed:	9/17/01	Disposition:	jurdef/jdg
03-55902	AK	BGS	RCT		
Date filed:	5/30/03	Date disposed:	11/13/03	Disposition:	af/mem

Current cases:

None

GENERAL DOCKET FOR
Ninth Circuit Court of Appeals

Court of Appeals Docket #: 07-72466

Filed: 6/21/07

Nsuit: 0

Devon, et al v. Clark

Appeal from: Central District of California, Los Angeles

Case type information:

- 1) original proceeding
- 2) Successive Habeas Corpus
- 3)

Lower court information:

District: 0973-2 :
Date Filed: **/**/
Date order/judgment: **/**/
Date NOA filed: **/**/

Fee status: due

Prior cases:

None

Current cases:

None

OFFICE OF THE CLERK
COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
JOSEPH A. LANE, CLERK

DIVISION: 5 DATE: 02/01/94

California Correctional Inst.
Alan De'Von
C-43780
P. O. Box 1905 3521
Tehachapi, CA. 93581

RE: De'Von, Alan
VS.

In Re: Alan De'Von On Habeas Corpus
2 Criminal B081343
Los Angeles No. BA065141

THE COURT:

The petition for writ of Habeas Corpus is denied.

[Handwritten signature]

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

In re) B089987
ALAN DE'VON) (Super. Ct. No. BA075141)
on) (Bernard J. Kamins, Judge)
Habeas Corpus.)
_____) ORDER

THE COURT:

The petition for writ of habeas corpus, filed January 30, 1995, has been read and considered and is denied. Petitioner has not demonstrated that he is entitled to habeas corpus relief based upon ineffective assistance of appellate counsel. (Strickland v. Washington (1984) 466 U.S. 668, 693-694; see also People v. Fosselman (1983) 33 Cal.3d 572, 581-584.)

COURT OF APPEAL - SECOND DIST.
FILED

FEB 9 - 1995

JOSEPH A. LANE Clerk
Deputy Clerk

S107421

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ALAN DEVON on Habeas Corpus

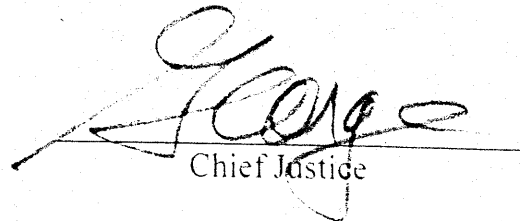
**SUPREME COURT
FILED**

JAN 15 2003

Frederick K. Olnrich Clerk

DEPUTY

Petition for writ of habeas corpus is DENIED.


Chief Justice

S118337

IN THE SUPREME COURT OF CALIFORNIA

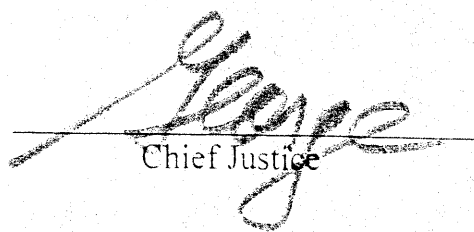
En Banc

In re ALAN DEVON on Habeas Corpus

Petition for writ of habeas corpus is DENIED. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734.)

JUSTICE COURT
FILED

SEP 1 1995


Chief Justice

Court Appeal, Second Appellate District, Division Five - No. B180531
S136510

IN THE SUPREME COURT OF CALIFORNIA

En Banc

THE PEOPLE, Plaintiff and Respondent,

v.

ALAN DEVON, Defendant and Appellant.

Petition for review DENIED.

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

SUPREME COURT
FILED

SEP 21 2005

Frederick K. Ohlrich Clerk

DEPUTY

CHIN

Acting Chief Justice

S136798

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ALAN DEVON on Habeas Corpus

Petition for writ of habeas corpus is DENIED. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

SUPREME COURT

FILED

JUN 21 2006

Frederick A. Griffin, Clerk

Deputy

GEORGE

Chief Justice

S157004

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ALAN DE'VON 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

MAR 28 2008

Frederick K. Chirba, Clerk

Deputy

GEORGE
Chief Justice

1 IN THE MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT
2 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

3 HON. DAVID M. HORWITZ, JUDGE DIVISION 45

4 THE PEOPLE OF THE STATE OF CALIFORNIA,) NO. BA068141
5)

6) PLAINTIFF,)

7) VS.)

8) ALAN DEVON,)

9)

10)

11) DEFENDANT(S).)

12)

-000-

13

REPORTER'S TRANSCRIPT OF PROCEEDINGS

14

TUESDAY, FEBRUARY 2, 1993

15

16

17

APPEARANCES:

18

FOR THE PLAINTIFF:

LYDIA DELGADILLO,
DEPUTY DISTRICT ATTORNEY

19

FOR THE DEFENDANT:

RON ROTHMAN,
BAR PANEL

20

21

22

23

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SPEC. CIRC.

HTA: 2-14-93

DEPARTMENT 11

28

REBEI COEN, CSR 0444
OFFICIAL REPORTER

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I N D E X

PEOPLE'S WITNESS(ES):	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
LLOYD PARRY	4	17	20	20	
FRANKLIN SMITH	23				
WILLIAM MOORE (BY STIPULATION)	30				
EUGENE CARPENTER, JR. (BY STIPULATION)	31				

EXHIBITS

PEOPLE'S EXHIBIT(S):	FOR IDENTIFICATION	IN EVIDENCE
1 - PHOTOGRAPHS	6	31
2 - PHOTOGRAPHS	7	31
3 - PHOTOGRAPHS	11	31
4 - PHOTOGRAPHS	16	31
5 - PHOTOGRAPHS	16	31
6 - PHOTOGRAPHS	22	31
7 - PHOTOGRAPH	31	31

1 LOS ANGELES, CALIFORNIA, TUESDAY, FEBRUARY 2, 1993

2 9:30 A.M.

3 -000-

4

5

6 THE COURT: IN THE ALAN DEVON MATTER,
7 MR. ROTHMAN IS HERE WITH HIS CLIENT.

8 MISS DELGADILLO IS HERE FOR THE PEOPLE.

9 CALL YOUR FIRST WITNESS.

10 MS. DELGADILLO: PEOPLE CALL DETECTIVE PARRY. HE
11 IS ALSO MY INVESTIGATING OFFICER.

12 THE COURT: ALL RIGHT.

13

14 THE CLERK: WOULD YOU PLEASE RAISE YOUR RIGHT
15 HAND TO BE SWORN.

16 YOU DO SOLEMNLY SWEAR THE TESTIMONY
17 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS
18 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING
19 BUT THE TRUTH, SO HELP YOU GOD?

20 THE WITNESS: I DO.

21 THE CLERK: THANK YOU. PLEASE BE SEATED IN THE
22 WITNESS STAND.

23 WOULD YOU STATE AND SPELL YOUR NAME FOR
24 THE RECORD, PLEASE.

25 THE WITNESS: MY NAME IS LLOYD PARRY, L-L-O-Y-D,
26 P-A-R-R-Y.

27 THE CLERK: THANK YOU.

28 ///

1 LLOYD PARRY,
2 CALLED AS A WITNESS BY AND ON BEHALF OF THE
3 PEOPLE, HAVING BEEN FIRST DULY SWORN,
4 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

5
6 THE COURT: THANK YOU. YOU MAY INQUIRE.

7 MR. ROTHMAN: YOUR HONOR, I WOULD MAKE A MOTION TO
8 EXCLUDE.

9 THE COURT: SO ORDERED.

10

11

12

DIRECT EXAMINATION

13 BY MS. DELGADILLO:

14 Q DETECTIVE PARRY, WHAT IS YOUR OCCUPATION
15 AND ASSIGNMENT?

16 A POLICE OFFICER, FOR THE CITY OF LOS ANGELES
17 POLICE DEPARTMENT, CURRENTLY ASSIGNED TO THE HOLLYWOOD
18 HOMICIDE UNIT.

19 Q HOW LONG HAVE YOU BEEN A POLICE OFFICER?

20 A APPROXIMATELY 12 AND A HALF YEARS.

21 Q AS YOUR ASSIGNMENT WITH THE HOLLYWOOD
22 DIVISION OF THE POLICE DEPARTMENT, WERE YOU ASSIGNED TO
23 A HOMICIDE CASE THAT OCCURRED ON SEPTEMBER 15, 1992, AND
24 BETWEEN SEPTEMBER 16, 1992?

25 A YES, I WAS.

26 Q ON THE DATE OF SEPTEMBER 16, 1992, AT 5:00
27 P.M., WERE YOU CALLED TO THE LOCATION OF 1211 NORTH
28 MC CADDEN STREET, APARTMENT NO. 212, IN THE CITY OF

1 HOLLYWOOD, COUNTY OF LOS ANGELES?

2 A YES, I WAS.

3 Q DID YOU RESPOND ALONE OR WITH ANYBODY ELSE?

4 A I RESPONDED ALONE, ALTHOUGH I MET MY
5 PARTNER AT THE LOCATION.

6 Q WHO WAS YOUR PARTNER AT THAT TIME?

7 A DETECTIVE MIKE GANNON.

8 Q WITH RESPECT TO THE LOCATION THAT YOU WENT
9 TO, WHAT DID YOU FIRST OBSERVE WHEN YOU ARRIVED AT THAT
10 LOCATION?

11 A WELL, THE LOCATION IS A MULTI-STORY
12 APARTMENT COMPLEX. THE PARTICULAR APARTMENT 212 WAS ON
13 THE SECOND FLOOR. THE SCENE, THE SCENE HAD BEEN SECURED
14 BY PATROL OFFICERS WORKING HOLLYWOOD.

15 Q DID YOU GO INSIDE THAT APARTMENT?

16 A YES, I DID.

17 Q WHAT DID YOU FIND WHEN YOU WERE INSIDE?

18 A I NOTICED THE APARTMENT -- THE UNIT TO BE A
19 ONE BEDROOM UNIT. AND THERE WAS A FEW ITEMS THAT WERE
20 THROWN ON THE FLOOR IN THE LIVING ROOM. THE BEDROOM DOOR
21 HAD BEEN KNOCKED OFF ITS HINGES. THE DECEASED WAS
22 LAYING ON THE BED IN THE BEDROOM.

23 Q AND DESCRIBE THE DECEASED FOR ME AT THIS
24 TIME.

25 A THE DECEASED WAS NUDE LAYING ON HER BACK
26 WITH HER FEET PARTIALLY HANGING OVER THE BED. SHE HAD --
27 HER SHIRT HAD BEEN PUSHED UP SLIGHTLY ABOVE HER BREASTS.
28 HER PANTS ON ONE LEG HAD BEEN COMPLETELY

1 TAKEN OFF, AS WELL AS A SHOE. A BOOT SHE WAS WEARING HAD
2 BEEN TAKEN OFF. THE OTHER LEG, THE PANTS HAD BEEN ROLLED
3 DOWN, THAT IS INCLUDING THE PANTIES.

4 MR. ROTHMAN: FOR THE RECORD, YOUR HONOR, I WOULD
5 OBJECT TO THE DEPICTION OF "TAKEN OFF." THAT IS A
6 CONCLUSION ON THE PART OF THE WITNESS.

7 THE COURT: THAT CAN BE A RUNNING OBJECTION.
8 ANSWER MAY REMAIN. GO ON.

9 THE WITNESS: SHE HAD A DRESSER DRAWER THAT WAS
10 PLACED ON TOP OF HER HEAD.

11 MS. DELGADILLO: YOUR HONOR, AT THIS TIME I WOULD
12 LIKE TO HAVE MARKED AS PEOPLE'S 1 FOR IDENTIFICATION,
13 WHICH CONSISTS OF ONE PLASTIC COVERED COMPILATION OF
14 PHOTOGRAPHS. IT HAS PHOTOGRAPHS ON BOTH SIDES, AND IT
15 HAS 6 PHOTOGRAPHS ON THE FRONT SIDE, AND 4 PHOTOGRAPHS ON
16 THE BACK SIDE. I WOULD LIKE THAT TO BE MARKED AS
17 PEOPLE'S 1 COLLECTIVELY.

18 THE COURT: IT MAY BE SO MARKED.

19 HAVE YOU SEEN IT, MR. ROTHMAN?

20 MR. ROTHMAN: YES.

21 BY MS. DELGADILLO:

22 Q SHOWING YOU PEOPLE'S 1 FOR IDENTIFICATION,
23 DOES THIS DEPICT THE CRIME SCENE WHEN YOU FIRST ARRIVED?

24 A YES, IT DOES.

25 Q AND COULD YOU LOOK AT THE BACK SIDE OF
26 THAT. DOES THAT SHOW THE DECEDENT THE WAY YOU FIRST
27 OBSERVED HER WHEN YOU ARRIVED?

28 A YES, IT DOES.

1 Q WERE THOSE PHOTOGRAPHS TAKEN WHILE YOU WERE
2 STILL AT THE SCENE, IF YOU KNOW?

3 A I BELIEVE THEY WERE.

4 Q DID YOU SEE THE -- WAS THE DRESSER DRAWER
5 REMOVED FROM THE HEAD OF THE DECEDENT?

6 A YES, IT WAS.

7 Q AND WHEN THE DRESSER DRAWER WAS REMOVED,
8 DESCRIBE WHAT YOU SAW?

9 A OKAY. THE DECEASED HAD A TOWEL AS WELL AS
10 A, SOME SORT OF ELECTRICAL CORD WRAPPED AROUND HER NECK.
11 THE CORD HAD BEEN WRAPPED NUMEROUS TIMES AROUND THE NECK,
12 AND IT WAS INTERWOVEN WITH THE TOWEL THAT WAS AROUND HER
13 NECK, AS WELL. SHE ALSO HAD WHAT APPEARED TO BE A STAB
14 WOUND TO HER, I BELIEVE IT WAS, HER LEFT UPPER CHEST
15 AREA.

16 Q SHOWING YOU WHAT I WOULD LIKE TO HAVE
17 MARKED NEXT AS PEOPLE'S 2 NEXT IN ORDER, IS THAT THE
18 MANNER IN WHICH THE ELECTRIC CORD WAS WRAPPED AROUND HER
19 NECK?

20 A YES, IT WAS.

21 Q WHILE YOU WERE AT THE SCENE, DID YOU TALK
22 TO AN INDIVIDUAL BY THE NAME OF CLAUDIA KAYE?

23 A YES, I DID.

24 Q DID SHE IDENTIFY HERSELF?

25 A YES, SHE DID.

26 Q WHO DID SHE STATE SHE WAS?

27 A THAT SHE WAS A SISTER OF THE DECEASED,
28 BRENDA KAYE.

1 Q DID SHE IDENTIFY BRENDA KAYE?

2 A YES, SHE DID.

3 Q WHEN YOU TALKED TO CLAUDIA KAYE, DID SHE
4 INDICATE SHE WAS AT THE SCENE -- THAT SHE DISCOVERED THE
5 DECEDENT?

6 A YES, SHE DID INDICATE THAT.

7 Q AND THE PERSON SHE IDENTIFIED AS BRENDA
8 KAYE, IS THAT THE PERSON DEPICTED IN PEOPLE'S 1 AND 2?

9 A YES, IT IS.

10 Q WHEN DID SHE SAY -- DID YOU ASK CLAUDIA
11 KAYE WHEN SHE FIRST DISCOVERED THE BODY?

12 A YES, I DID.

13 Q AND WHAT DID SHE TELL YOU?

14 A SHE INDICATED THAT SHE HAD RESPONDED TO HER
15 SISTER'S APARTMENT EARLIER THAT DAY, AND RECEIVING NO
16 ANSWER WAS -- EVENTUALLY ENTERED THE APARTMENT, WHICH WAS
17 UNLOCKED, WITH A FRIEND BY THE NAME OF MICHAEL FRANKS,
18 AND SUBSEQUENTLY DISCOVERED THE DECEASED IN HER CONDITION
19 AS DESCRIBED.

20 Q AS A RESULT OF YOUR INVESTIGATION, WHEN YOU
21 ARRIVED AT THE SCENE, DID YOU THEN AFTER CONTACT
22 INDIVIDUALS WITH RELATIONSHIP TO THIS CASE?

23 A YES, I DID.

24 Q DID YOU SPEAK TO ONE REGINA LEVY?

25 A YES, I DID.

26 Q DID SHE IDENTIFY HERSELF TO YOU?

27 A YES, SHE DID.

28 Q WHO DID SHE STATE SHE WAS?

1 A SHE WAS A GOOD FRIEND OF THE DECEASED AND
2 HAD BEEN A PRIOR ROOMMATE UP UNTIL A FEW WEEKS PRIOR.
3 SHE CURRENTLY WAS RESIDING IN NEW ORLEANS AND WAS VERY
4 CONCERNED OVER WHAT HAD HAPPENED.

5 Q LET ME ASK YOU A QUESTION.

6 DID MISS LEVY INDICATE THE LAST TIME SHE
7 HAD SPOKEN TO BRENDA KAYE?

8 A YES, SHE HAD.

9 Q WHEN DID SHE TELL YOU THAT WAS?

10 A SHE INDICATED THAT SHE HAD BEEN SPEAKING TO
11 HER ON THE NIGHT OF THE 15TH ON THE TELEPHONE. THIS WAS
12 ABOUT, PROBABLY ABOUT 8:30 OUR TIME; 10:30 THEIR TIME.

13 Q AND WHAT DID SHE SAY HAPPENED AFTER THAT?

14 A SHE SAID DURING THE CONVERSATION --

15 MR. ROTHMAN: I WOULD OBJECT TO THIS UNLESS IT IS
16 BEING OFFERED FOR PROBABLE CAUSE, FOUNDATIONAL FOR
17 SOMETHING ELSE.

18 THE COURT: OVERRULED; THAT CAN BE A RUNNING
19 OBJECTION.

20 GO ON.

21 THE WITNESS: SHE INDICATED DURING THAT PHONE
22 CONVERSATION THERE WAS A MALE BLACK IN HER APARTMENT, AND
23 THAT SHE HAD TO GO, THAT THIS MALE BLACK WAS ONE THAT WAS
24 SUPPLYING HER WITH CRACK COCAINE.

25 BY MS. DELGADILLO:

26 Q WHEN YOU SAY SHE INDICATED THAT, WHO
27 INDICATED THAT?

28 A I'M SORRY. BRENDA WAS INDICATING THAT TO

1 REGINA LEVY, L-E-V-Y.

2 Q AFTER THAT, DID REGINA TELL YOU WHETHER OR
3 NOT SHE TRIED TO RECONTACT BRENDA KAYE?

4 A YES, SHE DID.

5 Q WHAT DID SHE SAY?

6 A SHE STATED THAT OUT OF CONCERN FOR BRENDA,
7 AFTER THEIR TELEPHONIC CONVERSATION WAS TERMINATED, SHE
8 CONTINUALLY TRIED TO TELEPHONICALLY CONTACT BRENDA EVERY
9 15 MINUTES THE REMAINDER OF THE EVENING AND RECEIVED NO
10 ANSWER.

11 Q WHEN YOU SPOKE TO CLAUDIA KAYE, DID YOU ASK
12 HER TO DETERMINE WHETHER ANY PROPERTY WAS MISSING FROM
13 THE APARTMENT?

14 A YES, I DID.

15 Q AND DID SHE DESCRIBE ANYTHING MISSING?

16 A YES, SHE DID.

17 Q WILL YOU PLEASE TELL US WHAT SHE SAID?

18 A SHE INDICATED THAT A GOLD RING WITH THE
19 INITIALS "F.O." RAISED UPON IT WAS MISSING, THAT A BLACK
20 LEATHER JACKET BEARING A DRAWING OF EDDIE COCKRAN WAS
21 MISSING, AS WELL AS A STEREO TURNTABLE WAS MISSING AS
22 WELL, GENERAL ELECTRIC BRAND.

23 Q DID YOU ASK HER WITH RESPECT TO ANY
24 INFORMATION WITH RESPECT TO WHETHER OR NOT BRENDA KAYE
25 OWNED A VEHICLE?

26 A YES, I DID.

27 Q DID SHE INDICATE THAT SHE OWNED A 1985
28 CHRYSLER LE BARON, LICENSE NUMBER 2CAS244?

1 A YES, SHE DID.

2 Q WHAT COLOR WAS THE VEHICLE?

3 A GRAYISH-BLUE.

4 SHE ALSO INDICATED THAT WAS MISSING.

5 Q AS YOU CONTINUED YOUR INVESTIGATION, WHO
6 DID YOU SPEAK TO NEXT?

7 A WELL, IN ORDER, I DON'T REMEMBER. THERE
8 WERE SEVERAL PEOPLE WE SPOKE TO THAT EVENING AND THE NEXT
9 DAY.

10 MS. DELGADILLO: I WOULD LIKE TO HAVE MARKED AS
11 PEOPLE'S 3 NEXT IN ORDER WHAT APPEARS TO CONSIST OF A
12 TWO-SIDED PLASTIC COMPOSITE EXHIBIT, WHICH CONTAINS
13 PHOTOGRAPHS 1, 2, AND 3 ON THE FRONT SIDE, AND 4, 5, AND
14 6 ON THE BACK SIDE.

15 THE COURT: IT MAY BE SO MARKED.

16 MS. DELGADILLO: SHOWING YOU PEOPLE'S 3 NEXT IN
17 ORDER, DO YOU ARE RECOGNIZE THE VEHICLE IN THESE
18 PHOTOGRAPHS?

19 Q WHAT IS THAT CAR?

20 A IT IS A GRAY CHRYSLER CONVERTIBLE, A
21 VEHICLE THAT I CAUSED TO HAVE IMPOUNDED AFTER THE -- A
22 FEW DAYS AFTER THE DISCOVERY OF THE DECEASED. THAT
23 VEHICLE HAD BEEN REGISTERED TO THE DECEASED.

24 Q BRENDA KAYE?

25 A YES.

26 Q AND PICTURE 4 INDICATES THE LICENSE NUMBER?

27 A YES, THE LICENSE NUMBER OF 2 CHARLES ADAM
28 SAM 244, CALIFORNIA.

1 Q WHERE WAS THIS VEHICLE DISCOVERED?

2 A IT WAS PARKED -- I CAN'T THINK OF THE LOT
3 NUMBER, BUT IT WAS PARKED ON -- I WOULD HAVE TO REFER TO
4 MY NOTES REAL QUICK TO DETERMINE THAT LOCATION.

5 THE COURT: PLEASE DO.

6 THE WITNESS: 6400 BLOCK OF PIX STREET,
7 P-I-X. AND IT WAS LOCATED ON SEPTEMBER 18 AT 10:45 IN
8 THE MORNING.

9 BY MS. DELGADILLO:

10 Q THEREAFTER BASED UPON THE INVESTIGATION
11 THAT YOU HAD BEEN CONDUCTING, DID YOU ARREST ANYONE BY
12 THE NAME OF ALAN DEVON?

13 A YES, I DID.

14 Q AND DO YOU SEE THAT PERSON IN COURT HERE
15 TODAY?

16 A YES, I DO.

17 Q WOULD YOU PLEASE IDENTIFY HIM.

18 A MR. DEVON IS SEATED AT COUNSEL TABLE
19 WEARING ORANGE COUNTY JAIL JUMPSHIRT.

20 THE COURT: INDICATING THE DEFENDANT.

21 BY MS. DELGADILLO:

22 Q WHEN DID YOU FIRST SPEAK TO
23 MR. DEVON -- LET ME WITHDRAW THAT.

24 LET ME JUST ASK YOU, DID YOU KNOW MR. DEVON
25 BY ANY OTHER NAME?

26 A YES.

27 Q AND WHAT WAS THAT?

28 A HE WOULD GO BY THE NAME OF -- AGAIN, I

1 WOULD HAVE TO REFER TO THE ORIGINAL CRIMINAL HISTORY
2 SHEET.

3 THE COURT: DO YOU HAVE THAT IN FRONT OF YOU?

4 THE WITNESS: YES, I DO.

5 ALEX HORTEN.

6 BY MS. DELGADILLO:

7 Q DETECTIVE PARRY, AS A RESULT OF YOUR
8 INVESTIGATION, DID YOU SPEAK TO A MISS REEFER, ALSO KNOWN
9 AS PANAMA REEFER?

10 A YES, I DID.

11 Q WHEN DID YOU CONDUCT THAT INTERVIEW?

12 A THAT INTERVIEW WAS ON SEPTEMBER 23 AT 9:30
13 IN THE MORNING.

14 Q WHEN YOU CONDUCTED THAT INTERVIEW, WHERE
15 WAS IT, IF YOU RECALL?

16 A IT WAS AT HER APARTMENT AT 1805 NORTH
17 WILCOCK AVENUE, APARTMENT 106, IN HOLLYWOOD.

18 Q WITH RESPECT TO THAT CONVERSATION, DID YOU
19 TAPE THAT CONVERSATION, OR DID YOU JUST SPEAK TO HER AND
20 MEMORIALIZE IT IN WRITING?

21 A NO, THAT CONVERSATION WAS TAPED AT THE
22 LOCATION WHERE WE CONTACTED MISS REEFER, AND SHE
23 RESPONDED BACK TO HOLLYWOOD STATION WITH US FOR FURTHER
24 INTERVIEW.

25 Q DID SHE INDICATE TO YOU WHETHER OR NOT SHE
26 KNEW THE DEFENDANT IN THIS CASE, MR. DEVON, ALAN DEVON?

27 A YES, SHE DID.

28 Q HOW DID SHE KNOW HIM? WHAT DID SHE TELL

1 YOU?

2 A SHE INDICATED THAT SHE WAS A GIRLFRIEND,
3 OR THAT MR. DEVON WAS HER BOYFRIEND, OR HAD BEEN.

4 Q PREVIOUS TO THE NIGHT OF SEPTEMBER 15,
5 1992?

6 A YES.

7 Q WITH RESPECT TO THE STABBING, DID SHE
8 INDICATE THAT DEVON HAD TALKED TO HER ABOUT THAT
9 INCIDENT?

10 A YES, SHE DID.

11 Q WHAT DID SHE STATE DEVON TOLD HER?

12 MR. ROTHMAN: EXCUSE ME, YOUR HONOR. I WOULD
13 BELATEDLY OBJECT TO THE WORD "STABBING." THERE IS NO
14 EVIDENCE THAT THERE HAS BEEN A STABBING.

15 THE COURT: I'LL ALLOW IT WITH YOUR SUBSEQUENT
16 MOTION TO STRIKE.

17 YOU MAY ANSWER THE LAST QUESTION.

18 THE WITNESS: I'M SORRY. CAN YOU REPEAT THE
19 QUESTION?

20 MS. DELGADILLO: YES.

21 Q WHAT DID SHE STATE DEVON TOLD HER WITH
22 RESPECT TO THE DEATH OF THE FEMALE?

23 A SHE INDICATED THAT SHE STABBED -- THAT HE
24 IN FACT HAD STABBED, TRIED TO PUT HER OUT WITH SCISSORS
25 APPROXIMATELY FIVE TIMES, TO PUT HER OUT BY CHOKING HER
26 AND ALSO STABBING HER WITH THE SCISSORS, PUTTING THE
27 SCISSORS TO HER THROAT AND SO FORTH.

28 Q IN THE STATEMENT THAT MISS REEFER GAVE, DID

1 SHE INDICATE TO YOU THAT HE HAD SAID ON THE TAPE THAT *
2 "SOME BITCH TRIED TO PLAY HIM FOR A SUCKER, SO HE SLAPPED
3 HER AROUND, FUCKED HER, AND TOOK IT FROM HER?"

4 A YES, THAT'S CORRECT.

5 Q AND THEREAFTER IS THAT WHEN HE STATED THAT
6 HE TRIED FIVE TIMES TO PUT HER OUT, CHOKED HER, AND THEN *
7 USED THE SCISSORS?

8 A YES, IT WAS.

9 Q ONCE HE INDICATED THAT HE PUT THE SCISSORS
10 TO HER THROAT, DID HE INDICATE THAT HE JUMPED OUT, GOT
11 SCARED?

12 A HE INDICATED HE GOT SCARED, JUMPED UP, AND
13 RAN AWAY.

14 Q THEREAFTER DID YOU SPEAK TO ON SEPTEMBER 24
15 OF 1992, DID YOU SPEAK TO A JOSEPH REMBERT, ALSO KNOWN AS
16 MOE?

17 A YES, I DID.

18 Q WHEN DID HE INDICATE WHO -- DID HE
19 INDICATE WHETHER OR NOT HE KNEW THE DEFENDANT IN COURT
20 HERE, ALAN DEVON?

21 A YES, HE DID. HE INDICATED HE HAD KNOWN HIM
22 FOR APPROXIMATELY SIX OR SEVEN YEARS.

23 Q AND DID HE TELL YOU WHETHER OR NOT ALAN
24 DEVON SPOKE TO HIM WITH RESPECT TO ANY MURDER OR DEATH
25 OF A FEMALE?

26 A YES, HE DID.

27 Q AND WHAT DID HE STATE?

28 A HE INDICATED HE HAD SEEN HIM ON TWO

1 SEPARATE TIMES DURING THE WEEK OF SOMETIME. HE COULD NOT
2 PINPOINT THE DAY, 9-14 TO 9-18 '92.

3 AND AT ONE PARTICULAR TIME HE HAD SEEN
4 MR. DEVON DRIVING A GRAY CHRYSLER CONVERTIBLE, AND AT
5 THAT TIME HE KNEW THAT -- HE COULD TELL BY MR. DEVON'S
6 Demeanor THAT HE WAS VERY UPSET OVER SOMETHING.

7 HE ALSO SAW MR. DEVON LATER IN THE DAY
8 WHEREBY MR. DEVON INDICATED THAT HE HAD KILLED, AS HE *
9 REFERRED TO IT, KILLED THIS BITCH OVER TWO ROCKS OF
10 COCAINE, THAT HE CHOKED HER AND HAD SOLD HER STEREO.

11 Q WHEN YOU CAUSED THE DEFENDANT TO BE
12 ARRESTED, DID YOU NOTICE ANY INJURIES OF ANY SORT ON
13 MR. DEVON?

14 A YES, I DID.

15 Q WOULD YOU PLEASE DESCRIBE THOSE.

16 A THERE WERE NUMEROUS SCRATCHES AND ABRASIONS
17 ABOUT THE BACK OF HIS ARMS. I BELIEVE THERE WAS A COUPLE
18 SCRATCHES ON HIS BACK. AND I CAUSED THEM TO BE
19 PHOTOGRAPHED.

20 Q DO YOU HAVE ANY OF THOSE PHOTOGRAPHS WITH
21 YOU?

22 A YES, I DO.

23 Q COULD YOU PLEASE OBTAIN ONE OF THOSE
24 PHOTOGRAPHS FOR ME.

25 MS. DELGADILLO: YOUR HONOR, I WOULD LIKE TO HAVE
26 PEOPLE'S 4 AND 5 MARKED WHICH APPEAR TO BE TWO
27 PHOTOGRAPHS.

28 Q SHOWING YOU TWO PHOTOGRAPHS THAT I

REMOVED, ARE THESE PHOTOGRAPHS TAKEN FROM THE DEFENDANT,
ALAN DEVON?

A YES, THEY WERE.

Q WHAT DOES PICTURE 4 SHOW YOU?

A IT IS A NICK OR A SCRATCH ON HIS BACK,
PICTURE 4 IS.

Q WITH RESPECT TO 5, WHAT DOES THAT SHOW?

A THAT IS A PICTURE OF MR. DEVON'S KNEE WHERE
THERE IS TWO SEPARATE ABRASIONS ON EITHER SIDE OF THE
KNEE -- I CORRECT MYSELF. THAT MAY BE HIS ELBOW THERE.

Q DO YOU WANT TO LOOK AT YOUR SEQUENCE OF
PHOTOGRAPHS?

A YES, I NEED TO SEE IT.

YES, THAT IS DEPICTING HIS RIGHT ELBOW
AREA.

MS. DELGADILLO: NO FURTHER QUESTIONS OF THIS
WITNESS.

THE COURT: CROSS-EXAMINE.

MR. ROTHMAN: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. ROTHMAN:

Q DETECTIVE PARRY, REFERRING TO YOUR
INTERVIEW WITH ANNA REEFER, ALSO KNOWN AS PANAMA, THE
WORD STABBED, WAS THAT EVER USED BY MISS REEFER, OR WAS
THAT A WORD THAT YOU USED?

A I BELIEVE THAT SHE USED THAT, IF I CAN

1 REFER TO MY NOTES REAL QUICK.

2 THE COURT: PLEASE DO.

3 THE WITNESS: NO, I TAKE THAT BACK. IT APPEARS
4 THAT SHE INDICATES A SCISSORS, THAT HE PUT IT TO HER
5 THROAT, BUT I DON'T RECALL HER USING THE WORD STAB.
6 BY MR. ROTHMAN:

7 Q SO THE WORDS THAT MISS REEFER USED IN
8 REFERRING TO THE STATEMENTS THAT MR. DEVON ALLEGEDLY MADE
9 WAS THAT HE PUT THE SCISSORS TO HER THROAT, NOT THAT HE
10 STABBED HER?

11 A YES, AT THIS POINT THAT IS WHAT I RECALL.

12 Q WITH RESPECT TO THE STATEMENT MADE BY A
13 WITNESS SPEAKING TO YOU, "THAT HE KILLED THE BITCH," THAT
14 WASN'T A STATEMENT ALLEGEDLY ASCRIBED TO
15 MR. DEVON. THAT WOULD HAVE BEEN A STATEMENT, A
16 PARAPHRASING BY THE WITNESS; WOULD THAT BE CORRECT?

17 A I'M SORRY.

18 Q WELL, I AM TRYING TO FIND OUT WHEN YOU HAD
19 THIS INTERVIEW WHETHER THE WORDS "HE KILLED THE BITCH"
20 WAS SUPPOSED TO BE A QUOTATION OF MY CLIENT'S, OR WAS
21 THAT A EUPHEMISM, A STATEMENT USED BY THE WITNESS IN
22 DESCRIBING WHAT WAS TOLD TO HIM?

23 A THAT WAS --

24 MS. DELGADILLO: I WOULD OBJECT. IS THAT GOING
25 TO JOSEPH REMBERT?

26 THE COURT: WHOSE WORDS WERE THEY, "KILL THE
27 BITCH?"

28 THE WITNESS: THAT WAS THE WORDS OF THE WITNESS

1 REMBERT.

2 BY MR. ROTHMAN:

3 Q THOSE WERE HIS WORDS, NOT A QUOTATION
4 SUPPOSEDLY COMING FROM MR. DEVON, WAS THAT RIGHT?

5 A I BELIEVE HE WAS QUOTING THE DEFENDANT.

6 Q AND YOU SAY YOU BELIEVE, YOU DON'T KNOW
7 THAT, THAT IS JUST YOUR OPINION, BASED ON THE FLOW OF THE
8 DIALOGUE?

9 A YES.

10 Q YOU HAD A CONVERSATION WITH A WOMAN IN NEW
11 YORK WHO IDENTIFIED HERSELF AS THE MOTHER OF THE VICTIM
12 IN THIS CASE?

13 A YES, I DID.

14 Q AND THAT WAS A RATHER EXTENSIVE INTERVIEW
15 THAT WAS HELD EARLY ONE MORNING THEIR TIME, STILL EARLY
16 IN THE MORNING OUR TIME, ISN'T THAT RIGHT?

17 A YES.

18 Q AND AT THE TIME YOU RECEIVED INFORMATION IN
19 THAT WITH RESPECT TO PEOPLE WITH WHOM THE VICTIM HAD BEEN
20 FREQUENTING, ASSOCIATING. AND SHE SPOKE TO YOU ABOUT HER
21 FEARS OF WHO MIGHT HAVE DONE THIS KILLING; IS THAT RIGHT?

22 A I BELIEVE THAT'S CORRECT.

23 Q THANK YOU.

24 NONE OF THOSE REFERRED TO MR. DEVON, DID
25 THEY?

26 A NO, NOT BY NAME.

27 MR. ROTHMAN: THANK YOU.

28 NOTHING FURTHER.

1 THE COURT: THANK YOU VERY MUCH.

2 OFFICER, YOU MAY STEP DOWN.

3 MS. DELGADILLO: I JUST HAVE ONE QUESTION.

4 THE COURT: ALL RIGHT, ASK IT.

5

6

7

REDIRECT EXAMINATION

8 BY MS. DELGADILLO:

9 Q DID YOU RECOVER THE SCISSORS?

10 A I DID NOT PERSONALLY, NO.

11 Q DID YOU SPEAK TO THE CORONER OR THE
12 CRIMINALIST WHO INVESTIGATED AT THE CRIME SCENE?

13 A YES. THE SCISSORS WERE RECOVERED BY THE
14 PATHOLOGIST DURING THE POST MORTEM EXAMINATION, OR JUST
15 PRIOR TO THE POST MORTEM EXAMINATION.

16 Q AND WHERE WERE THEY RECOVERED, DO YOU KNOW?

17 A THEY WERE CONCEALED WITHIN THE TOWEL AND
18 THE ELECTRICAL CORD THAT HAD BEEN WRAPPED AROUND THE NECK
19 OF THE VICTIM.

20 MS. DELGADILLO: NOTHING FURTHER.

21

22

23

RE CROSS EXAMINATION

24 BY MR. ROTHMAN:

25 Q WHEN YOU USE THE WORD CONCEALED, IT IS NOT
26 NECESSARILY IN A SENSE THAT THERE WAS AN ATTEMPT TO HIDE
27 THEM.

28

WHAT YOU MEAN IS THAT THEY WERE FOUND

1 INSIDE A TOWEL WHERE THEY WERE NOT VISIBLE UNTIL YOU
2 PICKED UP THE TOWEL, WOULD THAT BE CORRECT?

3 A THE SCISSORS WERE NOT -- TO ANSWER YOUR
4 QUESTION, I WILL GIVE IT AN EXPLANATION.

5 THE SCISSORS WERE NOT VISIBLE AT THE CRIME
6 SCENE. THEY WERE NOT VISIBLE TO THE CORONER INVESTIGATOR
7 WHO TRANSPORTED THE DECEASED.

8 THEY WERE NOT LOCATED UNTIL SUCH TIME AS
9 THE TOWEL AND THE CORD WAS UNWRAPPED FROM AROUND THE
10 VICTIM'S NECK PRIOR TO THE POST MORTEM EXAMINATION.

11 Q BUT WHEN YOU USED THE WORD CONCEALED, YOU
12 ARE NOT IMPLYING --

13 THE COURT: WELL, I MEAN, I DO AGREE WITH YOU, AND
14 I DON'T THINK YOU NEED TO ASK THAT QUESTION AS TO HIDING
15 OR SOMETHING LIKE THAT. THEY WERE IN FACT CONCEALED, IN
16 OTHER WORDS, NOT OPEN TO VIEW, AND THAT IS MY
17 UNDERSTANDING.

18 ANY FURTHER QUESTIONS?

19 MR. ROTHMAN: VERY BRIEFLY.

20 Q WERE THOSE SCISSORS RETRIEVED IN YOUR
21 PRESENCE?

22 A NO, THEY WERE NOT.

23 Q THIS IS INFORMATION THAT YOU HAVE GLEANED
24 FROM OTHER SOURCES; IS THAT RIGHT?

25 A THIS IS INFORMATION THAT THE PATHOLOGIST
26 TOLD ME.

27 Q THAT BEING THE CASE, YOUR HONOR, I WOULD
28 OBJECT TO IT, AND THERE WOULD BE A MOTION TO STRIKE ALL

TESTIMONY WITH REGARD TO THE SCISSORS AS NOT BEING
PERCIPIENT OF THIS WITNESS'S KNOWLEDGE.

THE COURT: OVERRULED.

THE ANSWER MAY REMAIN.

MS. DELGADILLO: AND WITH RESPECT TO IT, I WOULD
LIKE TO HAVE MARKED AS PEOPLE'S 6, A PHOTOGRAPH OF
SCISSORS THAT WERE TAKEN BY THE CORONERS, I BELIEVE. OR
IT HAS CORONER'S NUMBER 928504 DASH, AND THE DATE,
9-17-92.

THE COURT: DO YOU HAVE A QUESTION, OR ARE YOU
JUST MARKING THEM?

MS. DELGADILLO: I AM JUST MARKING THAT.

THE COURT: ANY FURTHER QUESTIONS OF THIS WITNESS?

MS. DELGADILLO: NO.

THE COURT: THANK YOU VERY MUCH. YOU MAY STEP
DOWN.

MS. DELGADILLO: LET ME GATHER THOSE ITEMS. OUR
NEXT WITNESS IS IN CUSTODY.

PEOPLE WOULD CALL FRANKLIN SMITH.

THE CLERK: WOULD YOU PLEASE RAISE YOUR RIGHT
HAND TO BE SWORN.

YOU DO SOLEMNLY SWEAR THE TESTIMONY
YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS
COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING
BUT THE TRUTH, SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: THANK YOU. PLEASE BE SEATED IN THE
WITNESS STAND.

1 WOULD YOU STATE AND SPELL YOUR NAME FOR
2 THE RECORD, PLEASE.

3 THE WITNESS: FRANKLIN SMITH, F-R-A-N-K-L-I-N,
4 S-M-I-T-H.

5 THE CLERK: THANK YOU.
6
7

8 FRANKLIN SMITH,
9 CALLED AS A WITNESS BY AND ON BEHALF OF THE
10 PEOPLE, HAVING BEEN FIRST DULY SWORN,
11 WAS EXAMINED AND TESTIFIED AS FOLLOWS:
12
13

14 DIRECT EXAMINATION

15 BY MS. DELGADILLO:

16 Q MR. SMITH, I WANT TO DIRECT YOUR ATTENTION
17 BACK TO SEPTEMBER OF 1992. LOOKING IN COURT HERE TODAY,
18 THE MAN AT THE VERY END OF COUNSEL TABLE IN THE ORANGE,
19 DO YOU KNOW THAT MAN?

20 A YEAH, I DO. VERY GOOD FRIEND OF MINE.

21 Q WHAT IS HIS NAME?

22 A DEVON.

23 Q WHEN DID YOU FIRST MEET DEVON?

24 A WHEN I FIRST GOT OUT OF THE PEN IN 1992.

25 WHEN I FIRST GOT OUT OF JAIL IN 1992.

26 Q WAS THAT IN THE EARLY PART, LAST PART OF
27 AUGUST, EARLY PART OF SEPTEMBER?

28 A LAST PART OF AUGUST.

1 Q AND SO BEFORE THE LAST WEEKS OF SEPTEMBER,
2 HAD YOU KNOWN DEVON? YOU HAD BEEN FRIENDS WITH HIM?

3 A BEFORE I MET HIM?

4 Q NO, FROM THE TIME THAT YOU GOT OUT OF
5 CUSTODY UNTIL THE LAST WEEK IN SEPTEMBER.

6 A YES.

7 Q AND ON OR ABOUT THE WEEK OF SEPTEMBER 18,
8 TO SEPTEMBER 19, DID YOU SEE DEVON?

9 A ON OR ABOUT THE WEEK OF WHAT NOW?

10 Q SEPTEMBER 18, 1992, AND SEPTEMBER 19, '92?

11 A I DON'T KNOW -- WELL, I HAVE KNOWN DEVON
12 SINCE I GOT OUT OF JAIL. AND I BASICALLY SAW HIM EVERY
13 OTHER DAY OR EVERY DAY. SO BASICALLY YOU COULD JUST SAY
14 I HAVE SEEN HIM.

15 Q NOW, DID YOU TALK TO THE POLICE REGARDING
16 SEEING DEVON ON A CERTAIN DAY, DO YOU REMEMBER THAT?

17 A DID I TALK TO THE POLICE? YEAH, I TALKED
18 TO THE POLICE. BUT I DON'T KNOW WHAT YOU MEAN BY WHAT
19 YOU ARE SAYING. WHAT ARE YOU SAYING?

20 Q LET ME ASK YOU A QUESTION.

21 DID YOU SPEAK TO THE POLICE ON SEPTEMBER 23
22 OF 1992? AT THAT POINT IN TIME DID YOU TALK TO -- DID
23 YOU SPEAK TO THE POLICE ABOUT A CONVERSATION YOU HAD WITH
24 DEVON WHEN YOU WERE AT 1805 NORTH WILCOCK UPSTAIRS IN A
25 VACANT APARTMENT NUMBER 408? DO YOU REMEMBER THAT
26 CONVERSATION?

27 A I HAD A CONVERSATION WITH THE POLICE, BUT I
28 DON'T KNOW WHAT YOU ARE TALKING ABOUT. COULD YOU BE MORE

1 SPECIFIC AS TO WHAT THE CONVERSATION WAS?

2 THE COURT: EVERYTHING AFTER "POLICE" WILL BE
3 STRICKEN.

4 NEXT QUESTION.

5 BY MS. DELGADILLO:

6 Q DID YOU SPEAK TO DEVON ONE DATE IN
7 SEPTEMBER IN APARTMENT NUMBER 408, A VACANT APARTMENT,
8 WHERE THERE WAS ANOTHER PERSON, YOU DESCRIBED HIM AS A
9 WHITE BASEHEAD, AND YOU AND DEVON WERE TALKING. DO YOU
10 REMEMBER THAT, YES OR NO?

11 A NO.

12 Q DO YOU REMEMBER TELLING THE POLICE THAT YOU
13 SPOKE TO DEVON WHEN THERE WAS NO ONE ELSE THERE EXCEPT
14 THIS WHITE BASEHEAD?

15 A I DON'T REMEMBER.

16 Q DID DEVON EVER TELL YOU HE KILLED A GIRL?

17 A NO, HE NEVER TOLD ME DIRECTLY.

18 Q DO YOU REMEMBER TELLING THE POLICE HE TOLD
19 YOU DIRECTLY?

20 A I MAY HAVE TOLD THE POLICE ANYTHING TO GET
21 OUT OF REACH OF THE POLICE. YEAH, I MAY HAVE.

22 Q DID YOU STATE TO THE POLICE THAT WHILE YOU
23 WERE AT APARTMENT 408 DEVON CAME IN, THAT HE DIDN'T LOOK
24 GOOD, AND HE WAS DEPRESSED?

25 A THAT I DID TELL THE POLICE, YEAH.

26 Q AND DID AT THAT POINT IN TIME, DID THEY ASK
27 YOU ANY QUESTIONS, OR WERE YOU TALKING STRAIGHT TO THE
28 POLICE?

1 A WHAT DO YOU MEAN?

2 Q DID THEY PROVIDE YOU WITH ANY INFORMATION?

3 A THEY PROVIDED ME WITH ALL THE INFORMATION
4 FIRST. THEY TALKED TO ME ABOUT IT.

5 Q DID YOU TELL THEM THAT DEVON SAID THAT HE
6 WAS ROCKED-OUT AND SOMETHING WENT HAYWIRE?

7 A NO, THEY TOLD ME FIRST.

8 Q DID THEY USE THE WORD HAYWIRE, OR YOU?

9 A I DON'T KNOW. I DON'T REMEMBER.

10 Q DID DEVON TELL YOU THAT?

11 A NO, HE DIDN'T TELL ME THAT HE KILLED
12 ANYBODY.

13 Q YOU NEVER TOLD THE POLICE THAT DEVON TOLD
14 YOU --

15 A I MAY HAVE TOLD THE POLICE.

16 THE COURT: LET HER ASK HER WHOLE QUESTION.

17 YOU NEVER TOLD THE POLICE WHAT?

18 BY MS. DELGADILLO:

19 Q THAT HE SAID HE KILLED HER AND SHE WOULDN'T
20 DIE AT FIRST. HE CHOKED HER AND STABBED HER. HE CHOKED
21 HER WITH HIS HANDS, BUT SHE WOULDN'T DIE. HE STABBED
22 HER, AND SHE WOULDN'T DIE FOR A WHILE.

23 DO YOU REMEMBER STATING THAT?

24 A THIS IS WHAT THE POLICE HAVE TOLD ME
25 BEFOREHAND. THEY CAME TO ME AND TOLD ME ALL ABOUT THIS.
26 AND BASICALLY, LIKE I SAID BEFORE, I MAY HAVE TOLD THEM
27 ANYTHING JUST TO GET OUT OF THEIR REACH.

28 Q DID YOU TELL THAT TO THE POLICE, WHAT I

1 JUST STATED?

2 A I DON'T REMEMBER.

3 Q WERE YOU EVER IN A GRAY CHRYSLER LE BARON?

4 A ONCE I WAS, YES.

5 Q AND WHO WAS WITH YOU AT THAT TIME?

6 A DEVON WAS.

7 Q DID YOU HAVE A CONVERSATION WITH DEVON IN
8 APARTMENT 408?

9 A I HAVE HAD CONVERSATIONS WITH DEVON IN A
10 FEW APARTMENTS. I DON'T KNOW EXACTLY WHICH APARTMENT AND
11 WHAT YOU ARE TALKING ABOUT.

12 Q APPROXIMATELY THREE DAYS BEFORE, THREE OR
13 FOUR DAYS BEFORE YOU TALKED TO THE POLICE, WERE YOU IN AN
14 APARTMENT WITH DEVON WHERE THERE WAS A WHITE, AS YOU
15 DESCRIBED HIM, A WHITE BASEHEAD?

16 A I STILL DON'T UNDERSTAND WHAT YOU ARE
17 TALKING ABOUT.

18 Q IF I MIGHT APPROACH THE WITNESS, YOUR
19 HONOR.

20 THE COURT: YES.

21 BY MS. DELGADILLO:

22 Q I WOULD LIKE YOU TO READ THIS STATEMENT.

23 MR. ROTHMAN: I AM GOING TO OBJECT TO THE DISTRICT
24 ATTORNEY SHOWING ANYTHING TO THE WITNESS. THERE IS NO
25 FOUNDATION.

26 THE COURT: WHY DON'T YOU ASK A QUESTION. THERE
27 IS NO QUESTION PENDING.

28 BY MS. DELGADILLO:

1 Q DID YOU EVER REMEMBER DESCRIBING
2 CIRCUMSTANCES WHERE THIS CONVERSATION TOOK PLACE, A
3 CONVERSATION TOOK PLACE WITH DEVON WHERE HE TOLD YOU HE
4 KILLED A GIRL?

5 A DEVON NEVER TOLD ME HE KILLED A GIRL --
6 THE COURT: YES OR NO?

7 THE WITNESS: NO.

8 BY MS. DELGADILLO:

9 Q DO YOU REMEMBER DESCRIBING BEING UPSTAIRS
10 WITH A WHITE BASEHEAD?

11 THE COURT: YES OR NO?

12 THE WITNESS: NO.

13 BY MS. DELGADILLO:

14 Q ARE YOU SAYING THE POLICEMAN PROVIDED YOU
15 WITH THAT DESCRIPTION, AS WELL?

16 A EXCUSE ME?

17 Q DID THE POLICE EVER MENTION THAT
18 DESCRIPTION?

19 A I DON'T UNDERSTAND WHAT YOU ARE TALKING
20 ABOUT.

21 THE COURT: YOU HAVE ASKED THIS QUESTION SEVERAL
22 TIMES. YOU ARE GETTING THE SAME TYPE OF ANSWER.

23 BY MS. DELGADILLO:

24 Q DID YOU THEN HAVE A SECOND INTERVIEW WITH
25 THE POLICE OFFICERS ON DECEMBER 9TH OF 1992. LET ME ASK
26 YOU THIS: AFTER THE DATE THEY FIRST TALKED TO YOU, DID
27 YOU TALK TO THE POLICE?

28 A YES, I DID.

1 Q AND WITH RESPECT TO THAT, DID YOU INDICATE
2 WHETHER OR NOT YOU WERE IN THE GRAY CHRYSLER LE BARON?

3 A I DON'T REMEMBER.

4 Q DID YOU EVER TELL THE POLICE THAT DEVON WAS
5 WITH YOU IN THE VEHICLE?

6 A DID I EVER TELL THE POLICE WHAT?

7 Q THAT DEVON WAS DRIVING THE CAR OR IN THE
8 CAR WITH YOU?

9 A YEAH, I TOLD THEM THAT HE WAS DRIVING THE
10 CAR.

11 Q WERE YOU IN THE CAR WITH DEVON, IN THE GRAY
12 CHRYSLER LE BARON?

13 A I WAS IN THE CAR WITH DEVON, YES.

14 Q DOES THIS LOOK LIKE THE GRAY CAR YOU WERE
15 IN?

16 THE COURT: YES OR NO?

17 THE WITNESS: I THINK THAT'S THE CAR. I AM NOT
18 SURE.

19 BY MS. DELGADILLO:

20 Q DO YOU RECALL WHEN YOU WERE INSIDE THE
21 VEHICLE TALKING TO DEVON?

22 A DO I RECALL WHEN I WAS INSIDE -- I'M LIKE
23 THE PRESIDENT. I DON'T REMEMBER WHAT I DID OR WHAT DATE.

24 Q HOW MANY TIMES WERE YOU INSIDE THAT GRAY
25 CAR?

26 A ONE TIME.

27 Q WHY DID YOU GET OUT OF THE GRAY CAR?

28 A WHY DID I GET OUT OF THE GRAY CAR?

1 Q YES.

2 A PROBABLY TO GO GET A HIT.

3 Q DID YOU TELL THE POLICE THAT THE REASON YOU
4 GOT OUT OF THE CAR WAS BECAUSE IT WAS THE DEAD GIRL'S
5 CAR?

6 A I DON'T REMEMBER.

7 Q DO YOU EVER RECALL TELLING THE POLICE THAT
8 "I IMMEDIATELY JUMPED OUT OF THE CAR AND WIPED MY
9 FINGERPRINTS OFF OF IT?"

10 A I MAY HAVE TOLD THE POLICE ANYTHING.

11 Q DID YOU EVER TELL THE POLICE THAT "HE WAS
12 STUPID FOR LEAVING THE GIRL IN THE APARTMENT, THAT SHE
13 WOULD START STINKING OR SOMETHING LIKE THAT"?

14 A I MAY HAVE TOLD THEM ANYTHING.

15 MS. DELGADILLO: NO FURTHER QUESTIONS.

16 THE COURT: ANY QUESTIONS?

17 MR. ROTHMAN: NO THANK YOU.

18 THE COURT: THANK YOU, SIR, FOR COMING IN. YOU
19 ARE EXCUSED.

20 THE COURT: ANY FURTHER WITNESSES?

21 MS. DELGADILLO: NO, YOUR HONOR.

22 I AM GOING TO ASK COUNSEL FOR A
23 STIPULATION, BUT I NEED ONE SECOND.

24 YOUR HONOR, I HAVE TWO STIPULATIONS I AM
25 GOING TO ASK COUNSEL TO ENTER INTO. ONE WAS A
26 STIPULATION THAT IF A CRIMINALIST, WILLIAM MOORE, SERIAL
27 NUMBER E8199, WERE CALLED, HE WOULD BE DULY SWORN AND
28 WOULD TESTIFY THAT HE IS AN EXPERT CRIMINALIST FOR THE

1 LOS ANGELES POLICE DEPARTMENT;

2 THAT ON DECEMBER 16 OF 1992 HE PERFORMED AN
3 ANALYSIS OF A SEXUAL ASSAULT KIT AND FOUND SEMEN TO BE
4 PRESENT FROM THE SEXUAL ASSAULT KIT THAT WAS TAKEN FROM
5 THE BODY OF BRENDA KAYE;

6 SO STIPULATED FOR PURPOSES OF THIS HEARING
7 ONLY?

8 MR. ROTHMAN: FOR PURPOSES OF THE PRELIMINARY
9 HEARING, SO STIPULATED.

10 MS. DELGADILLO: ADDITIONALLY, I WOULD ASK COUNSEL
11 TO STIPULATE THAT IF CORONER EUGENE CARPENTER, JR., WHO
12 IS A DEPUTY MEDICAL EXAMINER EMPLOYED BY THE COUNTY OF
13 LOS ANGELES BY THE CORONER'S OFFICE;

14 THAT HE PERFORMED AN AUTOPSY, CORONER
15 REPORT NUMBER 9208504, ON THE DECEDENT BRENDA KAYE;
16 AND THAT THAT IS THE PERSON DEPICTED IN
17 PEOPLE'S 1 AND --

18 I ALSO HAVE MARKED AS PEOPLE'S 7 NEXT IN
19 ORDER A FACIAL PHOTOGRAPH OF THE INDIVIDUAL KNOWN AS
20 BRENDA KAYE. I WOULD LIKE TO HAVE THAT MARKED AS
21 PEOPLE'S 7;

22 THAT THAT IS THE SAME PERSON DEPICTED IN
23 PEOPLE'S 1, AND I BELIEVE IT IS PEOPLE'S 3?

24 THE COURT: SO STIPULATED?

25 MR. ROTHMAN: SO STIPULATED FOR PURPOSES OF THE
26 PRELIMINARY HEARING ONLY.

27 THE COURT: THANK YOU.

28 THAT STIPULATION WILL BE ACCEPTED.

1 DON'T YOU LOAN ME A COPY OF IT.

2 MR. ROTHMAN: MAY I APPROACH?

3 THE COURT: SURE.

4 MR. ROTHMAN: PAGE 10.

5 THE COURT: YES, GO ON.

6 MR. ROTHMAN: NOWHERE IN THE AUTOPSY REPORT WAS
7 THERE ANY ABUSE, MIS-USE OR TRAUMA TO THE SEXUAL ORGANS
8 TO SUPPORT A CHARGE OF FORCIBLE RAPE, WHICH IS ONE OF THE
9 CIRCUMSTANCES.

10 THERE HAS ALSO BEEN NO SHOWING AS TO WHEN
11 THE PROPERTY, IF IT BELONGED TO THE DECEDENT, WAS TAKEN.
12 I ASSUME IT WAS AFTER THE EVENT, AFTER HER DEATH, WHICH
13 WOULD NOT MAKE IT A SPECIAL CIRCUMSTANCES ROBBERY. IT
14 WOULD MAKE IT A GRAND THEFT.

15 I THINK THESE ARE INCONSISTENT THEORIES
16 THAT THE PEOPLE HAVE PLED. EITHER THEIR POSITION IS THAT
17 BECAUSE OF THE PHOTOGRAPH SHE IS A RAPE VICTIM, AND IT IS
18 A SPECIAL CIRCUMSTANCES RAPE, OR THERE WAS A ROBBERY.

19 I DON'T THINK THEY CAN HAVE IT BOTH WAYS,
20 AND I THINK THEY ARE REQUIRED TO ELECT AT A STAGE WHICH
21 WAY THEY ARE GOING TO PROCEED.

22 YOUR HONOR, I KNOW THIS IS MERELY A
23 PRELIMINARY HEARING, BUT THE DEFENDANT HAS A RIGHT TO
24 DETERMINE WHAT CHARGES CAN REASONABLY BE PROVEN.

25 THE PEOPLE ARE GOING TO HAVE SOME
26 DIFFICULTY WITH REGARD TO THIS CASE. STATEMENTS THAT ARE
27 MADE BY SOMEONE ON THE STREET WITHOUT ANY FURTHER
28 CONNECTION, CAUSAL CONNECTION, I THINK CANNOT SUSTAIN A

1 BURDEN, EVEN FOR PRELIMINARY HEARING.

2 I WOULD SUBMIT IT.

3 THE COURT: THANK YOU.

4 DO YOU WISH TO RESPOND?

5 MS. DELGADILLO: YOUR HONOR, WITH RESPECT TO THAT,
6 AND I INDICATE I MISSPOKE. I THINK THE PHOTOGRAPH WITH
7 RESPECT TO THE VICTIM IN THIS CASE IS PEOPLE'S 2.

8 THERE IS NO OTHER FINDINGS WITH RESPECT TO
9 THE SEMEN, OTHER THAN THERE WAS SEMEN PRESENT IN THE
10 DECEDENT'S BODY, BUT I WOULD SUBMIT THAT, AND THAT IS WHY
11 I WOULD ASK THE COURT TO LOOK AT THE PHOTOGRAPHS, THAT
12 THE ROOM WAS RANSACKED. THE BEDROOM DOOR WAS KICKED IN.
13 AND I THINK THE CIRCUMSTANCES STRONGLY SHOW THAT THE
14 VICTIM'S BODY AND POSTURE OF THE BODY WITH THE CLOTHING
15 PULLED UP AND DOWN FROM AROUND HER HEAD, WITH THE
16 STRANGULATION, AND THE MANNER IN WHICH SHE WAS MURDERED
17 INDICATE A FORCIBLE RAPE.

18 I WOULD ARGUE THAT I DON'T BELIEVE THAT THE
19 THEORY IS INCONSISTENT. WHILE WE HAVE TO PROVE WITH
20 RESPECT TO THE ROBBERY WHETHER THE VICTIM REFUSED TO PAY
21 FOR THE COCAINE, EITHER BY SEX OR WITH HER PROPERTY, SHE
22 WAS MURDERED FOR IT, AND THAT WOULD BE THE PEOPLE'S
23 THEORY.

24 THE COURT: RESPOND BRIEFLY.

25 MR. ROTHMAN: THAT IS SHEER SPECULATION. AND THAT
26 COMPLETELY NEGATES THE VERY POSSIBILITY OF AN ONGOING
27 RELATIONSHIP WHERE THE DEFENDANT HAD SEX WITH THE VICTIM
28 SOMETIMES BEFORE THIS. THEY GOT INTO A VIOLENT STRUGGLE

1 OVER SOMETHING, ALBEIT EVEN SEX, AND THEN SHE WAS KILLED.

2 THAT IS, AGAIN, ALL FANTASY. THERE MAY
3 HAVE BEEN A FIGHT OVER SOMETHING ENTIRELY DIFFERENT. IT
4 MAY HAVE BEEN OVER MONEY OR SOMETHING.

5 I WOULD SUBMIT THAT THE CLOTHING IN
6 DISARRAY WOULD NORMALLY BE FOUND WITH A RAPE. BUT THE
7 FORCIBLE RAPE, IF IT IS, THERE IS SO MUCH FORCE USED, YET
8 THERE IS NO INJURY TO THE BODY THAT YOU WOULD FIND.
9 THERE IS NONE OF THAT.

10 AND THERE IS ANOTHER PART OF THE AUTOPSY
11 REPORT WHERE IT WAS EVEN EXAMINED SPECIFICALLY FOR THAT,
12 AND NONE WAS PRESENT. I THINK THE PEOPLE HAVE TO BE
13 BOUND BY THE EVIDENCE, NOT BY THEORY.

14 THE COURT: THANK YOU. THAT WILL BE AN
15 INTERESTING QUESTION FOR ANOTHER TRIER OF FACT.

16 MOTION TO DISMISS WILL BE DENIED.

17 IT APPEARING TO ME THE EVIDENCE IN THE
18 WITHIN COMPLAINT MENTIONED, TO WIT, VIOLATION OF 187(A)
19 OF THE CALIFORNIA PENAL CODE, A FELONY, AS ALLEGED IN
20 COUNT 1;

21 TOGETHER WITH THE SPECIAL ALLEGATION UNDER
22 12022(B), 190.2(A)(17) TWICE, THOSE SPECIAL ALLEGATIONS
23 ALL IN THE PENAL CODE;

24 VIOLATION OF 211 OF THE CALIFORNIA PENAL
25 CODE, A FELONY, AS ALLEGED IN COUNT 2;

26 AND VIOLATION OF SECTION 261(A)(2) OF THE
27 PENAL CODE, A FELONY, AS ALLEGED IN COUNT 3;

28 THAT SPECIAL ALLEGATION OF PRIOR FELONY IS

1 STRICKEN AS THERE WAS NO EVIDENCE AT THIS HEARING.

2 DEFENDANT WILL BE HELD TO ANSWER.

3 DATE OF ARRAIGNMENT IN SUPERIOR COURT,
4 8:30 A.M., FEBRUARY 16, 1993, DEPARTMENT 100.

5 THANK YOU VERY MUCH.

6 THE CLERK: AS TO MR. FRANKLIN SMITH?

7 MS. DELGADILLO: I WOULD ASK THAT HE BE ORDERED
8 BACK FOR THAT DATE.

9 THE COURT: I DID THAT ON ONE PREVIOUS OCCASION,
10 AND AN APPELLATE COURT RULED THAT I HAD NO JURISDICTION
11 TO KEEP HIM IN ON A PENDING TRIAL.

12 HE WILL BE ORDERED BACK.

13 HE WAS TAKEN UP ALREADY.

14 MS. DELGADILLO: I WILL NEED TO HAVE HIM --
15 OBVIOUSLY, AS YOU CAN SEE.

16 THE COURT: I WILL HAVE ERIC BRING HIM BACK THIS
17 MORNING, AND I WILL ORDER HIM BACK FOR THAT DATE.

18 MS. DELGADILLO: THAT IS FINE.

19 THE COURT: BUT YOU UNDERSTAND.

20 MS. DELGADILLO: I UNDERSTAND THAT. I JUST DON'T
21 WANT HIM -- SO AT LEAST THIS WAY I HAVE HIM ORDERED BACK
22 FOR SUPERIOR COURT, IF I HAVE TO REARREST HIM.

23 (SHORT BREAK.)

24 THE COURT: FRANKLIN SMITH, YOU ARE ORDERED TO
25 DEPARTMENT 100 ON FEBRUARY 16, 1993, AT 8:30 A.M.,
26 WITHOUT FURTHER ORDER, NOTICE OR SUBPOENA. YOU ARE
27 ORDERED RELEASED TODAY.

28

LOS ANGELES POLICE DEPARTMENT
 SCIENTIFIC INVESTIGATION DIVISION
 LATENT PRINT SECTION

FORENSIC PRINT COMPARISON REPORT

TYPE OF CRIME 187	COMPARISON SPECIALIST J. GREEN	DR NUMBER 92-06-39640
OFFICER REQUESTING GANNON	SERIAL NUMBER	VICTIM KAYE, BRENDA

THE UNDERSIGNED IS PREPARED TO TESTIFY THAT HE/SHE IS A FORENSIC PRINT SPECIALIST, EMPLOYED BY THE LOS ANGELES POLICE DEPARTMENT AND THAT HE/SHE DID ON THE 21ST DAY OF SEPTEMBER, 1992 OBTAINED FROM THE LATENT PRINT FILES/INVESTIGATOR, EVIDENCE OF LATENT PRINT LIFTS/PHOTOS OBTAINED FROM 1211 MCCADDEN PL # 212

BY CAPATI SERIAL# C9826

ON THE 16TH DAY OF SEPTEMBER, 1992

AFTER EXAMINATION OF THE EVIDENCE THIS LATENT PRINTS OBTAINED FROM INSIDE AND OUTSIDE ON FRONT DOOR, INSIDE BATHROOM DOOR AND PHONE ON DINING ROOM TABLE AND THE LEFT RING AND MIDDLE AND RIGHT INDEX AND THUMB OF HORTON, ALAN

LA# 2401275-H MAIN# BKG#

WERE MADE BY ONE AND THE SAME PERSON.
 ALL EVIDENCE RETAINED IN THE LATENT PRINT FILES YES (X) NO ()

COMPARISON SPECIALIST J. GREEN	SERIAL # A8922	DATE 09/21/92
VERIFIER AGUILAR	SERIAL # A8751	VERIFIER CASTRO
		SERIAL # M9789
PERSON RECEIVING GANNON	AREA HWD	DATE MAILED 9/22/92
		PERSON MAILING CAIRE

SIGNATURE John R. Green

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK

LEAVE BLANK

LAST NAME N.A.M

FIRST NAME

MIDDLE NAME

DEVON, ALLAN

STATE USAGE

ALIASES

CONTRIBUTOR

CA0194200

SIGNATURE OF PERSON FINGERPRINTED

PD
LOS ANGELES, CA

DATE OF BIRTH DOB
Month Day Year

THIS DATA MAY BE COMPUTERIZED IN LOCAL STATE AND NATIONAL FILES

DATE ARRESTED OR RECEIVED DOA

SEX

RACE

HGT

WGT

EYES

HAIR

PLACE OF BIRTH POB

DATE

SIGNATURE OF OFFICIAL TAKING PRINTS

8 1992

WILDY E9975

YOUR NO OCA

LEAVE BLANK

CHARGE

FBI NO FBI

CLASS

SID NO SID

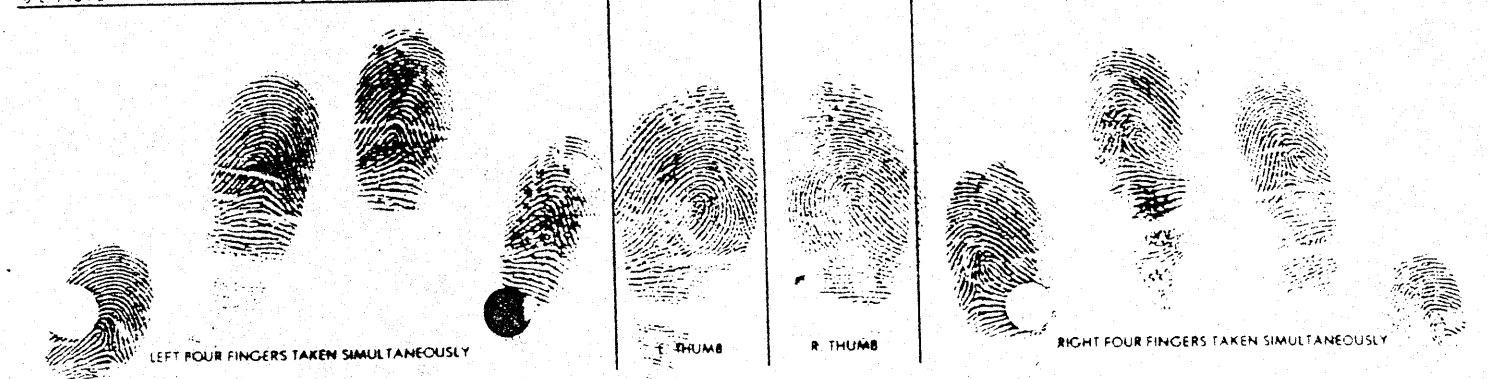
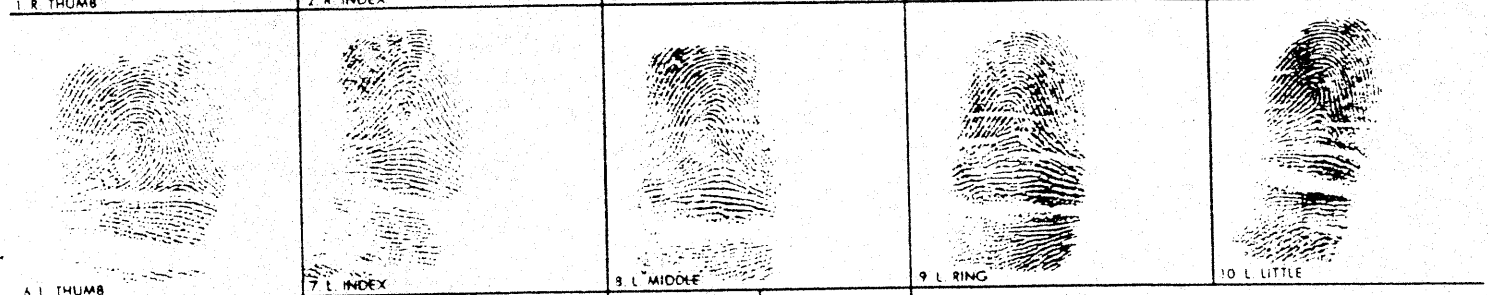
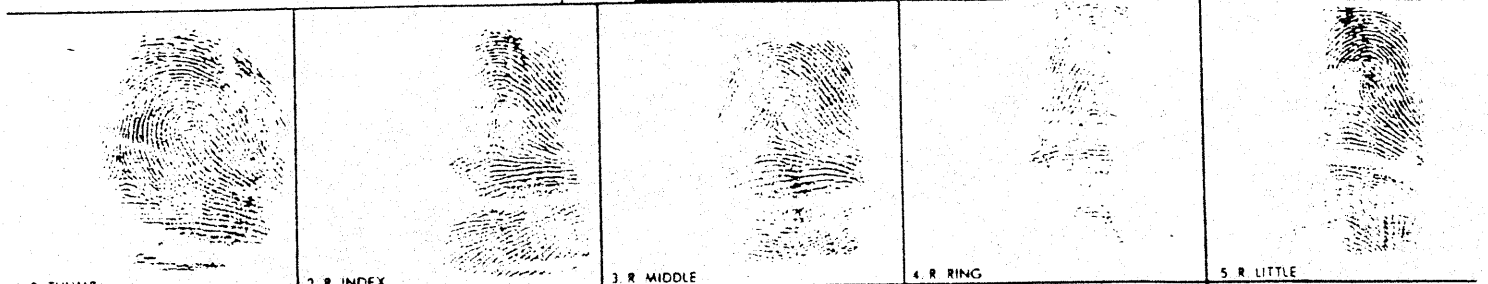
REF

FINAL DISPOSITION

SOCIAL SECURITY NO SOC

NCIC CLASS - FPC

CAUTION



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TYPE OR PRINT ALL INFORMATION IN BLACK

FBI LEAVE BLANK

LAST NAME NAM FIRST NAME MIDDLE NAME

DEVON, ALAN

STATE USAGE

ALIASES

CONTRIBUTOR

CA0194200

SIGNATURE OF PERSON FINGERPRINTED

PD
LOS ANGELES, CA

DATE OF BIRTH DOB
Month Day Year

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EYES

HAIR

PLACE OF BIRTH POB

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

DATE SEP 18 1992 **WILDY E9975**

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CHARGE

FBI NO FBI

CLASS

SID NO SID

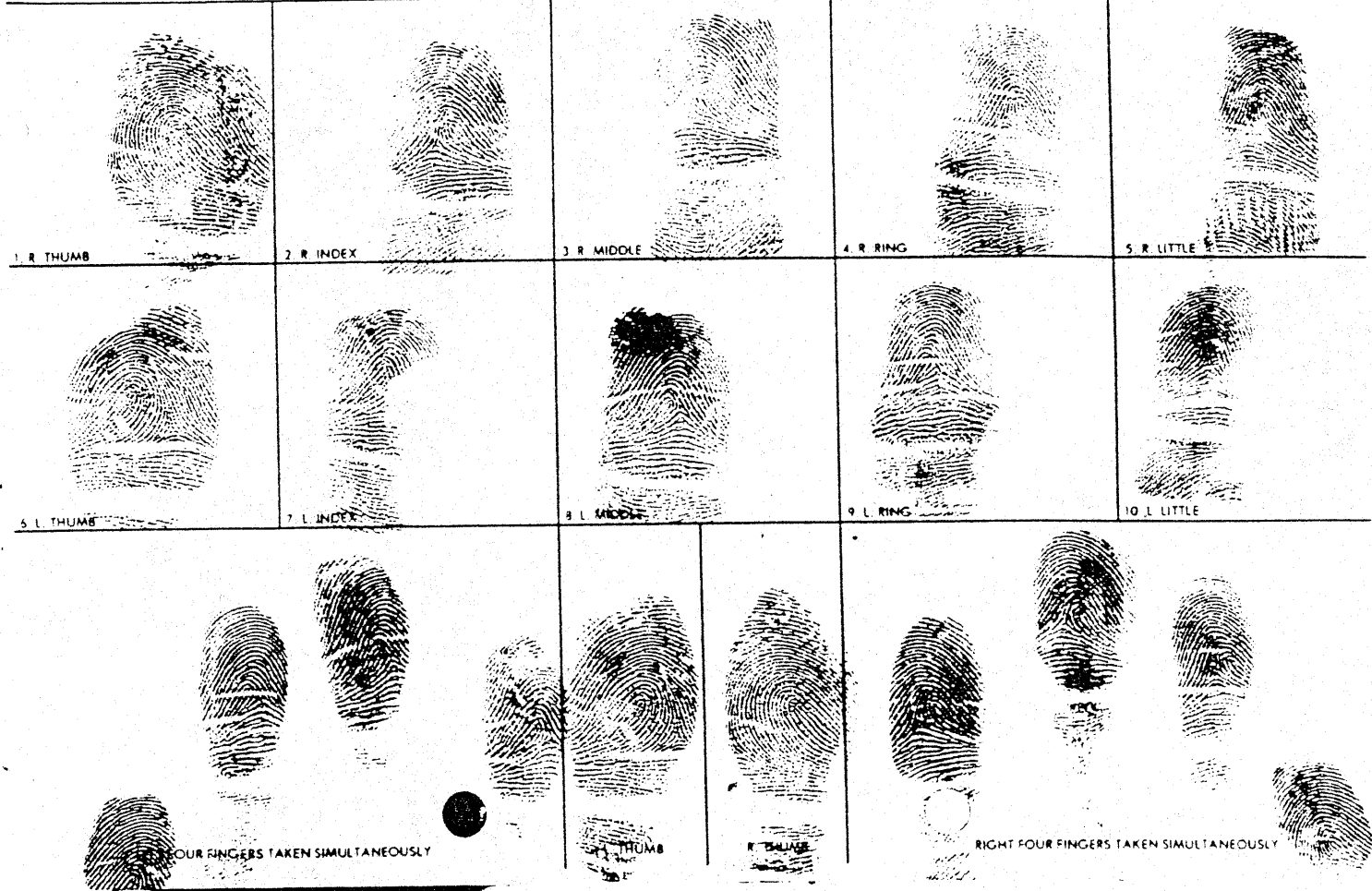
REF

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CAUTION



A



LOS ANGELES POLICE DEPARTMENT
SCIENTIFIC INVESTIGATION DIVISION
LATENT PRINT SECTION

187 INVESTIGATION REPORT

L.A. #: _____ PAGE 1 OF 2

C.C. #: 92-8504

DR. #: 92-06-39640

VICTIM: BRENDA Kaye DIV. Hud

ADDRESS: 1211 MC CADDEN #212 INV. GANNON

VEH/EVID: _____ ARRIVAL 2045

LATENT PRINT INV. CAFATI. R C992 DATE 9-16-92 DEPARTURE 2400

TOTAL NUMBER OF LIFTS OBTAINED 222

TOTAL NUMBER OF LATENT PHOTOGRAPHS TAKEN 10

DURING MY INVESTIGATION, I DEVELOPED AND LIFTED LATENT PRINTS FROM
THE FOLLOWING LOCATIONS AND/OR ARTICLES:

	FINGER/PALM PRINT	COMPARABLE Y/N	IDENTIFIED
1. <u>O/S ON PUT DOOR</u>	(F)	(Y)	∞ Alan Horton
2. <u>" " " "</u>	(F)	(X)	∞ Alan Horton
3. <u>E/S " " "</u>	(F)	(X)	∞ Alan Horton
4. <u>" " " "</u>	(F)	(X)	∞ Alan Horton
5. <u>PHONE AT ST</u>	(F)	(Y)	∞
6. <u>PHONE AT ST</u>	(F)	(X)	()
7. <u>" " "</u>	(F)	(N)	()
8. <u>REFRIGERATOR DOOR</u>	(F)	(Y)	()
9. <u>DRINKING GLASS</u>	(F)	(Y)	∞ VICT
10. <u>" " "</u>	(F)	(Y)	()

ELIMINATIONS NUMBER OF LATENTS ACCEPTABLE FOR AFIS ()

VICT: Kaye, Brenda LA# 2438031 * 9+13

Busp: Horton, Alan LA# 2401275 * 1,2,3,4,5, 21,22



LOS ANGELES POLICE DEPARTMENT *A cont'd*
SCIENTIFIC INVESTIGATION DIVISION
LATENT PRINT SECTION

187 INVESTIGATION REPORT

PAGE 2 OF 2

DR. 92-06-39640

	FINGER/PALM PRINT	COMPARABLE Y/N	IDENTIFIED
11.	<i>Beer</i> <u>Empty Bottle CARIBE</u> (F)	<input checked="" type="checkbox"/>	()
12.	<u>Candle MINI GLASS</u> (F)	<input checked="" type="checkbox"/>	()
13.	<u>PLASTIC DRINKING GLASS</u> (F)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>RIM VICT</i>
14.	<u>O/S Door frame</u> <i>LEADING TO</i> <i>4 BATHROOM</i> (F)	<input checked="" type="checkbox"/>	()
15.	<u>" " " "</u> (F)	<input checked="" type="checkbox"/>	()
16.	<u>" " " "</u> (F)	<input checked="" type="checkbox"/>	()
17.	<u>O/S BDRM Door frame</u> (F)	<input checked="" type="checkbox"/>	()
18.	<u>O/S " " "</u> (F)	<input checked="" type="checkbox"/>	()
19.	<u>" " Door</u> (F)	<input checked="" type="checkbox"/>	()
20.	<u>LAMP</u> (F)	<input checked="" type="checkbox"/>	()
21.	<u>O/S BATHROOM Door</u> (F)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>Horton, Alan</i>
22.	<u>" " "</u> (F)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>" "</i>
3.	()	()	()
4.	()	()	()
5.	()	()	()
6.	()	()	()
7.	()	()	()
8.	()	()	()
9.	()	()	()
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TEMP. FORM #9A

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALAN DEVON,

Defendant and Appellant.

B180531

(Los Angeles County
Super. Ct. No. BA065141)

COURT OF APPEAL - SECOND DIST.

FILED

JUL 18 2005

JOSEPH A. LANE

Clerk

Deputy Clerk

APPEAL from a judgment of the Superior Court of Los Angeles County,
Frederick N. Wapner, Judge. Dismissed.

Cheryl Barnes Johnson, under appointment by the Court of Appeal, for Defendant
and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney
General, Pamela C. Hamanaka, Senior Assistant Attorney General, Margaret E. Maxwell,
Supervising Deputy Attorney General, for Plaintiff and Respondent.

5-2141

Defendant, Alan Devon, appeals from the denial of his post-judgment "motion" to set aside his conviction. As best we can determine, his post-judgment motion which alleges the suppression of evidence within the meaning of *People v. Hitch* (1974) 12 Cal.3d 641, 645-646, disapproved in *People v. Johnson* (1989) 47 Cal.3d 1194, 1234, is really a habeas corpus petition. The motion seeks to set aside his conviction and it is verified. We issued an order to show cause concerning possible dismissal of the appeal and set the matter for oral argument. An order denying a habeas corpus petition is not appealable. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876.) Even if it were some type of a motion, it does not substantially affect defendant's rights within the meaning of Penal Code section 1237, subdivision (b). (*People v. Banks* (1959) 53 Cal.2d 370, 378; *People v. Cantrell* (1961) 197 Cal.App.2d 40, 43; see 6 Witkin & Epstein, Cal. Criminal Law (3d ed. 2000) "Criminal Appeals," § 53, p. 299.) Finally, there is no merit to the suggestion we should deem the appeal to be a habeas corpus petition.

The appeal is dismissed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P.J.

We concur:

ARMSTRONG, J.

KRIEGLER, J.

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B180531

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

COURT OF APPEAL - SECOND DIST.

FILED

DIVISION FIVE

FEB 2 2005

DEBORAH LANE

Clerk

W. B. LAMER

Deputy Clerk

THE PEOPLE,

Plaintiff and Respondent,

v.

ALAN DEVON,

Defendant and Appellant.

B180531

(Los Angeles County

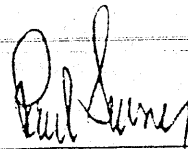
Super. Ct. No. BA065141)

ORDER TO SHOW CAUSE RE:

DISMISSAL OF APPEAL FEB 4 2005

DOCKETED LOS ANGELES ORDER TO SHOW CAUSE RE: DISMISSAL OF APPEAL FEB 4 2005 BY: P. VELASCO NO. 0504148
--

Defendant, Alan Devon, purports to appeal from the denial of what appears to be habeas corpus petitions. An order denying a habeas corpus petition is not appealable. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876.) Defendant is ordered to show cause in writing why his appeal should not be dismissed. The written response to this order to show cause, which may be in letter brief format and filed via facsimile transmission, must be filed by 4:30 p.m. on February 28, 2005. The Attorney General is likewise free to respond to this order to show cause. Nothing in this order to show cause shall stay the time to file any brief. If oral argument is desired, it is scheduled for 9 a.m. on March 1, 2005, in the courtroom of the Ronald Reagan Building.



PAUL TURNER, PRESIDING JUSTICE

S136510

**IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA**

THE PEOPLE

Plaintiff & Respondent

v.

ALAN DEVON

Defendant & Appellant

) **B180531**

)

) **Super.Ct.**

) **BA065141**

)

)

SUPREME COURT
FILED

AUG 18 2005

Frederick K. Ohlrich Clerk

DEPUTY

PETITION FOR REVIEW

Mr. Alan Devon
#E-43780
CSP—Los Angeles
P. O. Box 4430
Lancaster, CA 93539-4430

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA.

Plaintiff and Respondent.

v.

YOUR NAME.

ALAN DEVEN

Defendant and Appellant.

) CRIM. PIE 0537

) (2D CRIM. BO 80654)

) (Sup. Ct. No. 065111)

PETITION FOR REVIEW

YOUR NAME

MR. ALAN DEVEN
E43700 #

Your Street Address

CAF-LIC ADU-LIC

Your City and State

PO BOX # 4430

Your Phone Number

LANCASTER, CA 93531

In Propria Persona .

TR
RECEIVED

AUG 3 2005

CLERK SUPREME COURT
LOS ANGELES

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA.

Plaintiff and Respondent.

v.

YOUR NAME. ALAN DEVON

Defendant and Appellant.

) CRIM. 0180531
)
) (2D CRIM. BO 00831,
)
) (Sup. Ct. No. 065141,
)
)
)
)
)

PETITION FOR REVIEW

TO THE HONORABLE MALCOLM LUCAS, CHIEF JUSTICE,

AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE

SUPREME COURT OF THE STATE OF CALIFORNIA:

(ALAN DEVON)
Petitioner, YOUR NAME, respectfully requests that this

Honorable Court review the decision of the Court of Appeal, 7th Appellate District, Division 5
on 7/18/05 which affirmed petitioner's conviction(s). A copy of this opinion is attached as Exhibit

A.

1 ISSUES PRESENTED FOR REVIEW

2 I.

3 REVIEW IS NECESSARY TO ESTABLISH IF THE ORDER IN WHICH THE
4 COURT OF APPEAL IN THIS CASE REACHED ITS DECISION TO REJECT PETITIONER'S
5 POST-JUDGMENT "MOTION" AS A HABEAS CORPUS PETITION (PEOPLE V. HITCH)
6 (1974) 12 CAL. 3D 641, 645-646.

7 A COURT OF REVIEW IN THIS CASE IS NECESSARY WITHIN THE MEANING
8 OF RULE # 29(b)(1) TO SECURE INTIMIDITY OF THE COURT OF APPEALS DECISION. PETITIONER
9 POST CONVICTION MOTION TO SET ASIDE THE CONVICTION WAS NOT PRESENTED AS A HABEAS
10 CORPUS PETITION, NOR SHOULD THE COURT TREAT IT AS SUCH. CLEARLY THE APPEAL
11 CASE EXPRESSED RESTRICTION OF EVIDENCE, AND WAS FILED PROPERLY AS IT WAS
12 RELIED UPON RE. BARRON, AS IN PEOPLE V. HITCH (1974) 12 CAL. 3D 641, 645-46.

13 II.

14 REVIEW IS IMPERATIVE TO SETTLE THE MOST IMPORTANT QUESTION OF
15 WHETHER THERE IS MERIT WHERE THE APPEAL STATEDLY WAS REJECTED
16 AS A HABEAS CORPUS PETITION.

17 PETITIONER'S CASE WAS FILED ONLY AFTER POST CONVICTION EXEMPTIONS WERE SEEN
18 GRANTED (TO TEST DNA) ON MURDER CONVICTION. UPON DISCOVERY, ALL WERE IMMEDIATELY
19 ORDER RESTRAINED. PETITIONER FILED NOT A HABEAS CORPUS BUT A POST-JUDGMENT-
20 MOTION, UNDER PEOPLE V. HITCH (1974) 12 CAL. 3D 641, 645-46. PETITIONER AGREES
21 THAT CLEARLY THE COURT OF APPEALS SHOULD NOT HAVE RECEIVED THE APPEAL
22 (OPENING BRIEF) FILED ON APRIL 27, 2005 BY THE APPOINTMENT OF COUNSEL # 21358
23 MR. CHARLES B. GETHROU A HABEAS CORPUS PETITION, WHY WOULD THE ATTORNEY
24 EVEN INVOLVE. OTHER HAS CLIENT OR THE COURT IN A FUTURE FILING.

25 THE COURT OF APPEAL HAS ERRORED IN PETITIONER FEELS IT IS VERY
26 IMPORTANT THAT THIS COURT ADDRESSES THE MATTER DETERMINING PETITIONER'S
27 POST-JUDGMENT MOTION, IS NOT OR WAS NOT A HABEAS CORPUS PETITION. THIS
28 ISSUE IS AN IMPORTANT QUESTION OF LAW (RULE 29(b)(1)) HITCH/MOTION DID NOT HITCH

NECESSITY FOR REVIEW

1
2 1. Does the court of Appeal generally appoint counsel
3 for a petitioner, on a post-judgment motion and when such an
4 officer reviews the entire case on entirely different issues, reflect
5 attorney appointed officer. B. petitioner never alleges that the
6 court of appeal will possibly consider post-judgment motion as a
7 habeas corpus?

8 2. How can an order from the court of Appeals allow
9 the above-mentioned motion does NOT substantially affects petitioner's
10 rights (under Fed. Rule 1237) when upon discovery, the evidence in
11 petitioner's case destroyed (only evidence requested preserved) How
12 come this doesn't substantially violate petitioner's rights?

13 3. Where the request were made and the government failure to
14 preserve evidence material which could be subjected to test that might
15 exonerate or disincriminate, is there a due process violation at all or
16 if not what the government acted in bad faith? A BROWN V. YOUNG (1973)
17 430 U.S. 51, 57; People v. Cooper (1971) 513 Cal. 2d 721, 810.

18 4. Should the government have a duty under the process clause of the
19 fourth amendment to preserve evidence in violation of California v. Trombetta
20 (1984) 467 U.S. 479, 485 if presented on a post-judgment motion?

21 5. Review is necessary to insure, in Illinois v. Rodriguez, that the state
22 state supreme court determined that state-federal government federal law
23 state rights are violated where the government potentially destroyed
24 exact physical evidence which was what the opening brief motions?

25 6. In these cases Illinois v. Rodriguez samples are being considered
26 in the state court?

27 7. With the opening brief attempted to be filed in a habeas
28 motion to prevent showing to find a violation of the government's duty

CONCLUSION

For the foregoing reasons, petitioner respectfully urges this Honorable Court to grant review of his case.

DATED: 8/1/05

Respectfully submitted,

Alan Levine

YOUR NAME
In Propria Persona

2 Crim.B180531
Sup.Ct.No.BA065141

[Handwritten signature]
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff and Respondent,)

v.)

ALAN DEVON,)

Defendant and Appellant.)

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE FREDERICK N. WAPNER, JUDGE PRESIDING

APPELLANT'S OPENING BRIEF

[Handwritten signature]

CHERYL BARNES JOHNSON
State Bar. No. 71358
Attorney at Law
1053 Colorado Blvd., Ste. F
Los Angeles, California 90041
(323) 257-9968

Attorney for Appellant
ALAN DEVON E43780

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
Plaintiff and Respondent,)
)
v.)
)
ALAN DEVON,)
)
Defendant and Appellant.)
)
_____)

APPELLANT'S OPENING BRIEF

* * *

STATEMENT OF THE CASE

In November 1993, appellant was convicted of special circumstance murder and sentenced to prison for life without possibility of parole. Appellant's conviction was affirmed on appeal in 1995 and remittitur issued in March 1995. (See, Court of Appeal, State of California, Second District, Division Five, Case No. B080839. ¹)

In 1998, appellant moved the trial court for an order preserving DNA

¹Appellant hereby requests that this court take judicial notice of its own records in Court of Appeal Case No. B080839.

evidence. That motion was denied by the trial court in 1998. (CT 8.) On February 23, 2000, the trial court informed appellant by letter that it had been in error when it denied his 1998 request for preservation of evidence, but that the ruling remained correct because the DNA evidence requested had been destroyed in 1995. (CT 8.)

In April 2002, counsel for appellant, appointed pursuant to Penal Code section 1405(b)(3)(a) to determine whether any biological evidence had been retained by the state and remained available for DNA testing, reported to the trial court that no such evidence did remain, all biohazardous material, including blood and semen, having been destroyed between August and December of 1998. (CT 22; CT 24; CT 28; CT 29-30; CT 32; CT 34; CT 36; CT 39.)

On August 16, 2004, December 1, 2004 and December 6, 2004, appellant filed motions to dismiss in the trial court based on the suppression, failure to preserve, and destruction of the biological evidence he had previously sought to preserve. (CT 1; CT 59; CT 69.) In the latter two motions, appellant added specific allegations complaining of the prosecution's failure to inform him earlier of inconsistent statements by prosecution informants as well as offers of leniency made to such informants. (CT 64; CT 74.) The trial court denied all three motions on December 22, 2004. (CT 79.)

Appellant filed a timely notice of appeal from the denial of his motions to dismiss. (CT 80.)

FACTUAL ALLEGATIONS OF THE PETITION

Factually, appellant alleged in all three petitions that the government failed or refused to reveal evidence favorable to his defense, that the government suppressed or destroyed evidence which was favorable to him, and that the nondisclosure, suppression or destruction of evidence deprived appellant of his right to a fair and impartial trial and to due process of law as guaranteed by the state and federal constitutions. (CT 3; CT 61; CT 71.)

The petitions also contain the following factual contentions as shown by various attached exhibits: Biological material, including blood, semen, seminal fluid and saliva, was collected and analyzed, but no report shows that DNA or similar genetic testing was done on the material. (CT 10-14.) Appellant requested DNA testing after his conviction, but counsel appointed pursuant to Penal Code section 1405 determined that all the biological material gathered by the prosecution had been previously destroyed by the government. (CT 10.) The records obtained by appointed counsel for appellant demonstrated that the biological evidence had been destroyed on August 4, 1998, October 23, 1998, November 10, 1998 and December 23, 1998. (CT 39; CT 36; CT 32; CT 34.)

There is no indication in the material obtained by appointed counsel seeking DNA testing that evidence of any kind was destroyed prior to August 4, 1998. (CT 24.) No materials obtained by counsel indicate that any destruction of evidence occurred in 1995. (CT 24-41.)

ARGUMENT

I.

THE TRIAL COURT ERRED BY SUMMARILY DENYING APPELLANT'S MOTIONS TO DISMISS

A. Appellant's Motions Were Sufficient to Withstand Summary Denial

The trial court denied appellant's three unopposed motions to dismiss without a hearing and, apparently, without requiring the prosecution's response to the motions. (CT 79.) This was error because appellant had made, at least, a sufficient showing that the government had in fact destroyed evidence that may have been favorable to his defense and that the trial court, mistakenly believing that the evidence had been destroyed three years earlier, had previously erred in denying appellant's 1998 motion to preserve any then existing DNA evidence for possible testing. Some further hearing on appellant's motions was therefore necessary to determine whether the government's destruction of this potentially favorable material was a violation of appellant's constitutional right to due process and a fair trial under the California and United States Constitutions.

The government has a duty under the due process clause of the Fourteenth Amendment to the United States Constitution to preserved evidence that "might be expected to play a significant role" in a criminal suspect's defense.² (California v. Trombetta (1984) 457 U.S. 479, 488) In Trombetta, the United

² In his motions, appellant cited to People v. Hirsch (1974) 12 Cal.3d 641 which is no longer the applicable law. However, subsequent law also supports appellant's arguments.

States Supreme Court determined that a defendant's federal due process rights are violated where the government destroys potentially exculpatory evidence, provided the exculpatory value is evident to the government prior to destruction and the evidence is of such a nature that the defendant would be unable to obtain comparable evidence by reasonable means. (Id. at 489.)

Further, in the case of the government's failure to preserve evidentiary material which could be subjected to tests that might exonerate a defendant, there is a due process violation if it can be shown that the government acted in bad faith. (Arizona v. Youngblood (1988) 438 U.S. 51, 57; People v. Cooper (1991) 53 Cal.3d 771, 810.)

Here, where appellant was able to show that the government had destroyed biological evidence which, if preserved, could have been subjected to DNA testing and was able to show that he could not gain comparable evidence because the biological evidence was in the sole custody of the government, he was at least entitled to a response by the government, and perhaps a further evidentiary hearing regarding whether or not the government acted with knowledge of the exculpatory value of the biological evidence or with bad faith in destroying it. This is particularly true in light of appellant's previous motion to have the evidence preserved, a motion denied by the trial court because it mistakenly believed it had no jurisdiction. (CT 8.)

The trial court should have permitted further response or a hearing as to whether the government knew of appellant's motion to preserve DNA evidence prior to the destruction of the evidence. Certainly the timing of events demonstrates that the DNA evidence was destroyed only after appellant requested

section 1405, all the biological evidence had been destroyed.

Under these circumstances, appellant was entitled to more than a summary denial of his Trombetta/Youngblood motions. Appellant demonstrated in his motions that he had requested preservation of potentially exonerating evidence, but, because of a series of errors on the part of the government, the evidence was destroyed after his request for preservation. This was a sufficient showing to require a response by the prosecution on behalf of the government. (See, e.g. People v. Von Villas (1992) 10 Cal.App.4th 201, 241; People v. Memro (1995) 11 Cal. 4th 786, 829-830.) The trial court, however, did not require any showing or response from the government. The matter should therefore be reversed and remanded to the trial court for further proceedings on the motions.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of/employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 1053 Colorado Blvd., Ste. F, Los Angeles, CA 90041

On April 8, 2005, I served the foregoing:

APPELLANT'S OPENING BRIEF

on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

District Attorney, County of Los Angeles, 320 W. Temple Street, #540,
Los Angeles, CA 90012


Hon. Frederick M. Wapner, c/o Superior Court Clerk, 210 W. Temple
Street, Los Angeles, CA 90012

Attorney General, State of California, 600 S. Spring St., Los Angeles,
90013

Alan Devon, E43780, CSP-Lancaster, PO Box 8428, Lancaster, CA 93539-
8428

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and was executed on April 8, 2005 at Los Angeles, California.



Cheryl Johnson

POST CONVICTION ASSISTANCE CENTER

A Professional Law Corporation
12424 Wilshire Blvd., Suite 620
Los Angeles, CA 90025

CHRISTA M. HOHMANN, DIRECTING ATTORNEY
AMY KAYE, ATTORNEY
MICA HANNAH DOCTOROFF, ATTORNEY
RALPH JOSEPH NOVOTNEY, JR., ATTORNEY


January 13, 2014

Alan Devon
E43780 FAB5 #143
CSP - Los Angeles County
PO BOX 8457
Lancaster, CA 93539-8457

Dear Mr. Devon:

I received your letter, which was undated, postmarked January 3 or January 6, 2014 – it is difficult to read the postmark. K. Bentley sent me two boxes of paperwork, which I consolidated into one box and sent to you. The 4-volumes of trial transcripts that you mention in your letter were not in the materials sent to me by K. Bentley.

Sincerely,



Christa M. Hohmann
Attorney at Law

POST CONVICTION ASSISTANCE CENTER

**A Professional Law Corporation
12424 Wilshire Blvd., Suite 620
Los Angeles, CA 90025**

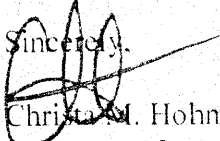
**CHRISTA M. HOHMANN, DIRECTING ATTORNEY
AMY KAYE, ATTORNEY
MICA HANNAH DOCTOROFF, ATTORNEY
RALPH JOSEPH NOVOTNEY, JR., ATTORNEY**

March 17, 2014

Alan Devon
E43780
CSP - Los Angeles County
PO BOX 8457
Lancaster, CA 93539-8457

Dear Mr. Devon:

I sent you the enclosed letter. It was returned to me because you were out to court. I am resending it.

Sincerely,

Christa M. Hohmann
Attorney at Law

April 5, 2001

Gigi Gordon, Esq.
Post Conviction Center
5855 Green Valley Circle
Suite 100
Culver City, CA 90230

Dear Ms. Gordon:

Re: Alan Devon

I tried to telephone you this past week but you were quite busy and when I explained the purpose of my call the person answering your phone suggested I write. Especially since she indicated that you had not yet talked to the above named inmate, whose case has apparently been assigned to you for purposes of representing him on his pending motion for discovery. My call was made at the request of Alan's mother, who indicated that he wanted me to send the information I had in my file relating to his motion since he was not allowed to take his papers with him when he moved.

First, let me explain my role. I am a volunteer at Centurion Ministries, a non-profit organization that works with prisoners who have been wrongfully convicted, as you will see from the enclosed somewhat dated brochure. My job is to gather the facts in a case so that a determination can be made as to whether Centurion will undertake to become involved. We do not provide legal assistance - unless, of course, it becomes necessary once a commitment is made.

In trying to learn about Alan's case I found that he had no copies of the investigative reports or forensic laboratory reports and indeed had been trying for some time to obtain copies in order to examine them and possibly contest the evidence that was admitted against him. He did have copies of the testimony of the two state experts which he sent me - and which I enclose for your use.


Alan was told he needed a court order to get copies of these reports and therefore he drafted the motion and I tried to help - although obviously it would have been better if he'd had legal representation at the time. In fact, I believe the motion may be confusing as stated as both Alan and I are amateurs about these issues and you may have to file some kind of clarifying statement.

I believe, however, that the enclosed memorandum I prepared on the motion is a fair statement of the basis for Alan's motion. In addition, I enclose a summary of the facts in his case as he has told them to me. I hope both memos prove helpful to you.

Please let me know if there is anything more I can do to be of help. I will write Alan and send him a copy of this letter and the enclosures. Obviously, I presume you will be confirming anything said herein with him.

Very truly yours,

Muriel Bell
Encls

cc: 
Alan Devon
Booking # 6814493
Wayside Supermax
Dorm 618/4A
29300 the Old Road
Castaic, CA 91350.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

November 23, 1999

Mr. Alan Devon
843780
P.O. 19064B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Your recent letter has been referred to me for response.

However, we do not understand what DNA evidence was introduced against you. Your letter speaks of the victim's blood being found on your clothing and in another place you refer to blood found on your jeans as your blood. If the DNA of the victim was found on your clothing there would be no need to determine your own DNA.

Please send us a copy of the laboratory report or only that portion of the testimony at your trial that addresses the issue so that we may determine how to proceed in this matter, assuming that the facts of your case meet our criteria.

Also, please advise the disposition of your resubmitted petition to preserve whatever DNA evidence exists.

Sincerely,

Muriel Beer



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

January 18, 2000

Mr. Alan Devon
E 43780
P. O. 19064B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

In response to your letter of December 24, let me first answer your question as to why we wrote that we may not be able to take on your case. Ours is a very small organization with limited resources and we do not want to give you any false hopes that we will be able to help you. Our procedure is to get all of the facts of a case together and then a determination is made whether we think we can be of assistance.

To summarize my understanding of the evidence at your trial, it appears that only serological - not DNA - tests were done; that the state's expert witness testified to finding your blood stains in the pocket of your jeans because although you and the victim both are "O" blood type with a PGM of Plus One, he found the presence of an enzyme factor B consistent with your blood, whereas the victim's blood contained the enzyme factor BA. In addition, the expert witness who examined the semen (Moor) found no enzyme activity (either B or BA) and so could not exclude you.

DNA testing is more precise than serological testing and, if the bloodstain specimens were retained, DNA testing could establish that the unidentified bloodstains were yours alone. That, of course, would not completely exonerate you, since theoretically you could still be responsible for the crime, but would be helpful in an appeal.

However, if the specimen of the semen has been retained a DNA test of that specimen, in addition, could establish that you were not guilty of the rape. I cannot assure you of that, of course, since much, of course, depends on the quality of the specimen and the additional evidence at trial. It might also be relevant if you were intimate with the victim within a few days of her murder. Please advise on that point.

It is my job to gather information on that evidence so that Mr. McCloskey can determine the role of Centurion Ministries, if any. Accordingly, I would appreciate your answering the following questions which your letter raised (as well as forwarding the lab report when you receive it).

1. I cannot understand why your lawyer would make the closing argument you quoted conceding your presence at the victim's home. Were you not asked if you were present at her home the night of the murder? Please write in detail of your actions that night.

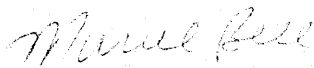
2. Can you give more detail on the persons who testified to your "confessions" what they said, when they said you confessed, who was present, etc. Your writing is not too clear with respect to the witness you say was not called "as a matter of strategy". Someone named Dawas? Or were you referring to the private investigator Adam Dawson and what evidence do you believe he could have added to your defense?

3. Do you have an idea as to what their motives would be to lie? Were they your customers? Were they under any pressure from the police?

4. Do you have a copy of the transcript of your trial; how long is it and do you have the ability at jail to copy it. Please do not send it at this point as we are not in a position to review it at this time. I believe your description of what happened is more important..

It is, of course, important that the specimens be preserved and your motion was well taken. It is not clear what happened to your renewed application, after your appeal was denied. Advise, and if you have had no answer, try to press the point.

Sincerely,



Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542 • (609) 921-0334 • Fax (609) 921-6919 • E-mail: cenmin@aol.com

February 22, 2000

Mr. Alan Devon
E 43780
P.O. 19064B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

In response to your letter of February 4, I appreciate your concern as to whether the semen and bloodstain samples have been retained. Unfortunately, many states do not preserve such evidence, and in addition procedures vary as to whether slides are kept in crime lab archives, court trial files, etc. You were right to try to file a motion to preserve the evidence. Unfortunately, we are not lawyers and cannot give you legal advice. However, I suggest your motion would be better drawn if you asked for the preservation of all blood and semen specimens in the case. I also think that perhaps the clerk of the court looked at your handwritten motion and - although I thought it was clear - thought it was just a request for a rehearing and filed it away. Why don't you make a new motion, attaching copies of the prior one.

In the meantime, I think you should also write the following persons a simple letter asking that they advise you if they can tell you the whereabouts of any specimens and slides that were engendered in your case, and requesting that they preserve same for future application to the court. Give date of trial, index number, name of judge and any other pertinent information. Apart from possibly getting a response this puts them on notice that they had better not destroy any such evidence. I suggest you write such a letter to the Los Angeles Police Department (Scientific Investigation Division), the prosecutor's office, the clerk of the court. I strongly suggest you type the motion and these letters and, if possible, send them certified mail.

I'm sorry I can't intercede directly at this time. As I indicated in the past my assignment is to evaluate the case not only for the potentiality of DNA testing but as to whether DNA testing would be sufficient in light of the other evidence. Only then can a determination be made by Centurion Ministries as to whether they can assist you in this regard.

In that regard, I return the transcript of the forensic testimony you sent me since I can't read much of it. I presume it was marked for emphasis with a colored pencil that unfortunately obliterated the print. Would you please go over it and write in the missing words and return. Also, if you have a copy of the report by Adam Dawson that might be helpful for me to understand your case better.

Sincerely,



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

March 20, 2000

Mr. Alan Devon
E 43780
P.O. 19064B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I am sorry to learn that the exhibits in your case were destroyed. ^{The reason} I suggested writing elsewhere is that we have found that at times samples, slides, etc.. are retained by a central crime lab or in some archives.. Of course, I do not know if that has happened in your case. I made these suggestions because you wished to take immediate action to preserve the evidence - for which I do not blame you. However, Centurion Ministries usually does not make such attempts until they have a firm understanding of all the facts in a case and have decided on that basis to go forward.

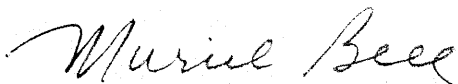
While you may wish to continue your own efforts to locate the DNA evidence - and I will help as much as possible - if you wish to continue working with us we will have to follow our regular procedure..

Furthermore, while I understand your disappointment over the destruction of the exhibits, it may be that the discrediting of evidence other than the blood evidence could possibly establish your innocence. Indeed, as I suggested earlier, if you were intimate with the deceased within several days of her murder, DNA testing of the semen samples - if preserved - could be used as evidence against you, since semen retains its DNA markings for several days. However, you have failed to answer my question as to when you were last intimate with her before her death.

I am enclosing a paper that may give you a better idea about our organization and how we work. I do not know if you wish to continue with us in our usual way, but if you do it would be helpful if you would send me a short summary of what each of the witnesses said at your trial. Some of what you've written to date is confusing. For example, you wrote you didn't understand why your attorney didn't call the investigator Adam Dawson, who interviewed Anna Reefer, but yet in an earlier letter you said that Anna Reefer recanted at trial, making Dawson's testimony unnecessary?

Please let me know how you wish to proceed.

Sincerely,


Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

April 11, 2000

Mr. Alan Devon E 43780
P. O. Box 1906 4B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

Got a note that you telephoned. Unfortunately, I - like many others here - are part-time volunteers and phone calls are probably a waste of your time. Of course, should it become important that we speak - or that you speak with Mr. McCloskey - we can arrange a time for such a call.

I have a quick question on which I need an answer, simply to understand whether or not it would be fruitful to pursue the DNA evidence from the rape. You indicated you were intimate with the victim but did not say when. Please let me know how many days or hours prior to the victim's death you and she were intimate so we can judge if any DNA evidence would reveal you as the donor - or perhaps you and another person as donors. (The state's expert testified semen can last for up to 3 days)

Also, can you summarize for me what the evidence was that there was in fact a rape at the time of the victim's death.

Sincerely,

Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

May 10, 2000

Mr. Alan Devon E 43780
P. O. Box 1906 4B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I enclose letter for you to send to the LAPD; I called and was told that all requests should go to the Discovery Unit but have asked that they forward it to the Sci.Inv. Dept. if appropriate. (Incidentally the phone # is 213 485 2976.

I have asked for both forensic reports, since there may be relevant information on the blood tests. For example, if they had tested your saliva sample to see if you were a secretor this would be relevant to the testimony that "possibly" both you and the victim were non-secretors, etc. In any event, I think it is a good idea to get both to see exactly what tests were done with any blood evidence.

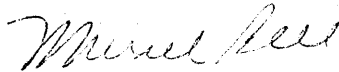
I also enclose copy of the judge's letter for you to enclose, since it explains the necessity for your request for a copy of their file reports. In addition, I suggest that you check the list of exhibits that should be annexed to your trial transcript and add the dates of these reports if it appears.)

Proceeding to our development of the facts of your case I have the following questions, raised by your recent letters:

1. What was the cause of death of Ms. Kaye and was there evidence of choking and stabbing?
2. I presume Anna Reefer is known as "panama" and Jomar Rembert is called "Moe"; is this correct? And who is Frank who allegedly saw you driving Kaye's car the day after the murder? Did you drive it at any time?
3. Was Jomar Rembert charged with Anna Reefer (there is reference to a co-defendant)
4. Do you have copies of any of the original statements given by these 3 witnesses against you? Or an additional investigator's report relating to them? If so I'd like copies.
5. I understand the bloodstains on your clothing were tiny but do you know where they came from?

6. What were the names of the detectives who interviewed the 3 witnesses against you? Were any from the Rampart district which has recently been found to have had many officers who acted improperly in making cases?

Sincerely,



Muriel Bell

Encls.





Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

June 22, 2000

Mr. Alan Devon
E 43780
P.O. 19064B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I returned to find your letter concerning your telephone conversation with Detective Perry and am glad to learn that the evidence still exists. I will try to find the California statute governing the necessary motion to be made by you, but can only do so when I can get to a state law library which may take a couple of weeks. If you have a law library in prison I suggest you see what you can find..

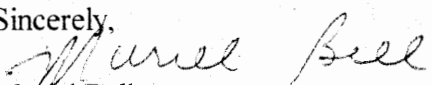
I understand that most courts will only order the testing if they find the results could change the verdict and where there is other evidence they frequently deny the tests. You indicated that both witnesses who initially stated that you confessed to the killing recanted at trial, but I imagine the prosecutor was able to get in their prior statements. If there testimony didn't make it clear why they lied, do you think you could get them to sign affidavits explaining the police pressure, etc. At the least, I think you should consider including excerpts from their testimony refuting their earlier statements.

You sent me what appears to be original pages of the transcript of the expert testimony. You may need this to do your motion and if you do not have accurate copies let me know and I'll return those pages to you.

I see you have made a previous successful motion, but suggest you take care with any motion for DNA testing because if you fail to include all possible support, you may not get a second chance. Is it possible that the public defender would assist you? I wonder if the PD could at least tell you if the state could ask that the semen be tested as well, which you do not wish done and how to handle that.

In the meantime, I also suggest that you not count totally on the motion and when you can that you continue to gather together the information on the case that I requested.

Sincerely,


Muriel Bell

PS Your motion really should be typed if at all possible. If that's impossible for you I might be able to get it typed here for you if you can put up with some delay.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

July 25, 2000

Mr. Alan Devon E 43780
P. O. Box 1906 4B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I imagine the California statute to allow DNA testing is still in the legislature and hopefully will be passed in the near future. I will try to follow it here as you should do at your end. I would doubt a judge would entertain an application while a new law is imminent; also while we do not provide legal advice I imagine a court would look to whether the test results would exonerate you and in view of the other evidence - the witnesses against you - might well deny such testing.

* It also seems to me that the court already allowed the rape charge to stand despite evidence that there was no trauma and despite the fact the bloodtests of the semen did not point to you. Therefore, I do not see how DNA tests that might point to you as the donor of the semen could do anything but hurt your case. On the other hand, establishing that the blood on your clothing was not the victim's, while negating the inference made by the state's expert, would not exonerate you unless you can also negate the testimony of the witnesses who said you admitted the crime. Therefore, I would suggest you pursue the latter point and make it part of any application you decide to file. However, that is only my opinion and you must proceed as you think best as to bringing a motion at this time.

As to our going forward on your case, as I believe I've explained in the past our method at Centurion Ministries is for the caseworker (me) to gather all relevant information together and - if Mr. McCloskey agrees - then review and summarize the transcript of your trial - and then he will determine whether Centurion can commit to assist you. If it does, of course, we would pursue the witnesses to get the truth and provide legal assistance, etc. (Incidentally, how many pages is your transcript?)

To do my part I need all relevant documents, i.e. witness statements, police reports of investigation and interviews, etc. I believe you were unsuccessful in filing an FOI request; but you did not indicate why you couldn't get this material from your prior attorney. Is that not possible

Sincerely,

Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

August 23, 2000

Mr. Alan Devon E 43780
P. O. Box 1906 4B 4A-103
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I assume from your last letter that you have the transcript of your trial in your possession but do not have any of the exhibits or any witness statements or police reports. Please confirm if I have understood your letter. (I am returning the correspondence about the transcript, etc. which appear to be originals.)

I note you represented yourself as calling for Centurion Ministries when you telephoned the Californial police department. PLEASE DO NOT DO THIS AGAIN.

I hope, in the next few weeks, to check what kind of application (Freedom of Infomation) or motion to the court is necessary for you to get copies of the police records and will let you know what I find out as I would prefer having them to review before any attempt is made to review the transcript.

Sincerely,

Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

October 10, 2000

Mr. Alan Devon E 43780
P. O. Box 1906 4B 5C 202
California Correctional Institution
Tehachapi, CA 93581

Dear Mr. Devon:

I got your draft motion and think you did a good job. I remind you we don't give legal assistance or advice but I've tried to add some reasons the court should grant it. Or at least confuse the Court enough to do so. - see enclosed re-draft. Please look it over and let me know what you think and make all corrections and send it back and I will type it in final form. Find out as much as you can from any law clerks, library or jailhouse lawyers about who to copy, how many copies to file and with whom, etc. and let me know.

I assume neither the DA or the police had copies of the investigator's reports (I assume he was working for your counsel.. If so I would suggest that perhaps the Public Defender's office (if your counsel was assigned) or the California Appellate Project might have all the documents your original trial counsel had and you should first write to them requesting "all documents obtained by your trial counsel bearing on the case, including witnesses' statements, investigational reports, laboratory results, etc. If they refuse you can file another motion against them.

I hope that you will be able to get copies of the police reports, lab reports and provide me with copies as I am having difficulty gathering the facts in your case, without asking you to send the transcript. In any event, in my opinion the police records etc. will be more important.

In redrafting the motion I believe I came the the same conclusion you did - asking for the lab report by both forensic experts for possible DNA testing - even if you never request it.

In responding please answer the following questions for my file (I hope I haven't duplicated prior questions)

1. List your prior arrests/convictions/with disposition
2. Confirm that trial counsel and appellate counsel were appointed due to indigency
3. Confirm you have the transcript (600 pages you said) in your possession and could get copies made in some way if necessary.
4. Let me know if there are any reported decisions in your case - your appeal probably - as I can check the law library if you have a citation and that will help explain the case to me.

Sincerely,

Muriel Bell

Enc.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Mr. Alan Devon E 43780
P. O. Box 1906 4B 5C 202
California Correctional Institution
Tehachapi, CA 93581

Dear Alan (Unless you object it seems we're corresponding frequently enough to go by first names, don't you think?)

Now to business, I saw in the newspaper that California has passed the DNA testing law, effective next January. In light of that I took the liberty of revising the motion a bit on the basis that in light of the new law the court should be more willing to grant discovery intended to possibly use the new law. While I referred to possible DNA testing of the semen, it is only a possibility - as you've indicated in the past it may not be in your interest. However, you should make an intelligent decision about this - assuming you could get it done - since if there was a rape there could be mixed semen, etc. You will have to see the laboratory reports first.

If you approve the changes, go ahead and file the motion. (I enclose one copy for you to file and one copy for yourself as requested) I could not decipher your handwriting where you wrote in Calendar? Jur 3d?? So you'll have to write it in. I imagine you should sign both the motion and the affidavit.

Let's hope the motion works.

Sincerely,

Muriel Bell
encls.

I



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

January 16, 2001

Mr. Alan Devon E 43780
P. O. Box 1906 4B 5C 103
California Correctional Institution
Tehachapi, CA 93581

Dear Alan

Happy New Year - let's hope it proves to be one for you.

First, let me say the fact the court is appointing you counsel for the motion looks helpful. Let me know as soon as you hear (I can't see why the clerk would respond to me and I think it best if they think you're on your own so I'm not writing directly.)

Second, I'm enclosing the pages of your transcript that you sent - I've copied the sections that were illegible (those marked out in black) in my copy - the wording can be read on the originals and I believe your attorney will need to review them.

Second, I'm going to write up the issues in your case involving the blood evidence etc. - and get one of our investigators to go over it with me in the hope we can send you some suggestions that you can present to your appointed counsel. (For example, even if PGM is used as an identifier there are statistics on how frequently it appears that make its use very uncertain - and your counsel may not have those available and would find them helpful.)

In the meantime, I think you have to think carefully about what you want. It was fine to argue that the state didn't do a DNA test that could prove if you were the donor of the semen but you have to face the possibility that a DNA test will show you had sexual relations with the deceased, although it was several days before her death. Remember, however, it's possible - if she was raped - that there's someone else's semen there. I think you should discuss this with your counsel frankly and make a careful decision. (My personal opinion is that if you get the court to approve DNA testing for the bloodstains they will certainly test the semen.) Perhaps that doesn't mean you have to admit to the relationship - although if you do that at least explains how you got to be driving her car. I think that's helpful since you'd have to be crazy to have raped her and kept driving around in her vehicle. But please, talk to your attorney and see what he thinks.

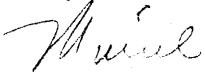
Perhaps more importantly, since I suspect the California law is like that in other states - that you only get DNA testing where it may exonerate you - I think you have to try to get your attorney to pursue calling the witnesses who say they were pressured by the police to name you. I would hope your attorney could get the court to grant him discovery of the scientific reports and give him time to talk to the witnesses, etc. before you have a hearing.

Finally, if you don't get to see your assigned counsel until the 9th hour, make sure he or she gets a postponement of any hearing until he or she can get fully acquainted with the case.

I hope to send you the summary I mentioned above sometime next week.. before your February 1 deadline if at all possible. If I don't - and you have in the meantime given me your assigned counsel's name and phone number - I'll at least call him or her to relay our thoughts.

Alan, I think this may be an important opportunity - you don't want to waste it - so please stay off drugs - if they're available. (Don't mean to preach but these opportunities don't come too often)

Sincerely,



Muriel Bell

P.S. Self-addressed envelope enclosed as requested.

PPS New Mexico was great - thousands - yes thousands of wild snow geese and sandhill cranes filling the skies. Beautiful.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

February 1, 2001

Mr. Alan Devon E 43780
BI-214/C.S.P. - L.A.C.
44750 60th Street West
Lancaster, CA 93536-7620

Dear Alan

I got your message and later note with your new address. I understand Lisa suggested you send me a copy of the regulations permitting me to mark the mail "confidential". As I noted in my last letter we were instructed we were not allowed to do so in most cases.

I hope the attorney they appointed for you gets to see you before the motion date and that you can give him a fuller picture of your case - although really all you're asking for is copies of the reports, etc. that your trial lawyers should have gotten at the time of your trial.

In the meantime I have gotten a copy of the new CA law on DNA testing and also some information on the testing of bloodstains which I can send you if it becomes relevant. It seems that in many cases the tests show other enzymes than they got in your case - and if they were to differ from the blood analysis of the victim that itself might establish the bloodstain was from someone else. Whether the lab simply didn't do those tests or it was impossible to determine other enzymes is a question to ask if and when you see the reports. Also whether such tests could still be done - without involving DNA testing is a question I'd like to ask our investigators here - again depending upon what if any discovery you get.

Sorry to send you somewhat confusing memos - as I've told you I'm learning about these things along with you. But perhaps if we keep asking questions we'll find something helpful.

Sincerely,

Muriel

Muriel Bell

P.S. If you can get to these papers I would like a copy of the motions as finally filed. (My own files are poor) Thank



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

February 15, 2001

Mr. Alan Devon E 43780
Bl-214/C.S.P. - L.A.C.
44750 60th Street West
Lancaster, CA 93536-7620

Dear Alan

Sorry I missed your call. I'm sorry to say we can't take collect calls from inmates unless we arrange it in advance. One reason, we volunteers are only in several days a week and we switch days now and then. Another, of course, we have hundreds of inmates with whom we're corresponding and Centurion would go broke if it took all such calls. Lisa was aware we had something pending and so took your call but I'm afraid it will be the last.

Anyway, I struggled mightily with the California court system, getting switched from one number to another until I got the proper one and found your motion has been adjourned to March 22. I cannot imagine the attorney who has been assigned will not be in touch with you before then. I can't be of much help really and also will be away from March 7 to 22. But I'll be eagerly awaiting word from you when I return.

As indicated earlier, I'm learning along with you and I'm enclosing another commentary - this a legal one - on evidence of bloodstain tests showing isoenzymes. The California cases seem clearly to indicate that electrophoresis of dried bloodstains - if that is what was done here - is admissible. However, . As I understand it - and as stated in the excerpt I sent you from Eckert & James, PGM is only one of the enzyme systems that can be looked at and without the lab report you can't tell if they did tests for other isoenzymes and got no results or whether there were results that would help you that weren't mentioned. You might be able to try to get re-testing ...perhaps simply by electrophoresis without going to DNA testing.

Good luck with the motion.

Sincerely,

Muriel Bell

PS If you don't hear from the attorney by March 22 you could try to check if the motion is adjourned again by calling the court - You have to ask for Calendar Dept. 114 (J. Wapner's part). (I think I got them at 213-974-5743) and ask the clerk to check what happened.- you must have your case # BA 065141 handy



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon

Booking # 6814493

Wayside Supermax

Dorm 618/4A

29300 the Old Road

Castaic, CA 91350.

Dear Alan

Your mother called the day before yesterday and I hope I got the message right - as you'll see I've sent your new attorney the material from my file and am sending you a copy of my letter to her as well as the enclosures since you apparently couldn't bring your papers with you. I hope she will come to see you soon and that she will prepare whatever supplemental statement or brief is necessary to cover all your arguments as we weren't as clear as we might have been. Also, I particularly want to make sure you let her know if what I sent is correct or not.

I understand your motion is on for April 27 - and yes, I realize you have legal representation only for purposes of the motion. I'm hoping we can get some information from it so that I can continue to develop the facts in your case. I frankly am surprised they gave you an attorney since you're only seeking discovery at this point Anyway I hope something good comes out of this.

Your mother sounded quite a nice woman and she obviously worries about you. I hope you are "going straight" out there - you need all your faculties right now.

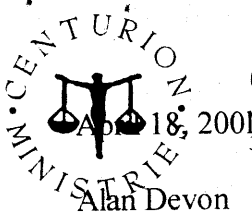
Let me know if you need anything else from my file. And let me know what happens. (Sorry we can't take your phone calls but your mother can call and if necessary I will give her my home number.)

Good luck

Sincerely,

Muriel Bell

encls.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon

E43780

B1-214/C.S.P. - L.A.C.

44750 60th St. West

Lancaster, CA 93536-7620

Dear Alan

Got the Rembert statement...looks like you're making some progress but I don't understand why you're back in Lancaster. What happened to your motion? I thought it was on the April 27th? Did the lawyer Gigi ever get to you? Was my letter satisfactory - or helpful.

Let me know what's going on.

Sincerely,

Muriel Bell



Centurion Ministries

April 26, 2007 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
E43780
B1-214/C.S.P. - L.A.C.
44750 60th St. West
Lancaster, CA 93536-7620

Dear Alan

I got Gigi Gordon on the phone today and she told me she had sent you an outline of the procedures by which her office processes applications such as yours. She does not even receive your motion papers until the judge assigns her officially, which should be done tomorrow and this may take weeks. Thereafter, she will examine them and see if further action can be taken.

After reading the California law, however, I am concerned that discovery may not be granted; as I've written before it seems the new law on DNA testing requires a showing that the test would be dispositive and with the alleged confessions in the record your case does not meet that test. I have also learned that the California courts do not grant discovery after conviction except after you file a habeas corpus. Now that you have two recantations of the witnesses you may be able to do that but first I suggest you wait out this motion and see what happens. I will say that after speaking to Ms. Gordon I feel confident she will give your case her full attention when she gets the papers, etc. but she is obviously very overburdened with cases. Therefore, I suggest you stop calling her office. You also mentioned you'd been calling the judge's chambers, etc. and I can't suggest too strongly that this kind of activity will not get good results. So please try to be patient.

Sincerely,


Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

May 3, 2001

Alan Devon
E43780
B1-214/C.S.P. - L.A.C.
44750 60th St. West
Lancaster, CA 93536-7620

Dear Alan

I'm enclosing 2 copies of Rembert's statement recanting his incrimination of you and I have sent a copy to Gigi Gordon. In doing so I told her that you were hopeful the bloodstains could be tested; that we were concerned because of the evidence given by Anna Reefer and Rembert and hoped this new affidavit from Rembert would be helpful to show that his prior statements were false.

You indicated Ms. Gordon promised to send you an explanation of her role and the procedures under the new law and I would appreciate getting a copy of whatever you get. It will help me to help you.

I'm hoping something good comes out of the present proceedings; but if there are some procedural problems in the way there's still more things you can try.

Best wishes,

Muriel Bell
encls.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

May 16, 2001

Alan Devon
E43780
B1-110/C.S.P. - L.A.C.
44750 60th St. West
Lancaster, CA 93536-7620

Dear Alan

Thanks for the copy of the letter from Ms. Gordon.

Although I too am at a loss to understand how your motion - which sought copies of the laboratory reports in order to determine whether to seek DNA testing is being treated as a motion for DNA testing - I would hope that Ms. Gordon would eventually straighten things out.

As I understand it - and I may be wrong - to get DNA testing you have to show that it would probably be determinative of your innocence and as I see it you still have to have some kind of hearing in which the two witnesses against you testified that they lied. Now - maybe all of this can be done as part of the hearing on whether to allow DNA testing - but I don't know. I am sending you a copy of the law with this letter and you will see it allows the court to look at "other evidence".

So I'm afraid you'll have to wait for further advice from Ms. Gordon. It's clear to me that she has to track down your file first and so she really couldn't comment much on your motion yet. It does seem that part of her procedure is to find out if the biological evidence is still in existence and if so, where it is. You told me the police detective to whom you spoke indicated they have it but he may or may not have known; or it could be that these things are kept in some laboratory.

So - I guess I can't be much help except to send you my regards as usual. (If you could, I'd appreciate a short description of the "DNA Application" you filed when you get a chance).

Sincerely,

Muriel Bell
encl.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

May 24, 2001

Alan Devon
E43780
B1-110/C.S.P. - L.A.C.
44750 60th St. West
Lancaster, CA 93536-7620

Dear Alan

The enclosed came across my desk and may help to explain what's going on in California. They're treating everything like a request for DNA testing - or at least sifting through all applications with that in mind. (Sorry it's incomplete but that's how I got it).

Let me know if you hear anything.

Sincerely,

Muriel Bell
encl.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
B5-246 CSP LAC
44750 60th Street West
Lancaster, CA 93536


Dear Alan

Got your letters of June 22 and 26 and am sending you some of the material I received. I'm afraid I have to copy it on a piece-meal basis because there is so much. I'm trying to go through it as I send it also and make my own notes, as you will see from the copies of my notes attached to the preliminary hearing and your taped interview.

It's the latter about which I wrote recently. I'm having trouble getting straight just when and where you saw the victim for the last time and would really like you to explain your statements in the interview.

Anyway, hope you and Gigi Gordon are in sync on things.

Sincerely,


Muriel Bell



June 26, 2001

Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
E43780
B1-110/C.S.P. - L.A.C.
44750 60th St. West
Lancaster, CA 93536-7620

Dear Alan

I haven't heard from you for some time. In the meanwhile, I have gone through the package of documents received from Ms. Gordon and enclose the Analyzed Evidence reports - which are what you have been pursuing for all this time. Perhaps you have already gotten them in which case you will have found out that the same tests were done on all samples but there was insufficient material to get a result on the items of clothing other than the jeans.

You will also see that the report makes it clear that the victim had a PGM of One Plus which is the same as found in your blood. I reviewed the testimony and although perhaps the expert "covered" that when testifying that there were no "genetic markers" foreign to the victim I doubt the jury would understand this to mean that she also had a PGM of One Plus since the prosecutor subsequently made it clear that the PGM of One Plus (which you have) was a distinct type.

However, the above only puts in question the prosecutor's pointing to you as the donor of the semen and if you choose not to have it DNA tested then you can hardly complain about that.

The package I received included a great deal, i.e. probation reports, investigative reports of interviews, arrest records, autopsy, fingerprint identifications, property forms, statements of witnesses and prior records of various persons, etc. I also received transcriptions of the detectives' interviews of yourself, Rembert and Panama. Please let me know what you would like me to copy and send you.

I was somewhat surprised by the transcript of your interview in which I must say you kept changing your version of events. Especially your statements admitting you were with her the night she got a phone call from her former roommate (apparently the night of her murder) and the fact you and she argued over \$40. that she owed you for drugs. I understand you went no further and denied harming her but I would really like to hear what you have to say about your movements that night.

Sincerely,

Muriel Bell
encl.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan


A quick note to go with the enclosed transcripts of the interviews of Reefer, Rembert and yourself. I'm trying to go over the papers before I send them along so I can make notes - but didn't want to hold these up. There are some illegible copies and some seem routine..I'll work on it as soon as I can.

I haven't heard from Ms. Gordon about the transcript. I'll try to call her next week as well.

I'll have to check the file on your question about there being insufficient material to get a result. I'm not sure if it's insufficient to do normal analysis that DNA testing necessarily cannot get a result. I'll go over the file and see what I find and check here.

I still don't understand your note about changing your version of events. I got the definite impression that you told them you were in her room when she got this call from her girlfriend..which from their questions I thought meant the night she was killed. Was that another night? Can you just tell me briefly when and how you spent time with her; when you had sexual relations and when you saw her between that night and the night she was killed. I understand you were scared and the police were trying to put words in your mouth but I need to get it straight.

Sincerely,


Muriel Bell
encls



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan

Got your lengthy letter. Since you now see clearly how bad it was to lie to the police I won't dwell on it. I only hope the record won't prevent the courts from permitting a DNA test and I will certainly look for the phone records in the pile of papers I'm reviewing to check the victim's phone calls.

I couldn't reach Ms. Gordon so am writing her about the transcript today. I imagine it's just that she's very busy.

I did verify that while there has to be a certain amount of bloodstain for DNA testing there need be much less than for the other bloodstain methods.

Centurion Ministries is moving on August 28th so please note the new address as of that date (enclosed pink card).

I'll write you more when I've gone through more of the documents..

Sincerely,

Muriel Bell
encl

PS Don't you have any guesses as to the "other man" who was providing drugs to the victim?



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan

I'm enclosing 3 more items - copies of statements by Anna Reefer, Franklin Smith and Herbert Moore.

It looks like Anna Reefer told police you confessed the murder to her on September 18 and tht Herbert Moore told police that also on September 18 she told him you'd confessed to the murder. Since this appears to be several days before she was questioned by police it seems to contradict her statement to the investigator that she made up the story when questioned by police at the police station - which was several days later (9/23)

Am I missing something here?


I also enclose statement from Smith who said you confessed to him when he saw you at the 7-11 - which he also places sometime about September 18.

Finally, your latest letter mentions you had sexual relations with Brenda Kaye the afternoon of her murder. I understood your prior letters to say this occurred 2-3 days before...that's why I mentioned in one of my letters to you that the DNA test of the semen might indicate a lapse of time before her death. Can you comment on that as well?

(Of course, if someone else was there that night and did rape her the tests would show that there was an additional contributor of semen.)

The rest of the package of documents do not contain telephone records. I hope to finish going through it and will send you all the relevant information as soon as I do.

Sincerely,


Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

August 7, 2001

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan

Enclosed are copies of more documents from those supplied by Ms. Gordon from the police records.


I have tried to put them in some kind of order - and enclose a general list for your help in going over them. I also enclose a list of those I felt unnecessary to copy since they appear to offer no relevant information. However, if you want I'll send them along.

There's one more batch of papers for me to go through and I'll then send them along in like manner.

I would appreciate your responses to my questions..I'm finding it hard to piece the facts together in your case.

Let me know if you hear anything from Ms. Gordon as to whether she will request the DNA tests in your case.

Sincerely,


Muriel Bell
encls.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

August 7, 2001

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan


I'm enclosing the last batch of papers that look relevant. I will send you a list of what remains and - as with the others - will send them on if you want them.

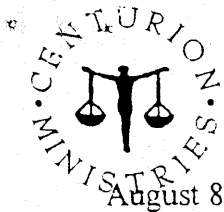
The enclosed include:

1. Statement of Debra Jackson's roommate (Dobson) that she saw you at the apartment at 6:30 p.m. on September 15.
2. Rembert's statement -unsigned - similar to tape
3. Detectives' notes of interview of Stephanie Blau
4. Wanted poster- Moore
5. Statement of M. Franks - places telephone call on September 15 at 6 p.m.
6. Statement of R. Levy - relates her telephone call with Brenda at 10:30 p.m. on September 15 (Also detectives' notes)
7. Arrest report on John Reder - on complaint of R. Levy
8. Statement of Debra Jackson - last saw you on September 14
9. Statement (and notes) from Claudia Kaye (sister)
10. Property report from crime scene

I'd appreciate your comments on the above.

Sincerely


Muriel Bell
encls.



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

August 8, 2001

Alan Devon E43780
B2134 Upper
CSP LAC 44750 60th Street West
Lancaster, CA 93536

Dear Alan

I got a copy of Gigi's letter of August 13 and wanted to write to say how sorry I am the evidence in your case was destroyed. I hope you're able to roll with the punches.

So now we've got to see if there are other avenues. As I wrote you, however, I need to get your version of the facts down "pat" before we can do much more.

Sincerely

Muriel Bell



Centurion Ministries

32 Nassau Street, 3rd Floor • Princeton, New Jersey 08542

Alan Devon
B5-2460 CSP LAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan

Just to let me know I received the copy of your transcript from Gigi Gordon.

I'll hold on to it for now and will review it after I get your comments on the various documents I forwarded to you in the last week or so.

Sincerely

Muriel
Muriel Bell



000044

Centurion Ministries

221 Witherspoon Street • Princeton, New Jersey 08542

October 10, 2001

Alan Devon E43780
B5-246 CSPLAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan,

I finished my report and discussed your case with the appropriate people at Centurion Ministries and must advise you that a decision has been made not to take on your case here.

As you can imagine the reasons for Centurion to turn down an inmate seeking its help are many, including our present caseload, the possibility that further investigation will be fruitful, etc. I must admit the potential for you to get a new hearing based on the statements of the two witnesses does not seem promising in view of the fact that they, in effect, recanted their statements to the police at your trial. Then too there is your own statement and testimony, both of which suggest - even if not intended to - that you were present at the victim's apartment the night she was killed. I know you have written that is not so, but if you do file an application for a new hearing I suggest you review your statements carefully and try to explain the contradictions.

Also, you should point out that although the bloodstain evidence has been destroyed, it was not conclusive as to you and, as testified, could have come from a large number of people.

Well, since this is my last letter, let me wish you well no matter what course you take. I am returning the transcript of your trial plus all the papers from the police file that I did not send you - most of which do not seem very pertinent to your case - by separate mail.

Sincerely,

Muriel Bell



Centurion Ministries

221 Witherspoon Street • Princeton, New Jersey 08542

November 6, 2001

Alan Devon E43780
B5-246 CSPLAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan,

Thanks for your letter of October 24th. As to your questions I have to advise you, as in the past, that Centurion Ministries does not give legal advice. While I suggested you might try to get a new hearing based on the statements of the two witnesses Rembert and Reefer I have no idea if you are eligible to file in the state court or the federal court. There are problems of timing as well as jurisdiction.


However, in the hope that it may be of some help I'm enclosing some sections from a publication put out by Columbia University Law School - intended for self-help by inmates. First I enclose p. 206 which lists all state post-conviction relief statutes, including California which you should check. In addition, I enclose the excerpt on how to file a post-conviction application in New York. Although state laws differ I presume the law might be similar in California and the discussion as well as the forms, which, although based on New York law, might well be adaptable for use in California.

I have not copied a section provided for federal applications based on constitutional grounds because I understand you basically have to raise all questions at the state level in the first instance. However, the federal procedure is probably the same for all states and you may want to see if the prison law library has something similar to the Columbia self-help book. (I have copied the title page of this publication which- if you believe you have a right to file in the federal court - you could order for \$31.00 - the discounted price if mailed to an inmate in prison.)

As to your request for a copy of your motion to preserve DNA evidence, I enclose what you sent - I'm sorry it now contains some comments from Centurion posing some questions about the motion. We always presume we only receive copies. We sent you everything we got from Ms. Gordon by separate mail but I didn't go through our correspondence file in which I found the motion. I also found the following papers which appear to be original and so am enclosing them, i.e. a copy of the reply by J. Wapner, an earlier letter from the court dated September 26, 1996, letters from your counsel Rothman in 1999 and Blair in 2000 and finally, the Rembert statement.

Best wishes.

Sincerely,


Muriel Bell

Encls.



Centurion Ministries

221 Witherspoon Street • Princeton, New Jersey 08542

January 10, 2002

llan Devon E43780
B5-246 CSPLAC
44750 60th Street West
Lancaster, CA 93536

Dear Alan,

I just got your letter of December 20 and in response enclose the following:


1. Your letter of September 20, 2001 and Gigi Gordon's letter of August 13, 2001 - which you requested.
2. Your photo which you requested.
3. Copies of papers referring to the police coming to 1211 McCadden Place on September 15, 1992. These were returned to me with your notes and although I believe you have already gotten them in the other papers, I am sending them along in case you didn't get them all.
4. What appears to be an original letter from Gigi Gordon to you in June 2001 regarding her first search for evidence in your case.
5. Copies of letters sent lyou by your former lawyers and the court which may have been your own copies.

The only material left in my file is our correspondence, which is voluminous and I will retain here, and copies of the witness statements, etc. which I forwarded to you last summer. If for any reason you are missing the latter I will be glad to send them to you, although I am confident they duplicate what I already sent you.

I trust by now the prison authorities have turned over to you the package of returned documents that they accepted on your behalf several months ago. I am confident you will be able to secure them and see no role for us to play.

Best regards.

Sincerely,


Muriel Bell
encls.

COPY

EVIDENCE LOG

COUNTY OF LOS ANGELES
DEPARTMENT OF CORONER

CC # 92-08504 INV. AGENCY/DIV. LAPD Hollywood
DECEDENT KAYE, BRINDA AGENCY FILE # _____
MODE Home I INV. OFFICER _____

EVIDENCE COLLECTED

RECEIVED IN
EVIDENCE ROOM

EVIDENCE RELEASED

ITEM DESCRIPTION	BY	DATE	TIME	BY	DATE	TIME	SIGNATURE	BADGE #	AGENCY	BY	DATE	TIME
GSR (Kit #)												
Typing Blood (Swatch ✓)	Carpenter	9/18/92		Murillo	9/18/92	1445	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
ingernail Kit	ZM	9/16/92	0943	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Damaged Nail Kit												
Hair Kit	ZM	9/16/92	0946	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Pubic Hair Kit	ZM	9/16/92	0920	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Sexual Assault (Kit # 1126)	ZM	9/16/92	1007	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Bullet(s) (#)												
Clothing (Itemize)												
Red panties	NEUWIGHT	9/17/92	0900	Wallerquist	9/21/92	1300	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Blue socks	"	"	"	"	"	"	"	"	"	"	"	"
1/2 Red Western Boot	"	"	"	"	"	"	"	"	"	"	"	"
White Bra	"	"	"	"	"	"	"	"	"	"	"	"
Blue jeans pants	"	"	"	"	"	"	"	"	"	"	"	"
White sleeveless T-shirt w/89/90/91-11	"	"	"	"	"	"	"	"	"	"	"	"
Multi colour towel	"	"	"	"	"	"	"	"	"	"	"	"
Medical Evidence (Describe)												
Other (Describe)												
ADP AMMUNITION AND RANGING	ZM	9/16/92	0935	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
5055 Socks and towel	ZM	9/16/92	0930	Murillo	9/18/92	0815	[Signature]	E9592	SIO/ev	Wallerquist	9/30/92	1500
Print cards	Wallerquist	9/18/92		Murillo	9/18/92	0815	[Signature]	E8822	SIO	Murillo	9/21/92	1210

Check if continued on other side

HOLD REQUESTED BY _____ AGENCY _____ DATE _____

LAB DEPT 07/06/2001 FRI 13:32 FAX 323 0534

0383

Δ = Alan Bryan

EVIDENCE LOG

COUNTY OF LOS ANGELES
DEPARTMENT OF CORONER

COPY

CC # 92-09504 INV. AGENCY/DIV. LAPD Hollywood
 DECEDENT KAYE, BRINDA AGENCY FILE # _____
 MODE Home INV. OFFICER _____

MMMA

TTTMM

6600 640 670 700 720 740 760 780 800 820 840 860 880 900 920 940 960 980 1000

EVIDENCE COLLECTED				RECEIVED IN EVIDENCE ROOM			EVIDENCE RELEASED					
ITEM DESCRIPTION	BY	DATE	TIME	BY	DATE	TIME	SIGNATURE	BADGE #	AGENCY	BY	DATE	TIME
GSR (Kit #)												
Typing Blood (Swatch ✓)	Carapenter	9/18/92		Munilla	9/17/92	1445	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Fingernail Kit	Zay	9/14/92	0943	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Damaged Nail Kit												
Hair Kit	Zay	9/16/92	0946	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Pubic Hair Kit	Zay	9/16/92	0920	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Sexual Assault (Kit # 1126)	Zay	9/14/92	1007	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Bullet(s) (#)												
Clothing (Itemize)												
Red pants	NEWRIGHT	9/17/92	0900	Munilla	9/21/92	1300	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Blue socks	"	"	"	"	"	"	"	"	"	"	"	"
1 Lt Red Western Boot	"	"	"	"	"	"	"	"	"	"	"	"
White Bra	"	"	"	"	"	"	"	"	"	"	"	"
Blue jeans pants	"	"	"	"	"	"	"	"	"	"	"	"
White sleeveless shirt w/8000-11	"	"	"	"	"	"	"	"	"	"	"	"
Multi Color towel	"	"	"	"	"	"	"	"	"	"	"	"
Medical Evidence (Describe)												
Other (Describe)												
MISS AMMUNITION AND MORE AMMO	Zay	9/16/92	0935	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
SEISSONS RAINING TOWEL	Zay	9/16/92	0930	Munilla	9/18/92	0815	[Signature]	E9592	SID/CA	Munilla	9/30/92	1500
Print cards	Villalobos	9/17/92		Munilla	9/18/92	0815	[Signature]	E8822	SID	Munilla	9/21/92	1216

Check if continued on other side

HOLD REQUESTED BY _____ AGENCY _____ DATE _____

A P I M S
ITEM TRANSACTION LISTING

DATE: 07/19/2001

OR NUMBER ==> 920639640

BOOKED TO ==> KAYE, BRENDA

ORIG CUST DATE ==> 09/16/1992

ITEM NUMBER	ITEM TYPE	ART TYPE	PC	PC NBR	AF	AF NBR	AV	AV NBR	MV	MV NBR
1	0	U GLOVE					DY	2132216	PL	2132215
2	0	U GLASS					DY	2132216	PL	2132215
3	0	U HOLDER					DY	2132216	PL	2132215
4	0	U GLASS					DY	2132216	PL	2132215
5	0	U BEERBU					DY	2132216	PL	2132215
6	0	U TWEEZE					DY	2132216	PL	2132215
7	0	U BOOK					DY	2132216	PL	2132215
8	0	U PAPERM					DY	2132216	PL	2132215
9	0	U NOTEBO					DY	2132216	PL	2132215
10	0	U NOTEBO					DY	2132216	PL	2132215
11	0	U CIGARB					DY	1826275	PL	1826268
12	0	U CIGARB					DY	1826275	PL	1826268
13	0	U CIGARB					DY	1826275	PL	1826268
14	0	U EYEBLA					DY	2180769	PL	2180768
15	0	J WATCH					RL	480490		
16	0	U CASE					DY	2180769	PL	2180768
17	0	U BUTTON					DY	2180769	PL	2180768
18	0	U EYEBLA					DY	2180769	PL	2180768
19	0	U JACKET					DY	1862131	PL	1862130
20	0	U JACKET					DY	1862131	PL	1862130
21	0	U SHIRT					DY	1862131	PL	1862130

A P I M S
ITEM TRANSACTION LISTING

DATE: 07/19/2001

DR NUMBER ==> 920639640

BOOKED TO ==> KAYE, BRENDA-----

DRIG CUST DATE ==> 09/16/1992

ITEM NUMBER	ITEM TYPE	ART TYPE	PC	PC NBR	AF	AF NBR	AV	AV NBR	MV	MV NBR
---22	- 0	U PANTS	---	---	---	---	DY	1862131	PL	1862130
---23	- 0	U SHOE	---	---	---	---	DY	1862131	PL	1862130
---24	- 0	B BIKE	---	---	---	---	DY	1761341	PL	1761338
---25	- 0	U BLOOD	---	---	---	---	DY	1811911	PL	1811908
---26	- 0	U SWATCH	---	---	---	---	DY	1826275	PL	1826268
---27	- 0	U FNGRNA	---	---	---	---	DY	1826275	PL	1826268
---28	- 0	U HAIRKT	---	---	---	---	DY	1826275	PL	1826268
---29	- 0	U PUBICH	---	---	---	---	DY	1826275	PL	1826268
---30	- 0	U SCISSO	---	---	---	---	DY	1822279	DR	1822277
---31	- 0	U CORD	---	---	---	---	DY	1822279	DR	1822277
---32	- 0	U PANTLE	---	---	---	---	DY	1753870	PL	1753840
---33	- 0	U SOCK	---	---	---	---	DY	1753870	PL	1753840
---34	- 0	U BUOT	---	---	---	---	DY	1753870	PL	1753840
---35	- 0	U BRA	---	---	---	---	DY	1753870	PL	1753840
---36	- 0	U PANTS	---	---	---	---	DY	1753870	PL	1753840
---37	- 0	U T SHIR	---	---	---	---	DY	1753870	PL	1753840
---38	- 0	U TOWEL	---	---	---	---	DY	1753870	PL	1753840
---39	- 0	U RAPEKT	---	---	---	---	DY	1741944	PL	1741938
---40	- 0	U SCISSO	---	---	---	---	DY	1826275	PL	1826268
---41	- 0	U BLOOD	---	---	---	---	DY	1811911	PL	1811908
---42	- 0	U SALIVA	---	---	---	---	DY	1826275	PL	1826268

ID:APYTA

PAGE 3----

A P I M S
ITEM TRANSACTION LISTING

DATE: 07/19/2001

DR NUMBER ==> 920639640

BOOKED TO ==> KAYE, BRENDA-----

ORIG CUST DATE ==> 09/16/1992

ITEM NUMBER	ITEM TYPE	ART TYPE	PC	PC NBR	AF	AF NBR	AV	AV NBR	MV	MV NBR
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---43 - 0----- 0 PUBLICH --- ----- 0Y 1826275--- PL 1826268---

920639640

BROUSE AF3ZF10
AP3ZM10 AP3ZA
DR NUMBER =====>

A P I M S
DESTRUCTION INFORMATION

UN1A Z630MBA
7/20/01 11:00:41

MULTIPLE

APIMS ENTRY DATE ===> 12/03/1999

DESTRUCTION DATE ===> 12/03/1999
DESTRUCT REASON ===@>
DESTRUCT METHOD ===> TRASH
DESTRUCT LOCATION ==> COMM WHSE
PROP DIV WORK ID ===> 28
ADDITIONAL INFO =====>
=====>
=====>

PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AFSZP10
AFSZA10 AFSZA

A P I M S
DESTRUCTION INFORMATION

UNIA Z63DMBA
7/20/01 11:01:04

DR NUMBER =====> MULTIPLE

APIMS ENTRY DATE ==> 11/10/1998

DESTRUCTION DATE ==> 11/10/1998

DESTRUCT REASON ==-@> HAZA

DESTRUCT METHOD =====> BIGHAZ

DESTRUCT LOCATION ==> TCI

PROP DIV WORK ID ==> 20

ADDITIONAL INFO =====>

=====>

=====>

PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZP10
AP3ZM10 AP3ZA
DR NUMBER =====> MULTIPLE

A P I M S
DESTRUCTION INFORMATION

UNIA Z63DMBA
7/20/01 11:01:22

APIMS ENTRY DATE ===> 01/31/2000

DESTRUCTION DATE ===> 01/31/2000

DESTRUCT REASON ===@>

DESTRUCT METHOD =====>

DESTRUCT LOCATION ==>

PROP DIV WORK ID ===> 105

ADDITIONAL INFO =====>

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PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZP10
AP3ZM10 AP3ZA
DR NUMBER =====>

A P I M S
DESTRUCTION INFORMATION

WN1A Z630MBA
7/20/01 11:01:44

MULTIPLE

APIMS ENTRY DATE ===> 12/23/1996

DESTRUCTION DATE ===> 12/23/1998

DESTRUCT REASON ===@>

DESTRUCT METHOD ===> BIO HAZ

DESTRUCT LOCATION ==>

*** DIV WORK TO ***> 28

ADDITIONAL INFO =====>

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PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZP10

A P I M S

LN1A Z63DMBA

AP3ZM10 AP3ZA

DESTRUCTION INFORMATION

7/29/01 11:01:59

DR NUMBER =====> MULTIPLE

APIMS ENTRY DATE ===> 08/24/1998

DESTRUCTION DATE ===> 08/24/1998

DESTRUCT REASON ===@> ADMI

DESTRUCT METHOD =====> AUCTION/ TRASH

DESTRUCT LOCATION ==> WHSE

PROP DIV WORK ID ===> 107

ADDITIONAL INFO =====>

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PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZP10
AP3ZM10 AP3ZA

A P I M S
DESTRUCTION INFORMATION

LN1A 7630MBA
7/20/01 11:02:14

DR NUMBER =====> MULTIPLE

APIMS ENTRY DATE ==> 10/23/1998

DESTRUCTION DATE ==> 10/23/1998

DESTRUCT REASON ==@>

DESTRUCT METHOD ==> BIO-HAZARD

DESTRUCT LOCATION ==>

PROP DIV WORK ID ==> 163

ADDITIONAL INFO =====>

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PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZF10
AP3ZM10 AP3ZA
DR NUMBER =====>

A P I M S
DESTRUCTION INFORMATION

WN1A Z63DMBA
7/20/01 11:02:43

MULTIPLE

APIMS ENTRY DATE ==> 11/05/1998

DESTRUCTION DATE ==> 11/05/1998
DESTRUCT REASON ==@> ADMI
DESTRUCT METHOD ==> TRASH
DESTRUCT LOCATION ==> COMM WHSE
PROP DIV WORK ID ==> 118
ADDITIONAL INFO =====>
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PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZF10
AP3ZM10 AP3ZA
OR NUMBER =====>

A P I M S
DESTRUCTION INFORMATION

UN1A Z63DNBA
7/20/01 11:03:04

APIMS ENTRY DATE =====> 08/17/1998

DESTRUCTION DATE =====> 08/17/1998
DESTRUCT REASON =====> ADJD
DESTRUCT METHOD =====> TRASH
DESTRUCT LOCATION =====> PIPER TECH
PROP DIV WORK ID =====> 172
ADDITIONAL INFO =====>
=====>
=====>

PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

BROWSE AP3ZF10
AP3ZM10 AP3ZA
DR NUMBER =====>

A P I M S
DESTRUCTION INFORMATION

UNIA Z63DHBA
7/20/01 11:08:20

MULTIPLE

APIMS ENTRY DATE ==> 08/04/1998

DESTRUCTION DATE ==> 08/04/1998
DESTRUCT REASON ==@> ADJD
DESTRUCT METHOD ==-> BIO HAZ
DESTRUCT LOCATION ==> TCI
PROP DIV WORK ID ==> 20
ADDITIONAL INFO =====>

====>
====>

PF1=HELP PF2=LIST PF3=END PF9=BROWSE PF10=PREV

PLACCO
leftover to
inmate
6/25/99

COURT EVIDENCE LOCATE SHEET

CASE NUMBER	NAME	EXHIBITS AVAIL.	LIST NO. / DATE
A704738	STEFFEN ✓	NO	89-047 5-7-90
BA018442	JOHNSON ✓	NO	93-039 3-2-95
A397321	TARAZON ✓	NO	87-018 9-3-88
A806735	EVANS ✓	NO	87-042/97-015 11-3-88 7-7-98
BA065141	DEVON ✓	NO	95-024 4-29-98
BA071774	BASS ✓	NO	96-019 9-2-98
BA079680	GULLORY ✓	NO	96-019 9-2-98
A773718	HALL	YES- DEATH PENALTY CASE	
BA097391	BRAMBLES ✓	NO	99-014 8-23-00
BA140039	LOPEZ	YES	PENDING
A988149	JOHNSON ✓	NO	94-051 9-15-96
BA065313	ALEXANDER	YES-DEATH PENALTY CASE	
A391401	MASON ✓	NO	87-018 9-3-88

1 **Gigi Gordon, Attorney at Law**
2 **SBN 105696**
3 **Post Conviction Assistance Center**
4 **5855 Green Valley Circle, Suite 100**
5 **Culver City, California 90230**
6 **Telephone: (310) 670-6211, Fax (310) 670-9112**

ORIGINAL FILED

APR 05 2002

**LOS ANGELES
SUPERIOR COURT**

7 **Attorney for Petitioner/ Defendant**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF LOS ANGELES**

10 **IN RE PENAL CODE 1405 CASES,**
11 **Petitioner/Defendant,**
12 **Allan Devon**
13 **v.**
14 **People of the State of California.**

Case No. BA065141

ORDER: CLOSING OF FILE
PENAL CODE 1405:
REQUEST FOR DNA TESTING

Date: April 5, 2002
Time: 8:30 a.m.
Dept. 100

15 **GOOD CAUSE APPEARING:**

16 Pursuant to Penal Code 1405, and per the request of the Petitioner, counsel was appointed to
17 determine whether or not biological evidence has been retained, and whether any such evidence
18 is available for testing and in a condition that would permit DNA testing pursuant to 1405 (f)(1).

19 Pursuant to this Court's appointment, counsel has investigated the matter pursuant to
20 1405(b)(3)(a). Counsel has provided the Court with information and documentation
21 demonstrating that the Court, the involved law enforcement agency, the Coroner's Office (if
22 pertinent) and all other criminal justice agencies have destroyed any and all evidence relating to
23 the request for testing in the instant case. The involved law enforcement agency has provided
24 documentation of the destruction of evidence related to the instant case. The Clerk of the Court
25 has provided documentation of the destruction of evidence related to the instant case. The
26 Coroner's Office (if pertinent) has provided documentation of the destruction of evidence related
27 to the instant case.
28

1. THEREFORE, PETITIONER'S MOTION FOR DNA TESTING IS DENIED AND THIS
2. FILE IS THEREFORE CLOSED. IT IS SO ORDERED.

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DATED: April 5, 2002



David B. Wesley

Honorable David Wesley
Judge of the Superior Court

POST CONVICTION ASSISTANCE CENTER

A Professional Law Corporation
5855 Green Valley Circle, Suite 100
Culver City, CA 90230
(310) 670-6211 • (310) 670-9112 Fax
postconvcenter@sbcglobal.net

GIGI GORDON, ATTORNEY AT LAW
MICHAEL PLAUT, ATTORNEY AT LAW
JASON K. FELDMAN, ATTORNEY AT LAW

July 9, 2002

Ron Rothman
1219 Morningside Drive
Manhattan Beach, CA 90266

Re: Allan Devon, BA065141

Dear Mr. Rothman,

Enclosed please find your file on the abovementioned case. The items enclosed are:

- 1) Cassette Tapes (9)
- 2) Murder Book
- 3) Probation Report
- 4) Transcription/Alan Devon (4 volumes)
- 5) Transcription/ James Rembert
- 6) Transcription/ Ana Reefer
- 7) Transcript of Proceedings

Since we have closed Mr. Devon's file, we are no longer in need of this file. Thank you for providing to us so that we could conduct our review.

Very truly yours,


Gigi Gordon

COPY

POST CONVICTION ASSISTANCE CENTER

A Professional Law Corporation
5855 Green Valley Circle, Suite 100
Culver City, CA 90230

GIGI GORDON, ATTORNEY AT LAW
MICHAEL PLAUT, ATTORNEY AT LAW

April 5, 2002

Alan Devon E43780
B2134 Upper
CSP LAC 44750 60th Street West
Lancaster, CA 93536

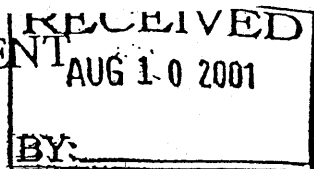
Dear Mr. Devon,

I am enclosing a copy of the court order filed today in the Los Angeles Superior Court. As I stated in previous correspondence to you, there is nothing further I am able to do for you as there is no evidence available in your case and the Court has denied the motion for DNA testing. Please keep this copy for your records.

Sincerely,


Gigi Gordon

LOS ANGELES POLICE DEPARTMENT



BERNARD C. PARKS
Chief of Police

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone:
(213) 485-5360
Ref #: 10.13

JAMES K. HAHN
Mayor

August 7, 2001

Ms. Gigi Gordon
Attorney at Law
Post Conviction Assistance Center, P.L.C.
5855 Green Valley Circle, Suite 100
Culver City, CA 90230

Dear Ms. Gordon:

This is in response to your request of July 17, 2001 for information concerning the regular destruction of evidence with respect to the following individuals. Enclosed is an Automated Property Information Management System (APIMS) history printout showing all property transactions in the case. The printouts document the following information for each of the cases listed below:

Alan Devon (DR# 92-0639640) – Item 15 was released. All other property was destroyed between August 4, 1998 and January 31, 2000.

Jamie Higgins (DR# 92-0523561) – Items 7, 11 and 22-24 were court released. All other property was destroyed between March 5, 1997 and March 2, 2000.

Chris Johnson (DR# 88-0733959) – Items 53-64 have been authorized for destruction. All other property was destroyed between February 13, 1993 and May 19, 1993.

Ismael Ray Tarazon (DR# 83-0409273) – All property was destroyed on August 18, 2000.

Johnny Evans (DR# 84-1006198) – All items were destroyed between January 27, 1993 and September 20, 1993.

Tyrone Bass (DR# 93-1205126) Items 1 and 3-5 were court released. All other property was destroyed between February 18, 1995 and August 21, 1995.

Harold Hall (DR#s 85-1217877 and 85-1217847) – All property was destroyed between February 9, 2000 through March 10, 2000 and December 24, 1996 through August 18, 2000, respectively.

Ms. Gigi Gordon
Page 2
10.1.3

A query of APIMS produced negative results for the following cases:

Ismael Ray Tarazon	DR# 83-0409272
Johnny Evans	DR# 84-0906160 DR# 84-0904703 DR# 84-1002561 DR# 84-095790
Lavont Guillory	DR# 93-0317843
Gregory Smith	DR# 85-0601405
John Henry Farr	DR# 85-0627678 DR# 85-0600689 DR# 85-0631008 DR# 85-0615969 DR# 85-0801113

In 1993, Property Division automated its evidence tracking system by entering all information relevant at that time into the Automated Property Information Management System (APIMS) that we now use. This procedure included entering into the system information concerning any evidence still in existence as of the time the automated system was set up. The date of destruction concerning any such evidence should be accessible pursuant to a computer search. Information concerning evidence that was destroyed prior to 1993 was not entered into the system and therefore cannot be retrieved by way of a computer search. However, based on the protocol set up in 1993, if a particular piece of evidence cannot be located pursuant to a search of the database, such evidence was destroyed prior to 1993.

With respect to evidence that was destroyed prior to 1993, a manual system of records was kept. However, information in such records concerning the destruction of evidence is organized only by the year of date of booking. A manual search for the exact file for any evidence booked and destroyed prior to 1993 would therefore require a manual search of as many as 150,000 separate records. The Department is not currently equipped to conduct such searches.

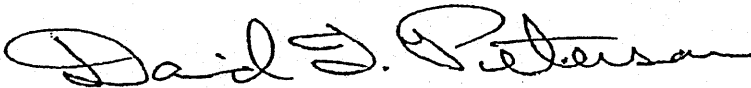
With respect to the above referenced cases, a search of the database revealed no entries under either the name or DR number. Therefore, it is our conclusion that the evidence in these cases was destroyed sometime prior to 1993.

Ms. Gigi Gordon
Page 3
10.1.3

If you require additional information, please contact Senior Property Officer Delvin Brooks,
Property Division at (213) 485-3199.

Very truly yours,

BERNARD C. PARKS
Chief of Police



DAVID T. PETERSON, Chief Management Analyst
Commanding Officer
Property Division

Enclosures

C: Jim Axtell, Deputy City Attorney

POST CONVICTION ASSISTANCE CENTER, P.L.C.

5855 Green Valley Circle, Suite 100
Culver City, CA 90230
(310) 670-6211 • (310) 670-9112 Fax

DIRECTOR-GIGI GORDON

Allan Devon E43780
B2134 Upper
CSP LAC 44750 60th Street West
Lancaster, California 93536

September 25, 2001

Dear Mr. Devon,

As per our telephonic communication of today's date, I have once again attempted to verify the information you believe you received from LAPD regarding the destruction of evidence in your case. **Again, either you misunderstood the information you received, or you simply are refusing to accept the documented information we have provided.**

Since April 27, 2001, we have received countless collect calls from you and both calls and correspondence from others asking about your case. In my view we have gone above and beyond the scope of our appointment, which was simply to determine whether or not your case falls within the scope of Penal Code 1405. Since the evidence has been destroyed, we cannot be of any further assistance.

I spoke with Mr. Larry Blanton, the Head of LAPD Serology Section. It was not "Gary" you spoke with, but Mr. Larry Blanton. He was not at the number you provided which is for LAPD Narcotics Section/ Lab but at the Serology Lab. He is not merely some individual technician or lab worker, but the Head of the entire LAPD Serology Division.

Mr. Blanton advised me that he did not tell you or anyone else that the evidence in your case was not destroyed. Instead, he advised you to contact the Detective in your case, Detective Perry. He specifically recalls the phone call in which this conversation occurred, since it was unusual for anyone to reach him directly.

Mr. Blanton did not at the time he spoke with you have access to the computerized screen for evidence retention or destruction. All he can do is determine what pieces of evidence in a case, if any, passed thru his lab. That is all he did tell you. He referred you to the Detective because it

was his understanding that only the Detective on a case can authorize evidence destruction. He was mistaken. He certainly did not tell you that he had the evidence.

As far as whether or not the evidence is in the lab, it isn't. Mr. Blanton advised me to contact the Property Section and get an APIMS printout to determine if the evidence in your case has been destroyed. I advised that I had already done that some time ago, but that you refuse to accept the fact that the evidence has been destroyed, despite the fact that I have sent you a copy of the printout.

At your request, several weeks ago, I also spoke with Detective Perry. He advised me that all he told you is that he did not recall whether or not he had ever filled out the form authorizing destruction. That is not the same as stating that neither he or his partner ever filled out the form, nor is it the same as telling you the evidence still exists. It really doesn't matter what Detective Perry told you, since LAPD does not always wait for a return copy of the form. Quite often, they simply destroy evidence on cases once the case has passed thru the court system. That is what happened in your case. It is perfectly normal and routine for this to occur once a person has been convicted.

As I have repeatedly explained, prior to January 1, 2001, any government or law enforcement agency in possession of evidence in a closed criminal case was perfectly free to destroy it without violating any law. That is what happened in your case. I repeat, there is no evidence to test. All court exhibits have been destroyed. All evidence in the custody of LAPD has been destroyed and there is no evidence in the possession of the Los Angeles County Coroner. You have been provided with documents establishing the lack of retention and or destruction.

I have spent many hours trying to answer your questions, the questions of your wife and/ or your other caller who claims to be your girlfriend, as well as answering questions from Ms. Bell the volunteer at Centurion Ministries in Princeton, New Jersey.

I have twice now duplicated your former lawyer's entire file and sent it off to both you and Ms. Bell. In addition, you and your family members have for several weeks insisted that the documented information I provided to you must be incorrect based on your conversations with Detective Perry and Larry Blanton. ("Gary") You were wrong. I have traced down the entire chain of misinformation and persons you spoke with to see where you could have received the information you claimed to have received. Simply put, you are mistaken. Nobody told you what you said they did, rather they simply referred you to someone else who provided information about what they thought, not what they knew. Neither Mr. Blanton or Detective Perry checked the Department's evidence tracking computer, I did.

Due to the high cost of the many lengthy collect phone calls we have received from you and the numerous callers each of whom has called about you, I have instructed my staff not to accept any additional calls from you. We are closing your case, with notification to the Court that all evidence has been destroyed.

In the event you are dissatisfied with this result and our effort, and per your repeated requests to my staff about who to complain to about what you perceive to be my inattention or lack of consideration of your matter, please feel free to address any complaints you may have to the following Court which has set forth the protocol and procedures we follow in Los Angeles for responding to DNA requests. (Penal Code 1405 Requests)

Los Angeles Superior Court
Honorable David Wesley
Dept. 123, Clerk of the Court, 13th Floor
210 West Temple Street
Los Angeles, California 90012

Yours truly,


Gigi Gordon

cc: Honorable David Wesley
Centurion Ministries, Kate Germond, Muriel Bell

Alan Devon E 43780
P. O. 1906 4B/5B 202
Tehachapi, Ca. 93581

SUPERIOR COURT OF THE STATE OF CALIFORNIA
for LOS ANGELES COUNTY

THE PEOPLE OF THE STATE OF CALIFORNIA

Vs.

Case no. BA 065141
BA 051133
2 Crim. B080839

ALAN DEVON,

Motion for Discovery and
Preservation of Evidence

Defendant

The Legal Jurisprudence Calendar Dept. #114

The defendant, Alan Devon, respectfully moves this Court, in the exercise of its inherent discretion, to order the Los Angeles Police Department to provide to defendant, copies of the following records:

1. All records relating to the forensic investigation of the above case, including any and all laboratory tests attempts or completed and the results of such tests; and in particular, the Analyzed Evidence Report by William Moore, which was marked Exhibit 22 at the trial of this action; the Analyzed Evidence Report by Harry Klann and related diagram, which were marked Exhibits 32 and 33 and the autopsy report which was marked Exhibit 29 at the trial.
2. All records relating to the investigation of the above case by the Los Angeles Police Department, including witness' statements, investigatory reports, etc.

Defendant further respectfully asks that this Court enter an order providing for the preservation of all records and physical evidence in this case for purposes of possible re-testing upon application of defendant.

Respectfully submitted,

ALAN DEVON

Dated NOV. 1 2000

Alan Devon E 43780
P. O. 1906 4B/5B 202
Tehachapi, Ca. 93581

SUPERIOR COURT OF THE STATE OF CALIFORNIA
for LOS ANGELES COUNTY

THE PEOPLE OF THE STATE OF CALIFORNIA

Vs.

Case no. BA 065141
BA 051133
2 Crim. B080839

ALAN DEVON,

Motion for Discovery and
Preservation of Evidence

Defendant

I, ALAN DEVON, swear under penalty of perjury, that the following is true:

1. I was convicted of first degree murder, robbery and rape after trial ending on November 22, 1993 and sentenced to life without parole

The forensic reports.

2. There was no physical evidence against me at my trial or evidence of rape other than the testimony of the state's forensic experts, as follows:

A) William Moore testified that he detected the presence of sperm on vaginal swabs taken from the deceased but did not determine how long the semen could have been in her body. He also testified that he found no ABO activity in these samples - which he attributed to the victim and her assailant being non-secretors - and therefore could not determine the blood type of the donor of the semen. However, he testified to finding an enzyme Phosphoglucomutase (PGM) of One Plus in the samples and that an examination of my blood and the victim's blood (both Type O) indicated the same enzyme, suggesting that I "could have" been the donor of the semen.

B) Harry Klann testified that certain bloodstains on my clothing "could have" come from either the victim or myself, although he was able to exclude the victim's blood from another stain based on his finding of an enzyme EAP Type BA peculiar to the victim (my blood contained EAP Type B). Mr. Klann was not examined as to his attempts to perform the same tests on all bloodstains nor about the contradictions between his testimony - that the finding of such EAP enzymes indicated the persons whose blood was present was a secretor - and the testimony of Mr. Moore that the victim and her attacker must have been non-secretors.

3. I believe that an examination of the aforesaid reports, as well as the autopsy report, may indicate whether adequate testing was done in the first place and also whether further and newly developed testing (including DNA) might be able to identify of the donor of the semen and/or exclude the victim's blood from that contained in the aforesaid bloodstains.

The police investigative reports

4. I was convicted primarily on statements by two drug dealers/users, Anna Reefer and Jomar Rembert, who initially told the police that I had told them I committed this crime. At trial these statements were admitted into evidence and although both witnesses attempted to recant, my attorney did not pursue claims that they had been unduly pressured by the LAPD to falsely incriminate me. (See attached interview of Anna Reefer)

In view of recent revelations of misconduct by some members of the LAPD I believe i should be entitled to investigate whether these witnesses' false testimony was induced by improper police practices, in violation of my constitutional right to a fair trial.

5. I was not shown any of the foregoing laboratory reports or police investigatory reports at the time of my trial and have been unable to obtain copies of any records from my counsel. My trial and appellate counsel each advised that the other had my file. (See attached copies of their letters) However, I learned by telephoning the LAPD that copies of these reports as well as slides containing biological evidence and specimens of bloodstains, possibly bloodstained clothing, are or should be on file in the LAPD files. *AP, IMS - SHEETS dated destruction of AN EXCULPATORY EVIDENCE, AUG, 2000 - J*

Request to preserve evidence

6. I previously moved this court to obtain copies of the laboratory reports which were marked at exhibits at my trial and to preserve any DNA evidence - that motion was denied on the grounds my case was then on appeal. Subsequently Judge Wapner advised that all court exhibits were destroyed in 1995. (See attached copy of his letter of February 23, 2000). I request that the contents of the LAPD files relating to my arrest and conviction be preserved in order for me to bring further proceedings to obtain a new trial or otherwise establish my innocence.

7. I am indigent and cannot afford the cost of copying these records.

WHEREFORE I respectfully request that I be provided copies of the reports requested by this motion.

ALAN DEVON

Dated _____ 2000

Notes re taped interview of Alan Devon Sept. 21 at 12:30 p.m.
Detectives Gannon; and Parry

1. Alan had run off when he saw the police coming for him.

2. Described his area of operations; selling drugs, etc. Admits he goes to homes of males looking for drugs and "work" them for \$200 - \$400. Prior jail sentence for possession.

3. Met Brenda and sold dope to her. New York had taken her money and Alan thought he was taking advantage of her and had her car (at some point). Brenda wanted to get high so he gave her \$5 for gas and bought her cigarettes and gave her a few hits. Claims this was out on street.

3. Admits Brenda invited him up one day; that New York (Puerto Rican man) and Cheryl were there. He was at her apartment a few times but last time was a week ago, and that was the day Brenda let him use her car.

4. Admits stayed over at Brenda's for a few hours right after meeting her and they got high and they had sex. Brenda was gay and it had been 2 years since had a man but they were high and "cocaine" is the pimp. After that she loaned him her car and told her to bring it back to New York; that he had it 1/2 day and he and Moe brought it back to New York at her place and New York who dropped them off at Hollywood Blvd.

5. At one point says he stayed an hour; then that he went back and had sex with Brenda the next day. Then borrowed car. Still claims that the last time he saw Brenda was when he brought car back.

6. Changes sequence and says car returned in morning; then he went back. Then said it was the afternoon when he brought the car back. He admitted he ran into cops in Brenda's apartment house (they were there on another call) in the afternoon and then admitted he went back after that happened. Wouldn't "challenge" detectives when they say they know he was in her apartment that night. (the night she was killed)

7. Admitted argument 2d day after they met. Admitted it went on all day and they were still arguing after she got a phone call from her lover. (note Brenda got a phone call from her lesbian lover the night of the murder and she told police Brenda said a black guy who got drugs for her was there.) She owed him \$40 but At some point she drove him to get more drugs

but then he also says she told him no one could use car. Then indicates she loaned him the car and that took care of it.

8. Says they went out for more drugs and then they went to his parole officer and when they returned they got high and she called Mike to change appointment . and later her lover called. They smoked # \$100 worth of rock between them over a couple of days ..possibly reference is to 2-1/2 days.

9. Says he didn't kill anyone ..all he did was "bam" ...made her give him the car. I'm sorry . Says New York must have done it. Insists New York was in front of house when he dropped car off.Says Terry and Moe know the story.

Note: He admits being with Brenda after the cops were in the building (check police records); and that he was there the night she got a call from her lover.(check records for date of any calls other than on the night of the murder noted in Nol 7); that they spent several days getting high; possibly going out to get more drugs at some point; that they argued because she promised to pay him \$40 and didn't;

If dates check out he is there with her the night she was killed, after her lover's cal; they have ingested \$100 worth of rock between them over 2 or 2-1;2 days and have been arguing for some time. He leaves, taking the car. (all this is consistent with the interviews of Panama and Rumbert.)

Note:

Had sex
took shower
& drove off w/ car
Time left Tuesday before dark
There for several calls in evening
of out going. I confused & high to
pinpoint when I left. Please check
Police records to see what time they
reported to building & check phone records
to show New Orleans calls Monday Sept. 14 & Tuesday 15
where than B.S. call

Statements of Franklin Smith

That on or about Sept. 18 (Friday) Alan told him he had been with a girl; was rocked out; something went haywire and he killed her..choked and stabbed her..over money.

Taped interview of Alan Devon 9/.23

Denies crime - nothing of much importance covered.

Statement of Herbert Lee Moore

He introduced Brenda to Devon about 9/10 or so
Last saw Brenda buying dope.

On 9/18 Friday - he went to Jackie's apt. and met Panama who told him the police were looking for him and said that Alan had told her he strangled and stabbed a girl.

Statement of Anna Rteefers 9/23/92

Detailed statement

That on 9/21 New York told her on 9/22 that Devon murdered some stud broad. She then realized it would have been Brenda.

That Devon had previously told her he murdered someone. This was on 9/17.

That she saw him "that night" in front of the 7-11; that he had car keys and tried to give them to a white boy.

Two days after the incident (9/17) Devon came to her apartment and told her he slapped "some bitch" around then "took it from her". That he tried 5 times to kill the girl ..choking her..then "put her out" with scissors to her throat. Then ran.

Taped interview of Ana Reefer age 30 9/23/92

She was the first person he met after prison. He took things from her, money, etc. Started beating down on her.

Back together the last 2 days.

New York is her buddy.

She knew def. was arrested for murder. She asked Peetey (New York) who he killed. He didn't know anything.

Then she recalled Brenda - a stud broad - it had to be her. She put the puzzle together.

Devon told her he did something he'd never done in his life - murdered someone. This was after making love. That was in the daytime 2 days after the incident (9/17) (Thurs)

She saw him the night it happened. He had the car keys and gave them to a white boy. She told the boy knowing Devon it was probably hot.

Next day he came to her apt. Said he had murdered someone. Some bitch who tried to play him for a sucker. He said he slapped her around a bit. Then "fucked"

He told me he tried to put her out 5 times. Choking her. Then used scissors - poked them into her neck. Through her throat or chest. Then ran.

She was the one who told NY and told him you better go tell.

Frank told her something was wrong with Devon

She saw Devon that evening. He walked by. Gave keys to the white boy who threw them away. Devon picked them up again. Devon came to her apt. And washed his hands. Frank said something was wrong.

The next night (9/16")

Devon was back - talked - wanted money. Told her he'd killed someone. Acted sorry. Told her he had sex with Brena - "took it" - that is manipulated her with hits. gae her rock and "took it"

Devon told her he wanted sex that night from victim and she refused. He had to work his way to it. Then she refused more. He killed her in middle of having sex. He took his (rape). Then ran and took the car keys with him.

Devon, Alan (notes) Note Sept. 15 would have been a Tuesday .

See Query

Taped interview of Rembert 9/24/92 1:50 p.m. Thurs) (age 23)

Arrested with Devon whom he'd known about 6 years on Monday morning
Devon buying dope from him outside with Panama when arrested
He saw Devon riding on bike - came up to Panama and they were talking 2 or 3 min. when
arrested...this was at 4:30 p.m.
He last saw devon earlier in the day - on bike
He came and took clean clothes at his home.

Last time he saw him before that was a week before with Frank...probably Thursday. (9/17)
D(Police told Rembert Devon had given them his name)

Devon told him he'd done something and wouldn't say what.

He knew Brenda - gay - white - little girl. Had seen Devon driving blue-grey convertible with
Frank a passenger. That day Devon told him that he did it..crying..feeling sorry for himself

He really did it?

He saw him Thursday - early morning - then in afternoon. Frank first
told him about it. (He was never in the car and didn't know Brenda. Recognized her photo. Said
she was a "smoker") Devon was depressed. Rembert took a hit and asked what's wrong

Frank told him that Devon had done something he didn't want Rembert to know about..
Something about a bitch. That's all.

He saw Devon driving the convertible later and Devon told him he'd committed a murder.
Rembert didn't believe him.

He said "Moe I just killed a bitch". No details.

Devon wanted him to move the car but he didn't. We have 2 cars at my house Rembert told
police - I needs a muffler.

Devon said he killed her with his hands. Choked her. (Det. told Rembert that Devon implied it
might be Rembert who did it) He said she did something to his rocks and he chokedher and then
sold her stereo.

He hadn't seen the ring or jacket described by detectives.

Documents to be forwarded to A. Devon

1. Statement - Huizar - 1 page - describing crime scene (apartment door forced)
2. Statement - Ruppel - with notes on crime scene. Signs of struggle. Bedroom door off hinges.
3. Emergency Medical Service report - no evidence assault either vaginal or anal.
4. List of persons apparently interviewed or to be interviewed
5. Arrest report - Brenda Kaye and Victor Espinoza - 8/25/92
6. Request for data on Espinoza (illegible)
7. Information summary, press release format 9/16/92
8. Note re prints at crime scene; request for AFIS report on prints of Devon. Davan, etc. and first page of request for prints on all black males in specified category.
9. Devon license, parking ticket, fingerprints
10. Arrest Report - A. Devon
11. Detectives' notes of interview of A. Devon 9/21 and 9/23/92
12. "Wanted" flyer for "New York" as witness
13. Arrest Report - James Lee Rembert 9/21/92 - drugs
14. Search request on Kevin Davis
15. Search request on John Paul Reger - assoc. of John Reder
16. Report of preliminary investigation re 1/8/92 robbery (Anthony Brock) relevance?
17. Papers re arrest of Paul Dabah - relevance?
18. Search request on David Harris plus 1 page lease for Joseph Harris

19. Crime Summary Information - Probably Cause Declaration re A. Devon

20. Follow-up investigation report 9/29/92 summarizing case against A. Devon.

Documents not copied/forwarded to A. Devon

Order for saliva/blood/hair - A. Devon

M/Suppress statements made by Devon's attorney

10/6/92 Defense m/continue preliminary hearing for failure of defense attorney to receive copy of Murder Book and tapes

Witness list/prosecution - includes Rembert, Smith, Moore and Reefer

Memos/photos re bike/car

Requests for information on Brenda Kaye -only legible info shows poss/controlled substance 8/25

Request for information on A. Devon- almost 100% illegible- apparently extensive record

Arrest Report of M. K. Taylor

Detained 9/5/92 - suspect - theft of bike. Claimed not to have known bike was stolen. Said he got it from Carpenter Lee

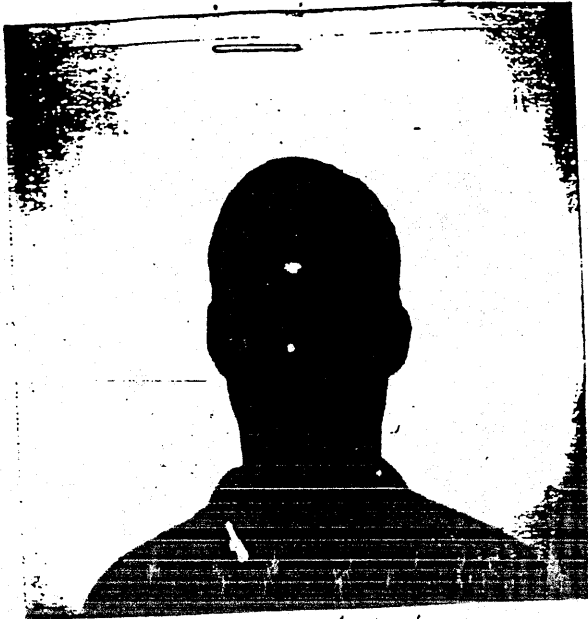
Follow up - Anne Wyrick - owner . Note - Insufficient evidence against Taylor.

Medical record, photos A. Devon

Notes: (apparently interview of John Reder) went to Brenda's with another party in August . Note "no useful information"

Papers on search/car

photos of Kaye



Date: 9/17/92
 Devon Taken by
 Officer Sladek



Date: 9/19/92
 Taken by
 Detective Parker

0419

OP. LIC. NO.	STATE	NAME (Last name first) Devon	SUFFIX (JR., ETC.)	
		ALLEN ALLEN		
CITY	STATE	SEX	DESCENT	HAIR
ILL	IL	M	BLK	B
RESIDENCE ADDRESS	HEIGHT	WEIGHT	BIRTHDATE	CLOTHING
	5'8"	170		
PERSONAL ODDITIES	BUSINESS ADDRESS/SCHOOL/UNION AFFIL.		PHONE NO.	
MONIKER/ALIAS	GANG/CLUB		SOC. SEC. NO.	
KEVIN			2 300	
SUBJ. INFO.	1 LOITERER	3 SOLICITOR	5 GANG ACTIVITY	7 ON PAROLE
	2 PROWLER	4 HITCHHIKER	(6) HAS RECORD	8 ON PROBATION
YEAR	MAKE	MODEL	TYPE	COLOR
VEH. LIC. NO.	TYPE	STATE	1 CUST WHEELS 3 LEVEL ALTER. 5 CUST PAINT	
			2. PAINTED-INS. 4 RUST/PRIMER 6 VINYL TOP	
INSIDE COLOR	1 BUCKET SEATS	E X T	1 CURTAINS 4 LEFT	6 FRONT

RECEIPT FOR PROPERTY TAKEN INTO CUSTODY

* SAVE THIS RECEIPT *

DATE AND TIME 9/21/92 2000 Hrs		DR NUMBER 92-06
LOCATION PROPERTY TAKEN INTO CUSTODY HWD Jail		
NAME OF PERSON IN POSSESSION OF PROPERTY DEVON, ALAN		
ADDRESS 1805 N- Wilcox	STREET HWD	CITY
CHARGE 3056 PC	BOOKING NUMBER 3239520	
COURT CASE NUMBER	ITEM NUMBERS ON PROPERTY REPORT 6	

PROPERTY TAKEN-DESCRIPTION					GIVE EXACT AMOUNT OF CASH
QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC., COLOR, SIZE, INSCRIPTION, CALIBER, ETC.
1	BLK JACKET				
1	BLK/GRN/PURPLE JACKET				
1	BRONZE SHIRT				
1	BROWN PANTS				
1	PAIR BLK SHOES				

PROPERTY BOOKED TO KAYE, BRENDA	DIVISION OF BOOKING HWD
SIGNATURE OF OFFICER ISSUING PARRY	SERIAL NUMBER 22622

THIS RECEIPT DOES NOT CONSTITUTE RECOGNITION OF LEGAL TITLE TO ABOVE PROPERTY

SIGNATURE OF PERSON IN POSSESSION OF PROPERTY (OPTIONAL)

AN EMPLOYEE SEIZING OR TAKING CUSTODY OF PROPERTY SHALL ISSUE A RECEIPT FOR PROPERTY TAKEN INTO CUSTODY, FORM 10.10 (DUPLICATE COPY), TO THE PERSON RELIEVED OF THE PROPERTY (4/645.20, 5/10.10). THE ORIGINAL OF THE FORM 10.10 SHALL BE INCLUDED AS A PAGE OF THE ORIGINAL OF THE PROPERTY REPORT, FORM 10.1; NOTICE TO APPEAR / RELEASE FROM CUSTODY REPORT, FORM 5.2.8; OR ARREST REPORT, FORM 5.2, WHEN EVIDENCE IS LISTED THEREON.

MUNICIPAL COURT OF CALIFORNIA,
LOS ANGELES JUDICIAL DISTRICT

CRIME SUMMARY INFORMATION
PROBABLE CAUSE DECLARATION

Location Booked <i>PAROLOR JAIL</i>	Booking Number <i>3239520</i>
Arrestee (Last, First, Middle) <i>DEVON, ALAN</i>	DOB <i>3-5-66</i>
Address (Residence) <i>TRANSIENT</i>	
Booking Charges <i>187a P.C. (MURDER)</i>	Supplemental Holds/Warrants <i>PAROLE HOLD</i>
Date/Time of Arrest <i>9/24/92 1700</i>	48 Hr. Exp. Date/Time <i>9/26/92 1700</i>
Arresting Agency/Division <i>LAPD HOLLYWOOD</i>	Arresting Officer(s) <i>PARRY, E. #22622</i>

FACTS ESTABLISHING ELEMENTS AND IDENTIFICATION OF DEFENDANT:

A - KILLS VICTIM - STABBING - STRANGULATION OVER \$40- OF COCAINE - MAKES INCULCATING STATEMENTS TO DETECTIVES AND CONFESSES TO 3 PEOPLE.

REPORTS INCORPORATED HEREIN BY REFERENCE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

EXECUTED ON *SEPT. 25th* AT LOS ANGELES COUNTY, CALIFORNIA.

BY *[Signature]*
SIGNATURE

17299
EMPLOYEE NUMBER

ON THE BASIS OF THE OFFICER'S DECLARATION REPORTS REVIEWED, I HEREBY DETERMINE THAT THERE IS IS NOT PROBABLE CAUSE TO BELIEVE THIS ARRESTEE HAS COMMITTED A CRIME.

9/25/92 *3 PM*
(DATE) (TIME)

[Signature]
(SIGNATURE OF JUDICIAL OFFICER)

ARREST REPORT
DR# 92-0639640
BKG# 3239520
PAGE 2

DEFENDANT

DEVON, ALAN DOB: 3-5-66 AKA: HORTEN, ALLEN DERRICK
CDC #E043780

SOURCE OF ACTIVITY

ON 9-16-92, AT APPROXIMATELY 1700 HOURS, THE BODY OF BRENDA KAYE WAS DISCOVERED INSIDE HER APARTMENT AT 1211 NORTH MCCADDEN PLACE #212, HOLLYWOOD.

DETECTIVE GANNON #17299 AND MYSELF, DETECTIVE PARRY #22622, ASSIGNED TO THE HOLLYWOOD HOMICIDE UNIT RESPONDED TO THE LOCATION. AN INVESTIGATION REVEALED THAT THE VICTIM'S DEATH WAS CAUSED BY A STAB WOUND.

INTERVIEWS OF THE VICTIM'S NEIGHBORS, FRIENDS AND FAMILY REVEALED THAT A MALE BLACK SUSPECT HAD BEEN WITH THE VICTIM PRIOR TO HER DEATH. THIS SUSPECT WAS DESCRIBED AS BEING 18-23 YEARS, 6'1", THIN AND WEARING A BLUE "APPLE" HAT. HE ALSO HAD A POSSIBLE NAME OF "DEVON" OR "DERON."

ON 9-18-92, DETECTIVES PREPARED A WANTED INFORMATION BULLETIN, DESCRIBING THIS CRIME AND SUSPECT AND CIRCULATED IT AMONG HOLLYWOOD POLICE OFFICERS.

OBSERVATION

ON 9-21-92, AT APPROXIMATELY 0430 HOURS, HOLLYWOOD PATROL OFFICER PENRITH #26821, OBSERVED DEFENDANT DEVON IN THE AREA OF YUCCA STREET AND CAHUENGA BOULEVARD.

BELIEVING DEVON TO BE THE DESCRIBED MURDER SUSPECT, PENRITH REQUESTED BACK-UP OFFICERS AND DETAINED DEVON FOR INVESTIGATION. DETECTIVES WERE THEN NOTIFIED.

DETECTIVES GANNON AND I, RESPONDED TO HOLLYWOOD STATION AND OBTAINED A MIRANDA WAIVER FROM DEVON.

AFTER SEVERAL CONTRADICTIONS AND DENIALS, DEVON ADMITTED TO BEING WITH THE VICTIM PRIOR TO HER DEATH. DEVON STATED THAT HE HAD A VERBAL DISPUTE WITH THE VICTIM OVER HER NOT PAYING HIM FOR COCAINE AND THAT HE HAD FLED THE APARTMENT IN HER VEHICLE (RECOVERED ON 9-18-92, ABANDONED). DEVON DENIED THE MURDER

ARREST REPORT
DR# 92-0639640
BKG# 3239520
PAGE 3

STATING THAT A MALE PUERTO RICAN NAMED "NEW YORK" HAD LAST BEEN WITH THE VICTIM.

AT THIS TIME, DETECTIVES WERE UNABLE TO IDENTIFY "NEW YORK."

ARREST

DETECTIVES ARRESTED DEFENDANT FOR 3056 P.C. VIOLATION OF PAROLE, UPON THE APPROVAL OF PAROLE OFFICER MS. WILSON. THE MURDER INVESTIGATION IS CONTINUING. DEFENDANT IS ON PAROLE FOR 11350 H.S. POSSESSION OF A CONTROLLED SUBSTANCE.

BOOKING

DEFENDANT WAS BOOKED AT HOLLYWOOD JAIL UPON THE APPROVAL OF DETECTIVE MCDONAGH #17659.

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DATE	TIME	INVESTIGATION	DR 92-0639640
9/16/92	1820	Parry & Gannon notified of 187 BY DET BASSET, Hus Homicide. 1211 N. McCadden Pl. # 212	
	1830	DET Parry at Hus STA. INTERVIEWED PR'S AT STA. (CLAUDIA KAYE : MICHAEL FRANKS)	
	1840	DET BASSET : DET GANNON AT CRIME SCENE. CALL BACK 464-1481 # 207 PHOTOS PRINTS REQ'D	
	2100	TELEPHONIC INTERVIEW OF GINA LEVY (C NOTES)	
	2045	Parry 22622 AT CRIME SCENE	
	2100	NOTIFIED FORNER "GENERAL" 92-8504 BRIEF INTERVIEW OF DEBRA JACKSON IN # 207 (LANDLINE LOCATION) C. NOTES	
	2350	COMPLETED CRIME SCENE INV	
9/17/92	0015	COMPUTER WORK ON VILT AND ROSS SUSPS THAT HAD BEEN PRICE TENANTS OF APT COMPLEX	
	0045	TELEPHONIC INTERVIEW OF VICTS MOTHER MIA KLEIN RECORDED TAPE # 138502	
	0200	FELONY STOP REQUEST ON VICTS VEH 2CA5244 CA.	
9/17/92	1100	Parry and Gannon ATTENDED POST MORTEM EXAM. DR E. CARPENTIER CONDUCTED EXAM.	

CHRONOLOGICAL RECORD

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DR 92-0639640

DATE	TIME	INVESTIGATION
9/17/92	1410	TELEPHONE INTERVIEW OF FRED NAIDITH - C-STATEMENT
	1550	TELEPHONE INTERVIEW OF CLAUDIA KAYE - C-STATEMENT
	1630	TELEPHONE INTERVIEW OF BINA KEVY - C-STATEMENT
	1730	TELEPHONE INTERVIEW OF DEBRA JACKSON - C-STATEMENT
	1735	TELEPHONE INTERVIEW OF LAURA ROASON - C-STATEMENT
	1800	TELEPHONE INTERVIEW OF REVE RICHARDS - C-STATEMENT
	2030	1211 N. MCCADDEN PL - SOUGHT ADDITIONAL WITNESSES - INTERVIEWED TONY DAVIDOZADELL #107 C-STATEMENT - LEFT B.C. AND SEVERAL APTS RECOVERED 200 SUNGLASSES (BROKEN) FROM GARAGE PRL AREA. GLASSES ARE OF SAME TYPE AS FOUND BROKEN IN VICT'S APT. FOUND CYLIND NEXT TO A HONDA MOTORCYCLE LIC 13B9229 CA VIN 7130M119289 (LOSS VIN ERROR - NO RECORD ON FILE) - LIC PLATE RETURNS TO GABI CHAHINE 1211 N. MCCADDEN #311
9-18-92	0700	REQUESTED NIN ✓ ON 1211 MCCADDEN RESULTS: LA SHERIFF JOE PUGLIESE, AIRPORT DETAIL 310) 215-2360 HAD MADE A NIN ENTRY ON LOCATION - PUGLIESE NOT AVAILABLE UNTIL MONDAY
0835		146 N. HAMILTON #6 BEV HILLS - INTERVIEWED AYRON GARRETT - C-STATEMENT

CHRONOLOGICAL RECORD

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DR 92-0639640

DATE	TIME	INVESTIGATION
9/18/92	0910	1617 N. FULLER #304 - WENT TO LOCATION TO LOCATE JOHN REEDER. MGR NICOLA DA STATES REEDER WHO HAVE LIVED AT APT WITH KEVIN CAVIS, HAD BEEN EVICTED. NO FORWARDING ADDRESS. NFI
	0930	RESPONDED TO 1211 N. MCCADDEN PL. INTERVIEWED TENANTS AS DESCRIBED WALLACE, EMILY #206 C-STATEMENT PERRY, CHARLES #204 NO USEFUL INFO - SICK IN BED - OVER PAST FEW DAYS ANDERSON, MORGAN #201 HALLER, TALEASE #201
	1030	VICTS VEH RECOVERED BY PATROL - NO SUSPS - C-RPT SID ABUILAR - PRINTS - NOTIFIED - PRG TICKETS RECOVERED
	1155	TELEPHONIC INTERVIEW W/ MICHAEL CARMICHAEL - C-STATEMENT
	1200	IDENTIFIED ALL OFFCS AT 1211 N. MCCADDEN DURING ADW INVEST - OFFR STOW, BELZ AND FAIRMAN INTERVIEWED - NO INFO ON SUSP -
	1230	CLAUDIA KAYE CALLED - STATES VICT ALWAYS WORE A Y/MET RING WITH RAISED "FO" LETTERS - PROBABLY STOLEN - NOT LOCATED AT APT -
	1500	INFORMED W.B. NARCO RE ROSS SUSP - GREG HOUTEN PROVIDED PHOTO OF DELANORA GARONCE AS A POSS SUSP. OBTAINED PHOTO & F1 INFO

CHRONOLOGICAL RECORD

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DR 92-0659640

DATE	TIME	INVESTIGATION
9/18/92	1600	OBTAINED OFF-LINE COMPUTER SEARCH FOR POSSIBLE SUSP NAMES "DEVON" OR "DERN"
	1600	PREVIOUS PM WATCH ROLL CALL AND SP4 UNITS WITH SUSP INFO
9.19.92	1200	INFORMED NO PRINTS OBTAINED FROM VICT'S VEH
9/19/92	1700	GAVE APPROVAL FOR CLAUDIA KAYE TO OBTAIN VICTIM'S DOGS FROM THE ANIMAL SHELTER.
9/21/92	0630	INFORMED BY HWO PATROL THAT POSSIBLE SUSP ALLAN DEVON HAD BEEN DETAINED AT HWO STA.
	0700	OBTAINED PHOTOS OF DEVON AND FINGERPRINTS
	0730	SHOWED PHOTO OF DEVON TO RESIDENTS OF 1211 N. MCCADDEN 1) CARMICHAEL, MICHAEL APT # TENTATIVE I.O. 2) WALLACE, EMILY APT # 206 POSITIVE ON CAP ORN 3) FARBA, ROBERT APT # 203 TENTATIVE I.O.
	0800	TRANSPORTED PRINTS TO S19 FOR CRIME SCENE COMPARISON.
	1020	INTERVIEWED KEVIN DAVIS AT W.L.A. COURT DIV 95 C-INTERVIEW
	1130	CONTACTED LASO DEPUTY JOE PUGLIESE (AX 310) 215-2360 RE NIN HIT ON VICTIM'S RESID. INFORMED - OLD CASE - NIGERIAN SUSP - HEROIN CHINA WHT - NOT ACTIVE CASE

.RONOLOGICAL RECORD

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DR 92-0639640

DATE	TIME	INVESTIGATION
9/21/92		SID PHOTO LAB TECH RIETH AMY, RESANDED TO HUD STA AND TOOK PHOTOS OF DEVON'S INJURIES BACK OF ELBOWS, KNEE, SCRATCHES ON BACK, CUT ON MIDDLE KNUCKLE OF HAND. C"
9/22/92	1100	INTERVIEWED MICHAEL CARTER AT LA CO JAIL (PASS "MOE") - RESULTS - NOT MOE - NFI C. STATEMENT
	1300	NEW YORK CALLED - "HERBERT MOORE" - WILL COME TO HUD
	1400	RECEIVED SID PRINT RPT ON ITEMS PRINTED ON 9.21.92. PRINT FROM SINGLESSES NOW COMPAREABLE
	1500	GREEN, SID PRINTS CALLED - STILL ATTEMPTING MAKE ON DEVON'S PALM PRINTS -
	1530	HIT MAN SENT TO RHD
	1600	PREPARED WANTED BULLETIN ON "NEW YORK" PLACED IN ROTATOR, ^{NO} PM WATCH, SPU, METRO INFORMED
	1530	REQUESTED SEROLOGY TO COMPARE BLOOD FROM DEVON'S CLOTHING TO VICTI BLOOD - "RUSH" HARRY KLANN # 69126
		0358
	2015	NEW YORK DETAINED BY OFFR CHACON AND CHRISTIAN W/ GIRLFRIEND STEPHANIE BLAU. TRANSPORTED TO HUD MET AT SCWE BY FERRY; GOWNON/WHITTLE/VOCK
	2045	BOTH INTERVIEWED AT HUD STATION - BLAU - MICRO CASSETTE NEW YORK # 138871

CHRONOLOGICAL RECORD

INSTRUCTIONS: This form is used to document any past or future investigative events deemed necessary to control or develop this case.

DR 92-0639640

DATE	TIME	INVESTIGATION
9-21-92	1200	IDENTIFIED ALL POLICE OFFICERS AT THE AOW INV AT 1211 N. MCCORDEN PC ON 9-15-92 1300-1500 HRS INTERVIEWED BELOW DESCRIBED OFFICERS FOR ANY INFO.
		S. FAIRMAN - NO INFO # 26037
		L. STOW - NO INFO # 25535
		P. BELZ - NO INFO # 27964
	1005	SID GREEN, FINGERPRINT COMPARISON EXPECT INFORMED NOTE ON DEVON MADE IN (3) PLACES. 1) <u>0/5 FRONT DOOR</u> , <u>1/5 FRONT DOOR</u> , <u>0/5 BATH DOOR</u>
	1220	INTERVIEWED DEVON TAPE # 138501 C. STATEMENT AND TAPE - BED 3056 PC REC # 3239520
	1645	TRANSPORTED ADDITIONAL EVID TO SID FOR LATENT PRINT EXAM. CONDUCTED BY DOWBUSZ JP272 1) WRIST WATCH = 1 LIFT 2) ^{SUN GLASSES} FROM APT = 1 LIFT FROM LENS 3) PERFUME BOX = 1 LIFT 4) PERFUME BOTTLE = WET SMOUDGE ONLY - NO LIFT 5) ^{SUN GLASSES} FROM GARAGE AREA = 1 LIFT EACH LENS 6) PANIC BUTTON = 0 LIFT
	1700	GANNON AND MCDONNEN SEARCHING AREA OF WILCOX AND YUCCA FOR NEW YORK - TRACKED TO "PAM" 1805 WILCOX - FRIEND OF "DEVON"
	1830	RECOVERED BED DEVON'S CLOTHING AT QMIO - FROZEN - OBSERVABLE BLOOD IN ALL BUT LEATHER JKT.

Preliminary hearing 2/2/93

Det. Lloyd Parry, Investigating Officer Hollywood Homicide Unit..police officer 12-1/2 years.

Called to homicide 9/15-16; 1211 No. McCadden St. 5 p.m. 9/16 Met partner Mike Gannon there. Apt. 212 1 bedroom
Bedroom door knocked off hinges; deceased on bed, skirt pushed up above breasts, pants on 1 leg taken off, 1 shoe off; other leg pants and panties rolled down. Dresser drawer on top of head.

When drawer removed saw towel and elec. cord wrapped around neck. numerous times and stab wounds left chest. Talked to sister Claudi Kaye who discovered body. She had entered apt. with Michael Franks that day (unlocked).

Subsequently he spoke to Regina Levy who identified herself as friend and prior roommate of deceased until few weeks before, now in N Orleans. She spoke to Brenda 9/15 at 8:30 p.m. Brenda told her a male black who was supplying her with crack cocaine was in the room. She was concerned and called back every 15 min. the rest of the night but no answer.

Victim's siser said gold ring and black leather jacket were missing and stereo turntable. Also 1985 chrysler was missing.
Discovered few days later on lot in 16400 block of Pixz St. on 9/18

Knew Devon as Alex Horten.

Spoke to Anna Reefer a/k/a Panama on 9/23 9:30 a.m. Taped.
She identified herself as Devon's former girlfriend; Devon told her he stabbed the victim; tried 5 times to kill her with scissors and choking. Put scissor to her throat.
Devon told her "bitch tried to play him for a sucker so he slapped her around, fucked her and took it from her.
That he tried 5 times to put her out. Choked her and then used scissors. Got scared and ran.

Spoke to Jos. Rembert a/k/a Moe. He knew Devon for 6-7 years. Devon told him that week that he had killed "this bitch over 2 rocks of cocaine" choked her and sold her stereo. Devon was driving her car at the time.

When arrested Devon shad scratches and abrasions on back of arms and back. (photos)

Cross: Reefer indicated Devon put a scissor to victim's throat but did not use term "stab" and "killed the bitch" were Rembert's words - "maybe" a quote of defendant.

Victim's mother interviewed and learned she had been seeing other people and mother had feared they - none of whom were Devon by name -
Redirect Scissors were recovered within towel.

Recross: Scissors not visible until towel unwrapped by pathologist.

Franklin Smith. Friend of Devon. Met him when he first got out of jail in 1992. Saw him every day or so. On 9/23 spoke to police. He didn't recall speaking to Devon in Sept. or that at the time a 3d man (a white 'basehead' was present..or telling police that. Devon never told him directly that he'd killed a girl. He may have told police anything to get out of their reach. He did tell them Devon was depressed that day.

Police provided all information; told him Devon said he was "rocked out" and "something went haywire" Devon didn't tell him he killed anybody but he may have told police that Devon said he killed her and she wouldn't die..choked her with his hands and stabbed her with a knife. May have told this to police to get out of their reach but doesn't remember.

Was in gray Chrysler with Devon.

Showed statement that Devon told him he killed a girl - but witness didn't remember.

Asked about 2d interview 12/9/92.. was in car with Devon. Looked like phot. One time got out to get a hit. Told police - but doesn't really recall - it was the dead girl's car and that he jumped out and wiped off his prints.

Stipulations re expert witnesses (chemical analysis of semen; autopsy
Defense counsel noted: Autopsy does not indicate trauma to sexual organs..and no showing of stolen property. Argues rape/robbery inconsistent.

Prosecutor: Room ransacked, door knocked off, posture of body, clothing, indicate rape.

Peo theory she refused to pay for cocaine by money or sex or property and so was killed. Def. argued speculative but m/dismiss denied.

Court found evidence of violations of 187A with spec. allegation 120.22B; 190.2A17, 211 and 201A2? No evidence of prior felony at hearing.

Trial set for 2/16/93

LODGED
CLERK, U.S. DISTRICT COURT
FEB 10 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

FILED
CLERK, U.S. DISTRICT COURT
MAR - 7 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

SEND RECEIVED
2006 FEB 24 AM 10:02

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CHIEF JUDGE STOTLER - LA

CDC NUMBER

E-43780
ALAN DEVON

CASE NUMBER

CV06- 784 (SGL)

PLAINTIFF(S)

v.

STATE OF CALIFORNIA, ET AL.

DEFENDANT(S)

ORDER RE LEAVE TO FILE ACTION
WITHOUT PREPAYMENT OF FULL
FILING FEE

IT IS ORDERED that the complaint be filed without prepayment of the full filing fee.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 1915, the prisoner-plaintiff owes the Court the total filing fee of \$250.00. Full payment shall be paid within _____ days of the date this order is filed.

IT IS FURTHER ORDERED that an initial partial filing fee of \$ _____ must be paid within thirty (30) days of the date this is filed. Failure to remit the initial partial filing fee may result in dismissal of your case. Thereafter, monthly payments of \$ _____ shall be forwarded to the Court by the _____ day of each month until paid in full.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the request of prisoner-plaintiff to file the action without prepayment of the full filing fee is: filing fee be DENIED for the following reason(s):

Inadequate showing of indigency

District Court lacks jurisdiction

Legally and/or factually patently frivolous

Immunity as to _____

Failure to authorize disbursements from prison trust account to pay filing fee

Failure to provide certified copy of trust fund statement for the last six (6) months.

Other: _____

Comments:

IT seeks damages where judgment in his favor will necessarily imply the invalidity of his conviction. See Heck v. Humphrey, 512 U.S. 477

FEB 17 2006

Date

United States Magistrate Judge

IT IS ORDERED that the request of prisoner-plaintiff to file the action without prepayment of the full filing fee is:

GRANTED

DENIED (See comments above).

FEB 17 2006

Date

United States District Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 09-09106 PSG (RZ) Date January 18, 2011
Title ALAN DE'VON V. FREDRICK N. WAPNER, JR., ET AL.

Present: The Honorable PHILIP S. GUTIERREZ, U.S. DISTRICT JUDGE

<u>Wendy K. Hernandez</u>	<u>N/A</u>
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Plaintiff:	Attorneys Present for Defendants:
None	None

Proceedings: (In Chambers)
**PLAINTIFF'S REQUEST FOR REFUND OF FILING FEE
(FILED DECEMBER 7 , 2010)**

Plaintiff, a state inmate, paid the \$350 court filing fee and filed this action a year ago against nearly everyone involved in his criminal trial in the 1990s. The Court dismissed the action as barred for several reasons, most centrally the doctrine of *Heck v. Humphrey*, 512 U.S. 477, 487, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994) (civil rights relief is barred where granting such relief necessarily would imply invalidity of conviction not yet overturned).

Now before the Court is Plaintiff's frivolous motion for a refund of his filing fee. A plaintiff may not file a lawsuit, lose (or, for that matter, win), and then obtain such a refund. The fees were received from Plaintiff for the *filing* of the action, not for a guarantee of victory, and the lawsuit was indeed filed. Plaintiff got what he paid for, if not what he hoped for. The motion is DENIED.

IT IS SO ORDERED.

Initials of Preparer wkh

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALAN DE'VON,
Plaintiff,
vs.
FREDDRICK N. WAPNER, JR., ET AL.,
Defendants.

CASE NO. CV 09-09106 PSG (RZ)
REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United States District Court for the Central District of California, the undersigned submits this Report and Recommendation to the Honorable Philip S. Gutierrez, United States District Judge. The undersigned recommends that the Court dismiss the action.

The *pro se* plaintiff, Alan De'Von, is a state inmate housed at the R.J. Donovan Correctional Facility in San Diego. He claims in this action under 42 U.S.C. § 1983 that, during his criminal trial in the 1990s – the time frame is unclear – he was treated unfairly by nearly every court officer involved, including two trial court judges, the prosecutor, his appointed counsel at trial and on appeal – and by a private investigator. Among other complaints, he alleges that Defendants failed or refused to preserve allegedly exculpatory DNA evidence. He expressly seeks a reversal of his conviction. For several

1 reasons, the Court cannot grant the relief he seeks in this civil rights action and should
2 dismiss.

3
4 **I.**

5 ***HECK v. HUMPRHEY***

6 The Court cannot entertain Plaintiff's claims – granting relief for which
7 necessarily would imply that his conviction is invalid – until that conviction has been
8 overturned, expunged, or otherwise reversed by other legal proceedings. *See Heck v.*
9 *Humphrey*, 512 U.S. 477, 487, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).

10
11 **II.**

12 **RELEASE IS UNAVAILABLE IN A CIVIL RIGHTS ACTION**

13 Release from custody is not an available remedy in a civil rights action.
14 *Preiser v. Rodriguez*, 411 U.S. 475, 498-500, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973). The
15 exclusive federal remedy for obtaining release from custody is a habeas petition. *See id.*

16
17 **III.**

18 **IMMUNITY OF NEARLY ALL DEFENDANTS**

19 All of the defendants except one, a private investigator, enjoy immunity for
20 their actions taken as officers of the court. *See Mireles v. Waco*, 502 U.S. 9, 112 S. Ct. 286,
21 116 L. Ed. 2d 9 (1991) (judges); *Buckley v. Fitzsimmons*, 509 U.S. 259, 269, 113 S. Ct.
22 2606, 125 L. Ed. 2d (1993) (prosecutors); *Polk County v. Dodson*, 454 U.S. 312, 325, 102
23 S. Ct. 445, 70 L. Ed. 2d 509 (1981) (public defenders).

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IV.
CONCLUSION

For the foregoing reasons, the action should be dismissed.

DATED: January 5, 2010



RALPH ZAREFSKY
UNITED STATES MAGISTRATE JUDGE



State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14100
San Francisco, CA 94102-3660
(415) 557-1200
FAX (415) 557-1266
Web Site: <http://cjp.ca.gov>
August 29, 2005

Alan DeVon, E-43780
CSP-LAC (ASU 1-C/131)
P.O. Box 4430
Lancaster, CA 93539

Dear Mr. DeVon:

At its August meeting, the Commission on Judicial Performance determined not to take further action with respect to your complaint dated July 19, 2005.

The commission determined that there is no basis for commission proceedings with respect to the judge you have named. Your complaint addresses, in part, legal rulings made by a judge. Ordinarily, individual legal rulings are not a basis for review by this commission, which is not a court and does not have the authority to reverse legal rulings or intervene in legal proceedings. Even a judicial decision or administrative act later determined to be incorrect is not itself a violation of the Code of Judicial Ethics and is not misconduct.

As to the remainder of your complaint, it was the commission's conclusion that the actions of the judge which were the subject of your letter provided an insufficient basis for commission proceedings.

We do appreciate your time and effort in bringing this matter to the commission's attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen Clay".

Karen Clay
Staff Counsel

KC:al L0829devon

COMPLAINT ABOUT A CALIFORNIA JUDGE, COURT COMMISSIONER OR REFEREE

Confidential under California Constitution
Article VI, Section 18, and Commission Rule 10.10

RECEIVED

Today's date: 7/19/05

JUL 25 2005

Your name: Alan Devon (E43780)

COMMISSION ON
JUDICIAL PERFORMANCE

Your telephone number: 661-729-2000

Your address: CSP-LAC ASU #1-C/131
P.O. Box #4430
LANCASTER, CA, 93539-4430

Your attorney's name: Cheryl B. Johnson

Your attorney's telephone number:

Name of judge: Frederick N. Wagner Jr
OR

Name of court commissioner or referee:

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court: Criminal Courts Building

County: Los Angeles

Name of case and case number: Peoples v. Alan Devon (BA065141)

Please specify what action or behavior of the judge, court commissioner or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional sheets if necessary.)

on or about Nov, 1997 & Jan, 1998 I ALAN DEVON REQUESTED THE EVIDENCE IN MY CASE TO BE PRESERVED. ON THE INITIAL REQUEST, THE JUDGE WAGNER RESPONDED BY DENYING SAID MOTION STATING HE'D LOCKED JURISDICTION. I'D CONTACTED MY APPELLANT ATTORNEY, JONCE FEND BLAIR WHO ENVOYED ME THE SUPERIOR COURT JUDGE IN FACT HAD THE JURISDICTION, SHE SUGGESTED I ATTACH MY REAV-HITUR NOTICE FILED IN 1995, THE HONORABLE JUDGE WAGNER DID DENY MY JAN, 1998 REQUEST. I WROTE A LETTER TO THE JUDGE CONFUSED, IN (1999), IN 2000 JUDGE WAGNER WROTE ME A LETTER STATING HE'D ERRORED IN DENYING MY REQUEST. (I HAVE THIS LETTER) IN NOV. 2001 CENTURION MINTHURK MURKETT, JUDGE FILED A MOTION FOR THE EVIDENCE. THE JUDGE D. WADLEY GRANTED THE REQUEST, ASSIGNED A POST CONVICT HANLEY, GIGI EPSON WHO DISCOVERED ALL EVIDENCE WAS ORDERED DESTROYED, (LAST DATE OF DESTRUCTION 2001) WAGNER ERRORED AND

Please indicate how you became aware of the commission. I'M STUCK BECAUSE OF HIS LETTER, WHAT WOULD BE...

I FORGOT THE COMPLAINT INFO IN THE ADMINISTRATION DECEPTION UNIT HAW LIBRARY!

Return to: Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102

Telephone: (415) 557-1200

Web site address: <http://www.cjp.ca.gov>

1/01

P.S. what can I do after this judge (F.N. Wagner) deprived me due process (Test the DNA/serum) at pen. 1405?

Mr. Alan Nixon E-43780
CAF=UAC, ASU # 1/C-131
P.O. Box # 4430
LANCASTER, CA, 93531-4430

AUGUST 3rd 2005

69

RECEIVED
AUG 1 2005
COMMISSION ON
JUDICIAL PERFORMANCE

State of Calif.
Commission on Judicial Performance:

Re: Rectify / Receipt of Response

Dear Executive Secretary, (Ms. Bernadette)

This kite is to make ya AWARE of I got your kite on
the Complaint I'd scripted on the judge, sent to me July 27th
for review, Pls, Pardon, ^{PRICK} to shipping my issues to you for a
Review I was inert w/ these ATTACHMENTS enclosed that back
my Grievance. (see enclosed)

- (1) UAC; from Centulen Ministers -
- (2) Motion from Supreme Court - filed by ATTY;
- (3) kite; from Appellate Court - filed by ATTY;
- (4) Matter that started JTAU (judge)

Misses Terino, Pls, tell me on this I'm not desiring to create ANY
waves for anyone, understand? I've been getting the other end of the stick one, pick
up for this crime, convicted, & then SENTENCED! How, given life w/ out parole, Records got to a
lost track, (DNA evidence denied etc) is beyond me when I got convicted in Dec., 1993 -
case still on Appeal but still all case eminent factors were getting washed up under the rug

Yes I pricked Bernadette figuratively speaking getting myself in this
mess, the above profile is a result of this judge, I don't like the opening Brief for
the case # B180531, that I would've liked the reviewing parties to see with the
accompanying documents becozz I got locked up in Administration litigation. If
the prison won't give me my legal work (another long story) but by being Martin
I'm being deprived, it would be beautiful if the Review Board Requested
Records from the COURT of Appeals. Well, your office pretty much said that
they can't pretty much, NOT DO ANYTHING to give me ANY REPTENCE on how the
judge ERRORED all my chances to be vindicated, I thank anyhow! -ENTERNALLY-



OFFICE OF THE GOVERNOR

December 17, 2007

Mr. Alan Devon
E-43780, C-8-124
Post Office Box 5246
Corcoran, California 93212

Dear Mr. Devon.

Thank you for your correspondence regarding clemency. You may be interested to know that the Governor's power of executive clemency includes consideration in three forms: 1) **pardons** based on innocence or on rehabilitation for those who have completed their sentence and have been crime-free for at least 10 years; 2) **commutations** for persons currently under sentence; and 3) **reprieves** of death sentences.

Generally, the Governor will not consider exercising his executive clemency power until (1) all judicial remedies have been exhausted, including direct appeal and an application for writ of habeas corpus; and (2) evidence unavailable during trial or appeal exists presently to show extreme hardship or innocence. In this way, legal issues, such as claims of innocence, inadequate legal counsel, or alleged defects in the trial process, may be properly considered by an appropriate reviewing court. Without the procedural safeguards and sanctions available to the courts, the Governor is not in a position to retry individual cases. Nor is that his role in the clemency process.

An act of executive clemency is an absolute privilege, not a right, and Governor Schwarzenegger reserves his clemency power for unusual or extraordinary circumstances. With all this in mind, if you believe the case you describe meets the factors noted herein, and you possess credible documentation in support, you may submit the enclosed application forms completed along with all relevant materials to this office. Only clemency applications from the applicant or an attorney acting on the applicant's behalf will be accepted.

Because of the number of pending executive clemency applications currently on file, it is impossible to tell you when a particular request may be acted upon. As a general rule, this process may take years to complete. We hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Marcroft".

RYAN W. MARCROFT
Deputy Legal Affairs Secretary

Enclosure

APR 02 2014

NOTICE OF INTENTION TO APPLY FOR CLEMENCY

This Notice is submitted pursuant to Penal Code section 4804

To the District Attorney of Los Angeles County:

Please take notice that I, Alan Devon Horton, was convicted of the crime of first degree Murder (P.C. 187 sub. (a) first degree Robbery (P.C. 211) Rape (P.C. 261, sub. (a)(2)) committed in the County of Los Angeles County, State of California, convicted on Nov. 19, 1993 and sentenced to Life Without the Possibility of Parole

I will submit an application to the Governor of the State of California requesting a

- Pardon based upon rehabilitation
- Commutation of current sentence
- Pardon based upon innocence.
- Compassionate release
- Commutation/Pardon based on Battered Woman's Syndrome

Other
If other, BRIEFLY EXPLAIN

Alan Devon Horton Alan Devon Horton
 Full Name of Applicant - TYPED or PRINTED Applicant's Signature

E43780 MARCH 5, 2014
 Month, Day, Year

44750 both ST. WEST FAB5 #113 P.O. #4130
 Applicant's Street Address

LANCASTER, CALIFORNIA 93535 (93539)
 Applicant's City, State, Zip Code

This Section to be Completed By District Attorney Only

State of California

County of Los Angeles } ss.

I, John Morris for District Attorney of the County of Los Angeles, State of California, do hereby acknowledge receipt of notice from Alan Devon Horton that

he/she intends to apply to the Governor of the State of California for a Traditional Pardon.

[Signed]

MAY 08 2014

RECEIVED
APR 29 2014

APR 02 2014

APPLICATION FOR CLEMENCY



Office of the Governor
State of California
State Capitol
Sacramento, California 95814

This Application for Clemency must be used to request:

- a commutation (reduction) of the applicant's current sentence if the applicant is presently in prison or jail, or on probation or parole;
- a pardon based upon innocence; or
- a pardon based upon rehabilitation if the applicant has completed his or her sentence but is not eligible for a Certificate of Rehabilitation under Penal Code section 4852.01.

Please complete sections I, III and IV and that portion of section II that applies to your case.

Please TYPE or PRINT in blue or black ink.

I.

APPLICANT INFORMATION

To be completed by all applicants

LAST Name HORTON	FIRST Name Alan	MIDDLE Name DEVON
Date of Birth MARCH 5, 1966	Place of Birth COOK COUNTY ILLINOIS	Social Security Number 343-627272
Prison Number E43789		

Current Residence

Address 44750 60th ST. WEST	Apartment, Lot, Suite, Space, etc. FARBE 143 P.O.# 4430
City LANCASTER	State CALIFORNIA
Zip code 93535	

Reason for Requesting Clemency

What relief are you requesting? (Complete the corresponding portion of section II)

- Pardon based on rehabilitation and not eligible for a Certificate of Rehabilitation under Penal Code section 4852.01
 Commutation/Pardon based on Battered Woman's Syndrome
 Commutation of current sentence
 Compassionate Release
 Pardon based upon innocence
 Other

Why are you requesting clemency?

The People of the STATE of CALIFORNIA failed TO EXONERATE ME WITH THE EVIDENCE. NEW EVIDENCE.

MAY 08 2014

APR 29 2014

RECEIVED

Conviction Information

Commitment Offense 1st degree Murder, Rape/Robbery	Date of offense SEP. 15, 1992	Date of conviction NOV. 19, 1993	Arresting agency L.A. P.D.	County of conviction LOS ANGELES
Superior court case number BA0651A	Your trial attorney's name and address: BEN ROTHMAN 1219 MORNING SIDE DRIVE MANHATTAN BEACH CA, 90266	Sentence LIFE WITHOUT PAROLE - LWP	If you are currently a prisoner, what is your release date-if any? ERPD 2023	
Did you appeal your case? If yes, appellate case number and status of case	Yes BA 0651A - BA 089987 - BA 051133 -			

APR 02 2014

MAY 20 2014

II.
REQUEST FOR CLEMENCY

Please complete the section below that applies to your request.

COMPASSIONATE RELEASE

Complete this section if you are presently in prison and requesting clemency due to a medical condition.

Please explain the medical condition that warrants clemency:

Your current physician's name:

Physician's address:

Physician's telephone number:

Have you applied to the Department of Corrections and Rehabilitation or the Board of Parole Hearings for a recall of your sentence pursuant to Penal Code Sections 1170? Yes No

What was the result?

N/A

PARDON BASED ON REHABILITATION

Complete this section if you have completed your sentence, you are requesting clemency based upon rehabilitation and you are not eligible for a Certificate of Rehabilitation under Penal Code section 4852.01.

Give a brief account of your offense.

Explain your rehabilitation efforts during incarceration.

Describe your record in prison, jail, parole or probation. (List all disciplinary action taken against you)

When were you discharged from probation or parole?

Describe your rehabilitation and activities since release.

Why you are requesting a pardon?

N/A

MAY 08 2014

JUN 11 2014

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APR 29 2014

PARDON BASED ON INNOCENCE

Complete this section if you are requesting a pardon based upon innocence.

- ① Describe the evidence of your innocence that was discovered after conviction and explain its importance. Police reports expressing NOT A CRIME SCENE BY PROSECUTORS WITHIN LAURA JOHNSON NOT INTRODUCED. PHOTOS AND TAPE OF DEFENDANT INTRODUCING INJURIES ON PERSON SAID TO COME FROM VICTIM
- ② DNA AFFIDAVITS FROM PRESIDENT OF WITNESSES STATING THEY LIED/GOT DEALS TO LIE ON STAND AT TRIAL.
- ③ Blood evidence, which was NOT A MATCH TO VICTIM, ON DEFENDANT'S ARTICLES/SEAMEN NO MATCH.
- ④ Upon requesting PRESERVATION OF DNA EVIDENCE (EVIDENCE) LATER DESTROYED UPON JUDGE'S ERROR BELIEVING JURISDICTION WAS LACKED DENING MOTION. GOVERNMENT RESPONSIBILITY TO P.S.I.
- ⑤ INTERNAL AFFAIRS GROUP COMPLAINT FORM # 11-002139 PRODUCED LATER WITNESS DETECTIVE M. SLIDER WHO WILL PROTECT FROM INJURIES ACCURRING FROM 9/15/92 CRIME SCENE AS PHOTOGRAPHED, THEY DISCOVERED HIM

ON JULY 14, 2011 THEIR RESPONSE WAS THERE IS NO SUBSTANCE TO MY CLAIM.

ON SEPT. 19, 2011 THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE VALERIE SCOTT-COLE DEPUTY DIST. ATTY. FOR STEVE COOLEY STATED NO SUPPORT FOR MY ALLEGATIONS ALTHO I SUBMITTED THE IAG'S NEW EVIDENCE IN SPITE TO CASE # 11-002139, INSISTING MY CLAIMS WERE BEYOND POLICE AND PROSECUTION MISCONDUCT OF WITHHOLDING EVIDENCE.

Has this new evidence been presented to the courts? If so, what was the result?

THE SUPERIOR COURT JUDGE F.N. WAPNER DENIED PRESERVATION EVIDENCE REQUEST 1998 ALSO A HITCH MOTION, THEN A PENAL SECTION MOTION FOR POLICE # 10549 (2002) - LEGISLATION MESSAGE REGARDING STAT. 2002 C. 1105 (S.B. 1391) THEN A P.S.I. # 105 WAS DENIED WHERE THE GOVERNMENT STATED A MISTAKE/ERROR WAS MADE IN NOT PRESERVING DNA EVIDENCE REQUESTED PRESERVED PER IN 1997/1998

* All Petitions Denied # B201077/B168258/B181142

COMMUTATION/PARDON BASED ON BATTERED WOMAN'S SYNDROME

Complete this section if you are requesting clemency based upon battered woman's syndrome.

Describe the evidence of battering and its effects in the relationship between you and the victim that led to the crime.

Was this evidence presented at trial?

NA

MAY 08 2014

Have you sought a writ of habeas corpus pursuant to Penal Code section 1473.5 based upon this evidence?

COMMUTATION OF SENTENCE

Complete this section if you are currently under sentence and requesting clemency for any reason not covered above.

Explain why you are requesting clemency.

I'm being told because the Government had NO obligation TO TEST THE DNA EVIDENCE THAT I'M TO SERVE A LIFE SENTENCE WHERE AS IF TESTED UPON PRESERVATION REQUEST I WOULD BE EXONERATED!

Have you sought relief from the courts?

YES TO NO AVAIL ALSO ON AFFIDAVITS WHERE PROSECUTORS HAD WITHHELD EVIDENCE FOR LIECENCES (DEALS) THE COURT SUGGESTED HOW-

RECEIVED APR 29 2014

Prior Convictions: List all prior convictions, including any in other states or countries.

Offense(s):	Date of offense(s):	County of conviction(s):	Sentence(s):
THEFT	11/21/85	COOK	Supr, 1 yr,
* Control. Subj. Possession (drug)	9/5/85	COOK	PROTECTED
Felony THEFT	11/22/85	COOK	PROBATION
* Stolen Vehicle Possession	5/25/86	COOK	PROBATION
THEFT	8/10/87	COOK	PROBATION
THEFT	9/9/87	COOK	DISPOSITION
BURGLARY	11/03/89	LOS ANGELES	PROBATION
NARCOTICS	11/30/89	LOS ANGELES	Pled GUILTY
POSSESSION	12/09/91	LOS ANGELES	Pled GUILTY
REGISTRATION OF CERT. SEX OFFENDER	9/11/92	LOS ANGELES	CASE # NF118477
PAROLE VIOLATION	9/21/92	LOS ANGELES	2-YEAR COUNTY SENTENCE
MURDER	9/29/92	LOS ANGELES	LIFE WITH/OUT THE POSSIBILITY OF - PAROLE -

Current Attorney Information

Are you currently represented by an attorney? Yes No

If yes, please provide his or her name, address and telephone number.

First and last name:

Telephone number:

Address:

MAY 08 2014

Information Required by Penal Code Section 4807.2

Have you paid or given any money, gift or consideration to anyone for assisting you with this application? Yes No

If yes, please provide his or her name, address and telephone number.

First and last name:

Telephone number:

Address:

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APR 29 2014

APR 02 2014

NOTICE TO DISTRICT ATTORNEY

Penal Code section 4804 requires that you give the district attorney of the county of conviction written notice of your intention to apply for a pardon. You must complete the attached form and mail it to the district attorney before you submit this application to the Governor's Office. If you are requesting a pardon for more than one conviction involving more than one county, each district attorney must be given notice.

I declare under penalty of perjury under the laws of the State of California that I have served the district attorney of the county of

LOS Angeles with notice of my intent to apply for a pardon, as required by Penal Code section 4804.
(Name of county)

Alan Devin
(Applicant's signature)

3/5/14
(Date)

IV

DECLARATION UNDER PENALTY OF PERJURY

This Application for Clemency may be submitted to the Board of Parole Hearings for investigation and recommendation pursuant to Penal Code Section 4812. This application may also be submitted to law enforcement or other agencies for investigation or recommendation.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I understand that any omission or misstatement of facts may result in denial of my application and the filing of perjury charges against me.

Alan Devin
(Applicant's signature)

3/5/14
(Date signed)

MAY 06 2014

JUN 11 2014

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APR 29 2014

August 25, 2014

Mr. Devon,

First I apologize for taking so long to respond. I must admit I do not remember the details of your case, it is over 20 years old.

As you know I am still with the Department, at this point I do not know how I can be of help too you.

I will do whatever I can within the law and rules of the my department.

If you believe that I or any other member of the LAPD was involved in misconduct in regards to your case you have the right to make an official complaint. I have enclosed a complaint form.

Of course I never want have anything to do with putting and innocent man in jail. but at the same time I have to respect the law and remember that you were convicted of this crime.

Michael Slider

Detective Los Angels Police Department
Devonshire Detectives
10250 Etiwanda Av.
Northridge, CA. 91325

WHISTLEBLOWER COMPLAINT REPORT

ADM-105 (REV 05/13)

Page 1 of 3

INSTRUCTIONS: The California State Auditor (state auditor) accepts complaints about improper governmental activities by state agencies and employees. An *improper governmental activity* is defined as any action by a state agency or any action by a state employee directly related to state government that violates the law, violates an Executive Order of the Governor, violates a Rule of Court, violates the *State Administrative Manual* or *State Contracting Manual*, is economically wasteful, or involves gross misconduct, incompetency or inefficiency.

The state auditor does not have authority to investigate the legislative branch of state government or their employees, federal or local government agencies or their employees, or private entities like businesses and nonprofit organizations or their employees.

The state auditor does not automatically investigate every complaint received. Each complaint is evaluated carefully to determine whether it has enough potential merit to warrant the expenditure of state resources to conduct an investigation.

As a decision about whether to initiate an investigation must be based on what appears in the complaint, the complaint must show there is sufficient evidence available for an investigator to confirm that what is being alleged is true. The complaint therefore must identify specific witnesses, documents, and other sources of information that an investigator may examine to find support for an allegation.

The state auditor accepts complaints that are submitted anonymously. However, if the complainant is unavailable to answer questions or confirm the alleged facts, this may prevent staff from being able to justify or direct an investigation.

When making an allegation, it is important to provide as much of the following information as possible for each allegation being made.

- ✓ **Who?** Who are the state employees (subjects) responsible for the improper activity? Who is each employee's supervisor? If non-state employees also are involved, who are they? If any businesses are involved, which businesses and who owns them? Who else knows anything about this?
- ✓ **What?** What is the improper activity? Why is it improper? What laws or policies make the activity improper? What documents are there that will verify the improper activity occurred? Can you provide copies of the documents?
- ✓ **Where?** Where did the activity occur (the department and location, including address)? Where can an investigator locate the persons who were involved or have information about the activity? Where can an investigator find documents or other evidence related to the activity?
- ✓ **When?** When did the activity occur? When did you discover the activity?
- ✓ **Why?** Why did the activity occur? Did it provide some benefit to those involved?
- ✓ **How?** How was the activity able to occur? Were there no controls in place to prevent the activity? If there were controls in place, how were they circumvented?

Please enclose the completed form in an envelope marked "Confidential" and mail it to:

Investigations
California State Auditor
P.O. Box 1019
Sacramento, CA 95812

By law, the state auditor cannot reveal the name of a complainant without his or her permission, except to appropriate law enforcement personnel who are conducting a criminal investigation.

COMPLAINANT(S) INFORMATION

NAME: Alvin [unclear] #1333 POSITION: INMATE BEST TIME TO CALL: 7:11-11:30 AM
 EMPLOYER DEPARTMENT: IRIS - [unclear] ELECTRONIC [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: 301 WEST [unclear] BRANSON - 72112 HOME TELEPHONE: [unclear]

NAME: NICHOLAS [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

SUBJECT(S) INFORMATION

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

WITNESS(ES) Please provide witnesses who can confirm your allegations

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

NAME: [unclear] POSITION: [unclear] BEST TIME TO CALL: [unclear]
 EMPLOYER DEPARTMENT: [unclear] EMPLOYER DEPARTMENT ADDRESS: [unclear] WORK PHONE: [unclear]
 HOME ADDRESS: [unclear] HOME TELEPHONE: [unclear]

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Required to be filed with the clerk of the court. The name of the page states on the first and second pages of the pleading.

This page may be used with a Judicial Council form or any other paper filed with the court.

1962-1963
U.S. Court of Appeals
for the District of Columbia
Circular 100

ADDITIONAL PAGE
Attach to Judicial Council Form or Other Court Paper

THOMSON
WEST

Page _____
of _____

10-1-62

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100,000 # I 100,000

Required for verification. The items on this page stated or information and refer are limited to the items listed in the numbers.

This page may be used with an original Court form or any other paper set with the court.

Page 1

Form approved by the Local Council of the Court, 40-42 New Canaan, 1957, Judicial Form

ADDITIONAL PAGE Attach to Judicial Council Form or Other Court Paper

THOMSON WEST

[Faint, illegible handwritten text covering the majority of the page, possibly containing case details or a list of items.]



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
SHARON J. MATSUMOTO • Assistant District Attorney

LAEL R. RUBIN • Director

July 14, 2011

Alan Devon
#E-43780
F/C #5-126L
P.O. Box 4610
Lancaster, California 93539

Dear Mr. Devon:

We have received your three letters regarding your conviction in 1993 for murder in case number BA065141. All of the materials you submitted has been read and considered. In addition, a review of the facts and circumstances of your case, including a review of our criminal file and conferences with other deputies, was undertaken.

While you make broad claims of police and prosecution misconduct, even indicating that the subject matter of your letter is the "Rampart Scandal," you provide no support for your allegations. We have determined that there is no substance to your claims.

The murder for which you were convicted occurred in the Hollywood Division of the Los Angeles Police Department. You made incriminating statements to the police as well as confessing to the murder three of your associates. Your fingerprints were found inside the victim's apartment and you were seen in her car after her death. An individual matching your description and having the same name asked the victim's neighbors for cleaning supplies the night of her death. While pieces of evidence which could have contained biological material which could have been tested for DNA have apparently destroyed, as Huy Dao, the Cardozo School of Law Innocence Project Assistant Director, advised you in 1997, "Since your defense was that of consensual sex with the victim, the semen tested could not prove that you were not there or did not commit the crime."

Alan Devon
Page Two
July 14, 2011

At this point, no further action will be taken by the Los Angeles County District Attorney's Office.

Very truly yours,

STEVE COOLEY
District Attorney

By



VALERIE SCOTT COLE
Deputy District Attorney

caf

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

JOHN W. MACK
PRESIDENT

ALAN J. SKOBIN
VICE PRESIDENT

RICHARD DROOYAN
ROBERT M. SALTZMAN
DEBRA WONG YANG



ANTONIO R. VILLARAIGOSA
MAYOR

RICHARD M. TEFANK
EXECUTIVE DIRECTOR

REPLY TO:

EXECUTIVE OFFICE
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CALIFORNIA 90012
(213) 236-1400 PHONE
(213) 236-1410 FAX

NICOLE C. BERSHON
INSPECTOR GENERAL



OFFICE OF THE INSPECTOR GENERAL
201 NORTH FIGUEROA STREET, SUITE 610
LOS ANGELES, CALIFORNIA 90012
(213) 482-6833 PHONE
(213) 202-9966 FAX

July 15, 2011

Mr. Alan Devon #E43780
FC5 #126
P.O. Box 4610
Lancaster, CA 93539-4610

Dear Mr. Devon:

On July 11, 12 and 13, 2011, you contacted the Office of the Inspector General (OIG), alleging misconduct by three employees of the Los Angeles Police Department (LAPD or Department). We forwarded the information you provided us to Internal Affairs Group (IAG) which resulted in Complaint Form (CF) No. 11-002139 being generated. You may be contacted by a representative of IAG or by an LAPD supervisor regarding this matter.

Among other things, the OIG oversees the Department's internal disciplinary system by conducting independent reviews of completed investigations into allegations of misconduct to determine whether they have been conducted appropriately. The OIG does not normally conduct a separate or new investigation of alleged misconduct.

Please be advised that applicable state law controls our ability to oversee and impact the Department's disciplinary system. One critical limitation is that state law prohibits the imposition of discipline or other punitive action by the Department if the investigation is more than one year old. In addition, other state law limits the amount of information we can reveal to you about the Department's investigation.

Enclosed you will find a receipt with your CF No. and a letter from the Chief of Police about your complaint. If you have any questions regarding the status of the information you provided, please contact IAG at (213) 485-4152 and reference your CF No.

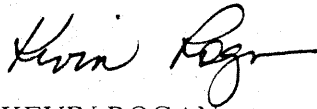
Mr. Alan Devon

Page 2

1.0

Thank you for bringing this matter to our attention.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

A handwritten signature in black ink, appearing to read "Kevin Rogan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

KEVIN ROGAN
Assistant Inspector General
Police Commission

Enclosures

9/7/11

1 DEVAN, A. EABRO
2 C/2.1374
3 P.O. # 4610
4 LANCASTER, CA. 93539
5

6 DIST., ATTORNEY Ms. LAEL R. RUBIN
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PER CASE # BA065141

CF # 17.002139 I.A.

DEAR DIRECTOR

IRDA. VALERIE COLE SCOTT FAILED IN REVIEWING
MY COMPLAINT RECEIVED FOR THE 1993 MURDER CONVICTION.
AS STATED IN PREVIOUS Ltrs., DETECTIVES @ HOLLYWOOD IAD
FRAMED ME BY OVER FILING MURDER, RAPE, & ROBBERY. I HAVE
INTERNAL AFFAIRS CF# 11.002139 ON DETECTIVE PERRY ATTEMPT
TO COVER UP EVIDENCE THAT WAS EXCULPATORY (DNA) I
ASKED PRESERVED. PENAL CODE 1054.9 FOR COST CONFLICT
RELIEF BY GOVERNOR'S OFFICE WAS TO GRANT REMEDIES
FOR SCANDALS BY L.A.P.D. OFFICERS. THE AUTHORIZATION
OF DESTRUCTION OF THE BLOOD/SEMIN REQUEST PROVIDES
GRANTS FOR CHALLENGING CONVICTION AS WELL AS FALSE
POLICE REPORTS/STATEMENTS BY WITNESS FOR THE STATE
LAURA JOHNSON WHICH DETECTIVES/PROSECUTION KNEW
WERE ERRORS STATING I WAS AT CRIME SCENE!
RE: PERRY REVIEW MATERIALS SENT AUTHENTICALLY



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
SHARON J. MATSUMOTO • Assistant District Attorney

LAEL R. RUBIN • Director

September 19, 2011

Alan Devon
#E-43780
F/C #5-126L
P.O. Box 4610
Lancaster, California 93539

Dear Mr. Devon:

We have received your letter dated September 7, 2011. As indicated in our letter to you of July 14, 2011, all of the materials you submitted has been read and considered. In addition, a review of the facts and circumstances of your case, including a review of our criminal file and conferences with other deputies, was undertaken.

We have determined that there is no substance to your claims.

At this point, no further action will be taken by the Los Angeles County District Attorney's Office.

Very truly yours,

STEVE COOLEY
District Attorney

By

VALERIE SCOTT COLE
Deputy District Attorney

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IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

The People of the STATE of California,
PLAINTIFF and Respondent,

v.

Alan Devon

Defendant and Appellant

CRIM. S157004
(2D CRIM. DO * 201077)
(Sup. Ct. # BA065141)

Petition for Review

Alan Devon pro se
E43780
Fac. C/A 207
P.O. 5246
CORCORAN, CA. 93212
IN PROPRIA PERSONA

I

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Table of Authorities

- ① Penal Sec. § 1054.9
- ② Curl v. Superior Court (App. 5 Dist. 2006)
- ③ In Re Steele (2004)

1 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

2
3
4 THE PEOPLE OF THE STATE OF CALIFORNIA, } CRIM. _____
5 PLAINTIFF AND RESPONDENT } (2D CRIM. BS* 201077)
6 V. } (SUP. CT. # BA065411)
7
8 ALAN DEVAN, }
9 DEFENDANT AND APPELLANT }
10

11
12 Petition for Review

13
14 TO THE HONORABLE MALCOLM LUCAS, CHIEF JUSTICE,
15 AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE
16 SUPREME COURT OF THE STATE OF CALIFORNIA:
17 PETITIONER, ALAN DEVAN, RESPECTFULLY REQUESTS
18 THAT THIS HONORABLE COURT REVIEW THE DECISION OF THE
19 COURT OF APPEAL SECOND APPELLATE DISTRICT, DIVISION FIVE
20 ON AUGUST 15, 2007, WHICH AFFIRMED THE DENIAL OF PENAL
21 SEC. 1054.9 BY THE SUPERIOR COURT JUDGE FREDERICK N. WAPLES.
22 A COPY OF THESE OPINIONS ARE ATTACHED AS EXHIBIT A,
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ISSUES PRESENTED FOR REVIEW

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3 1. DOES THE COURT OF APPEALS DECISION TO UPHOLD
4 APPELLANT'S CONVICTION / DENIAL OF DISCOVERY REQUEST
5 § PENAL SEC. 1054.9 CONFLICT WITH THE COURT OF
6 APPEALS DECISION IN PEOPLE V. CURT V. SUPERIOR COURT
7 (APP. 5 DIST. 2006) 44 CAL. RPTR. 3D 320, 140
8 CAL. APP. 4TH 360,

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10 2. CAN THE IMPROPER DENIAL OF A TIMELY MOTION
11 TO DISCOVERY WITHIN 20 DAYS AFTER IN PRO CE
12 IN SUPERIOR COURT TO THE COURT OF APPEALS
13 STEELE (2004) 10 CAL. RPTR. 3D 536, 32 CAL. 4TH
14 692, 85 P. 3D 444,
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NO. B201077

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Alan Devon
petitioner,

S#

vs.

The Superior Court of
The State of California
County of Los Angeles

people of the State of Calif.,
Real Party in Interest

Petition for Review

To the Honorable Chief Justice Malcolm Lucas and to the
Honorable Associate Justices of the Supreme Court of the
State of California;

Alan Devon, defendant and petitioner hereby petitions this
Court for review of the unpublished order of the Court of Appeal,
Second Appellate District, Division Five, filed on August 15, 2007, denying
Writ of Mandate on Penal Sec. 1054.9 Discovery Request. A copy of
the order of the Court of Appeal is attached hereto as Exhibit A.
And a copy of the Superior Court minute order is attached to
Exhibit A.

VI

Necessity for Review

I.

REVIEW IS NECESSARY TO RESOLVE THE CONFLICT WITH THE (SENATE BILL 1381) 2002 LEGISLATION, c. 1105 ON § 1054.9 PROSECUTION OF POSTCONVICTION WRIT OF HABEAS CORPUS OR MOTION TO VACATE JUDGMENT INVOLVING SENTENCES OF DEATH OR LIFE IMPRISONMENT; REASONABLE ACCESS TO DISCOVERY MATERIALS TO WHICH DEFENDANT WOULD HAVE BEEN ENTITLED AT TIME OF TRIAL; CONDITIONS A, B, C, D.

A GRANT OF REVIEW IN THIS CASE IS NECESSARY TO SECURE UNIFORMITY OF DECISION WITHIN THE MEANING OF PENAL SEC. § 1054.9 BETWEEN THE OPINION IN THIS CASE AND THE CONFLICTING OPINION OF THE COURT OF APPEAL FOR THE SECOND DISTRICT IN *PEOPLE V. STEELE* (2004) 10 CAL. 4TH 682, 32 CAL. 4TH 682, 85 P.3D 444, HABEAS CORPUS KEY# 688

UPON THE SUPERIOR COURT'S DENIAL UPON A SPECIFIC REQUEST OF DNA EVIDENCE TEST RESULTS AND OR DISCOVERY MOTION FOR POSTCONVICTION MATERIALS IT'S STATED IN THE PENAL SEC. § 1054.9 NOW FIRST TO MAKE THE DISCOVERY MOTION IN THE TRIAL COURT THAT RENDERED JUDGMENT, EITHER PARTY MAY CHALLENGE THAT RULING ON A PETITION FOR WRIT OF MANDATE IN THE COURT OF APPEALS THAT'S FILED WITHIN 20 DAYS AFTER THE ORDER, IS CONSIDERED TO HAVE BEEN FILED WITHIN A REASONABLE TIME.

DEFENDANT IS ENTITLED TO SEEK DISCOVERY FROM THE PROSECUTION AT PREPARING TO FILE A POSTCONVICTION PETITION AS WELL AS AFTER THE PETITION HAS BEEN FILED; THERE WAS

1 a showing that a good faith effort to obtain discovery
2 materials from trial counsel, prosecutor, and the court
3 prior, these were made and were unsuccessful.

4 petitioner Alan Devon has shown the court
5 of appeals he has proceedings in court on postconvict-
6 ion matter's docket # 07-55664 / # 07-72466
7 and has been still unsuccessful. Curt v. Superior Court
8 (App. 5 Dist. 2006) 44 Cal. Rptr. 3d 320, 140 Cal. App.
9 4th 310, Review denied. Criminal Law Key 1590.

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Cont. ed VII

1 ARGUMENT

2 I.

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4 ^u The penal sec 8 1054.9 discuss A DISCOVERY REQUEST
5 petitioner subjected the superior to such REQUEST
6 and was denied on July 19, 2007, This court denied petitioner
7 REQUEST for Discovery Request for pending 9th circuit case,
8 as well did the court of appeal. Both of these courts are
9 dismissing construction and application of this penal sec, I
10 have life without the possibility of parole, also a filed post
11 conviction writ (Hitch motion) neither court are following
12 the penal sec, 1054.9

13 II.

14 ^u The post conviction Request for DNA material is 1405.
15 petitioner showed the lower courts need for a
16 post conviction need, prior to trial DNA testing was
17 not ordered. Now what ever analysis were done may call
18 be new evidence since the prosecutor had no obligation to
19 provide at time of trial absent a specific request. as
20 noted petitioner is specifically requesting all test
21 done and any or all documents on case kept.
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VII

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Conclusion

For the foregoing reason, petitioner respectfully
URGES THIS Honorable Court TO GRANT Review of his
CASE

DATED. Sept., 9, 2007

Respectfully submitted,

Alan Devo

in propria persona

IX

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

COURT OF APPEAL - SECOND DISTRICT

FILED

JUL 3 2002

JOSEPH A. LAMIE

Clerk

J. BELCHER

Deputy Clerk

In re

ALAN DEVON

on

Coram Vobis.

B159468

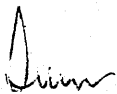
(Super. Ct. No. BA065141)

(Frederick N. Wapner, Judge)

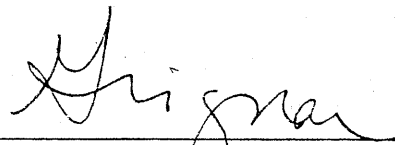
ORDER

THE COURT:

The court has read and considered the petition for writ of error coram vobis, filed June 20, 2002. The petition is denied. The superior court did not abuse its discretion when it denied the petition for writ of error coram nobis without a hearing because all of the issues raised in the petition were either known to petitioner at the time of trial or resolved adversely to him in habeas corpus proceedings.



TURNER, P.J.



GRIGNON, J.

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 04/18/03

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL - MURDER.

COUNT 02: 211 PC FEL - ROBBERY.

COUNT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

ON 04/18/03 AT 830 AM IN LASC -CENTRAL DEPT 114

CASE CALLED FOR HABEAS CORPUS PETITION

PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

THE COURT HAS READ AND CONSIDERED THE PETITION FOR WRIT OF
HABEAS CORPUS. THE PETITION IS DENIED FOR THE FOLLOWING REASONS:

1. A PREVIOUS PETITION FOR WRIT OF ERROR CORUM NOBIS WAS MADE
AND DENIED ON THE SAME GROUND - SEE MINUTE ORDER OF 5/21/02.
2. THE PETITION ALLEGES THAT THE PETITIONER AGREED TO WAIVE TIME

BECAUSE OF FALSE PROMISES BY HIS ATTORNEY. ASSUMING, ARGUENDO,
THAT THIS IS TRUE, THERE IS NO SHOWING OF PREJUDICE AND
THEREFORE NO BASIS FOR RELIEF.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO
THE BELOW ADDRESS.

ALAN DEVON E-43780
B5/238 CSP-LAC
44750 60TH ST. WEST
LANCASTER, CA 93536

CASE NO. BA065141
DEF NO. 01

PAGE NO. 4
DATE PRINTED 01/06/05

-PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 05/21/02 AT 830 AM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR MOTION
PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
THE COURT HAS READ AND CONSIDERED THE PETITION FOR WRIT OF CORAM
NOBIS. THE PETITION IS DENIED.

A WRIT OF CORAM NOBIS IS GRANTED ONLY WHEN THREE REQUIREMENTS
ARE MET.

1) PETITIONER MUST SHOW THAT SOME FACT EXISTED WHICH, WITHOUT
ANY FAULT OR NEGLIGENCE ON HIS PART, WAS NOT PRESENTED TO THE
COURT AT THE TRIAL ON THE MERITS, AND WHICH IF PRESENTED WOULD
HAVE PREVENTED THE RENDITION OF THE JUDGMENT.

2) PETITIONER MUST ALSO SHOW THAT THE NEWLY DISCOVERED EVIDENCE
DOES NOT GO TO THE MERITS OF ISSUES TRIED; ISSUES OF FACT, ONCE
ADJUDICATED, EVEN THOUGH INCORRECTLY, CANNOT BE REOPENED EXCEPT
ON MOTION FOR NEW TRIAL. THIS SECOND REQUIREMENT APPLIES EVEN
THOUGH THE EVIDENCE IN QUESTION IS NOT DISCOVERED UNTIL AFTER
THE TIME FOR MOVING FOR A NEW TRIAL HAS ELAPSED OR THE MOTION
HAS BEEN DENIED.

3) PETITIONER MUST SHOW THAT THE FACTS UPON WHICH HE RELIES WERE
NOT KNOWN TO HIM AND COULD NOT IN THE EXERCISE OF DUE DILIGENCE
HAVE BEEN DISCOVERED BY HIM AT ANY TIME SUBSTANTIALLY EARLIER
THAN THE TIME OF HIS MOTION FOR THE WRIT. PEOPLE V. SHIPMAN 62
C2D 226.

THE PETITION MAKES THE FOLLOWING CONTENTIONS:

1) MISREPRESENTATIONS BY ATTORNEY ROTHMAN CAUSED THE PETITIONER
TO SIGN A WAIVER OF THE DEATH PENALTY.

2) THE TAPE OF THE PETITIONER'S STATEMENT TO THE POLICE WAS NOT
ADMITTED INTO EVIDENCE.

3) ATTORNEY ROTHMAN KNEW THAT WITNESSES GOT LENIENCY FROM THE
PROSECUTOR AND DID NOT TELL THE COURT.

4) THE PETITIONER'S ATTORNEY AND THE PROSECUTOR KNEW THE BLOOD
ON PETITIONER'S CLOTHES WAS NOT FROM THE VICTIM, BUT FAILED TO
HAVE TESTS DONE TO ESTABLISH THIS.

5) PICTURES TAKEN BY DETECTIVE SLIDER COULD HAVE PROVED THAT THE
PETITIONER WORE DIFFERENT CLOTHES ON SEPTEMBER 21 THAN ON

SEPTEMBER 15.

6) THE PETITIONER'S BLOOD WAS NEVER TESTED TO SEE IF IT MATCHED THE SEMEN. PETITIONER'S ATTORNEY PROMISED HIM THAT THE SPECIAL CIRCUMSTANCES WOULD BE DROPPED IF THE TEST SHOWED IT WAS NOT HIM.

7. CORONER CARPENTER LIED WHEN HE SAID THAT CRIMINALIST KLANN PERFORMED CERTAIN BLOOD TESTS.

8) LAURA DOBSON LIED ABOUT THE TIME SHE SAW THE PETITIONER ON THE NIGHT OF THE MURDER.

9) ATTORNEY ROTHMAN FAILED TO CALL WITNESS, ADAM DAWSON.

ALL OF THESE THINGS GO TO THE MERITS OF THE ISSUES TRIED AND WERE KNOWN TO PETITIONER AT THE TIME OF THE TRIAL, THEREFORE THE PETITIONER HAS NOT MET THE GROUNDS FOR THE WRIT AND IT IS

DENIED.

THE REQUEST FOR COUNSEL IS DENIED BECAUSE PETITIONER HAS NOT STATED FACTS SUFFICIENT TO SATISFY THE COURT THAT A HEARING IS REQUIRED.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO THE ADDRESS DETAILED BELOW.

ALAN DE'VON E43780
B5-246 CSP LAC
44750 60TH STREET WEST
LANCASTER, CA 93536

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 05/22/02 AT 830 AM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR MOTION
PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
THE DEFENDANT'S REQUEST FOR THE TRIAL TRANSCRIPTS IN THE ABOVE-
ENTITLED ACTION IS DENIED. THE DEFENDANT ALREADY RECEIVED THE
TRANSCRIPTS.

THERE IS NOTHING MORE THE COURT CAN DO WITH REGARD TO THE
DEFENDANT'S REQUEST FOR PRESERVATION OF DNA EVIDENCE.

THE COURT ORDERS THE CLERK TO SEND COPIES OF ALL PETITIONS FOR
WRIT OF HABEAS CORPUS RECEIVED FROM THE DEFENDANT IN THE ABOVE-
ENTITLED ACTION FROM 1994 TO THE PRESENT AS WELL AS THE MINUTE

311 DEVON EASTWOOD TRUCK
5-246 CSP LAC
750 60th ST. WEST
INCASTER, CA., 93536

000001

IN THE SUPERIOR COURT FOR THE
STATE OF CALIFORNIA

People of the State
of California,
Plaintiff and
Respondent,
V.
ALAN DEVON
Defendant and
PETITIONER.

FILED
LOS ANGELES SUPERIOR COURT

JAN 28 2002

JOHN A. CLARKE, CLERK
L. Bourell
BY LINDA BOURELL, DEPUTY

Case # BAD65141

PETITION FOR WRIT OF
ERROR CORAM NOBIS
"NOTICE OF MOTION TO"
VACATE JUDGMENT

TO: MARINANNE CALVIN, CLERK OF THE SUPERIOR COURT; TO
REDDICK N. WAPNER, JUDGE OF THE SUPERIOR COURT IN AND FOR
THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DEPARTMENT (#)
14; AND TO BILL LOCKYER, DISTRICT ATTORNEY OF THE COUNTY OF
LOS ANGELES: SEE PEOPLE V. SUPERIOR COURT (EID) (1938) 28 CA 2d 442,
32 PRD 718.

Pleadings - Trial Court

PETITION FOR WRIT OF ERROR CORAM NOBIS TO VACATE A
JUDGMENT RENDERED AGAINST PETITIONER AND ENTERED ON OR ABOUT
NOVEMBER 22, 1993, IN THE SUPERIOR COURT OF THE STATE OF CALIF.
FOR THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, SUPERIOR COURT
CASE # BAD65141.

PETITIONER RESPECTFULLY REPRESENTS THAT:

PETITIONER WAS ARRAIGNED ON SEPT. 24, 1992 UNDER AN FIRST DEGREE ROBBERY IN THE FIRE, & RAPE VOTED BY THE GRAND JURY OF LOS ANGELES COUNTY, ALLEGING THAT PETITIONER VIOLATED PENAL CODES § 187(b)(1); (a) 190.2(A)(17) & 211 OF THE STATE OF CALIFORNIA IN THAT THIS PETITIONER DID UNLAWFULLY

000002

COMMON FACTS AND GROUNDS

2. THEREAFTER ON OR ABOUT FEB., 2, 1993, PETITIONER ENTERED A PLEA "NOT GUILTY" TO THE CHARGES IN THE INDICTMENT, AND THE CAUSE WAS SET FOR TRIAL ON FEB., 16, 1993, IN DEPT., #100 OF THE SUPERIOR COURT; THEREAFTER THE CAUSE WAS CONTINUED FOR TRIAL ON THE FOLLOWING DATES: OCT., 23, 1993, TO OCT., 28, 1993.

3. ON OR ABOUT MARCH 13, 1993, THE COURT GRANT A REQUEST TO HAVE PETITIONER GIVE BLOOD/SALIVA SAMPLES FOR TESTING FOR THE MURDER/SEXUAL ASSAULT OF BRENDA KAY. PETITIONER REQUESTED A SPEEDY TRIAL THAT WAS DENIED BY SUPERIOR COURT JUDGE, HON., ANNE ITO AND PETITIONER'S DEFENSE COUNSEL RON ROTHMAN. THEY DENIED PETITIONER'S RIGHT TO A SPEEDY TRIAL EXPRESSING PETITIONER WAS FACING THE DEATH PENALTY & THE DEFENSE COUNSEL NEEDED TIME TO PREPARE A DEFENSE. PETITIONER'S CASE WAS CONTINUED FOR 30-DAYS FOLLOWING THE COURT ORDER FOR DNA-SAMPLES FOR TESTING. ON OR ABOUT PETITIONER'S NEXT SCHEDULED COURT APPEARANCE HIS DEFENSE COUNSEL PRESENTED PETITIONER WITH A "WAIVER" THAT HE ASKED ME TO SIGN, SAYING IT WAS THE STATE'S WAY OF PROMISING HIS "SPECIAL CIRCUMSTANCES" WERE AN OVER FILING & HOW BY SIGNING THE WAIVER THE STATE WOULD DROP THE DEATH PENALTY AND ALL OF THE SPECIAL CIRCUMSTANCES.

THE COURT GRANTED LEAVE TO FILE A WRITTEN APPLICATION FOR PROBATION, AND TIME FOR TRIAL BEING WAIVED, HEARING ON THE DNA-TEST & THE PROBATION DEPARTMENT UNTIL OCTOBER 23, 1993.

4. ON NOV., 22, 1943, THE COURT PRONOUNCED JUDGMENT AND SENTENCE. FOLLOWS: ON COUNT #1 (+ degree Murder), THE JURY FOUND THAT TO BE TRUE, COUNTS #2 & 3 (1ST DEGREE ROBBERY & RAPE) BOTH FOUND TO BE TRUE ON THE SPECIAL CIRCUMSTANCES, THE COURT IMPOSED LIFE IN PRISON WITHOUT POSSIBILITY OF PAROLE AND IMPOSED A FINE IN THE AMOUNT OF \$10,000 (SEE EXHIBIT #1). 000003

PETITIONER IS PRESENTLY INCARCERATED IN THE CALIFORNIA STATE PR OF THE LOS ANGELES COUNTY UNDER THIS JUDGMENT.

Grounds for Writ - Misrepresentation and Corroboration

5. THE CONSENT TO ENTER INTO THE AGREEMENT OF WAIVING THE DEATH PENALTY, GIVING DNA SAMPLES (BLOOD/SALIVA), & GIVING UP PETITIONER'S RIGHT FOR A FAIR/SPEEDY TRIAL, AND THE FAILURE TO PROTEST RESULT FROM PETITIONER'S FREE WILL AND JUDGMENT BEING OVERCOME BY CERTAIN UNTRUE REPRESENTATIONS TOLD TO PETITIONER BY PETITIONER'S TRIAL ATTORNEY IN SUBSTANCE AS FOLLOWS: "THAT THE DISTRICT ATTORNEY HAD AGREED THAT IF PETITIONER WOULD WAIVE THE DEATH PENALTY THAT THE DISTRICT ATTORNEY WOULD RECOMMEND TO THE COURT THAT THE SPECIAL CIRCUMSTANCES BE SUSPENDED, AND THE COURT ALWAYS FOLLOWS THE RECOMMENDATION. THAT ONCE THE BLOOD/SALIVA OBTAINED FROM PETITIONER FOR TESTING FROM THE COURT ORDER, THAT THEY WOULD RECOMMEND PETITIONER'S INNOCENCE IF PETITIONER ALLOWED HIS TRIAL ATTORNEY TO PREPARE A DEFENSE BY WAIVING HIS RIGHT OF A SPEEDY TRIAL THAT THE DISTRICT ATTORNEY WOULD EVENTUALLY DROP ALL CHARGES."

6. THE UNTRUE REPRESENTATIONS WERE APPARENTLY CORROBORATED THE ACTS & OMISSIONS OF THE RESPONSIBLE REPRESENTATIVE OF THE STATE OF CALIFORNIA IS THAT, IMMEDIATELY BEFORE PETITIONER AGREED TO DEFENSE COUNSELING & BEFORE JUDGMENT, IN THE PRESENCE OF PETITIONER, THE DISTRICT ATTORNEY, THE ARRESTING OFFICERS & THE ALLEGED VICTIM FRIENDS, THE TRIAL ATTORNEY STATED, IN SUBSTANCE:

"That his client is NOT a particularly a nice person, that he's a car dealer and MET the victim who used drugs & used his client money for dope. That his client wanted his per Quid for his per Quo. That the victim was a Lesbian and from his client not being able to stay the night with the victim, things got ugly, & escalated in to this Killing." (see closing Arguments of defense counsel) 000004

7. All the representations made to petitioner by the trial attorney were untrue as far as they relate to any of the alleged promises: the District Attorney on leniency of giving blood/saliva samples for testing to determine if the evidence collected by the state expert witness would either clear or convict petitioner & on petitioner signing the Death Penalty Waiver that the District Attorney promised to do the special circumstances for lack of evidence, but at the time the petitioner believed the representations to be true and, relying there on, and not otherwise, and not fully understanding at the time what was going on, petitioner agreed to forgo a trial by jury and entered a plea of Not Guilty.

petitioner was deprived of substantial legal rights by extrinsic causes by his trial attorney as in, see People v. Wadkins (1965) 63 C 110, 45 CR 173; & People v. Tucker (1957) 154 CA2d 359, 316 P2d 417

petitioner now list these specific facts expressing the acts of the public officials who corroborated the misrepresentations.

These police reports, investigative reports & witness statements show some facts which existed, & without any fault or negligence on petitioner's part, these facts were not presented to the court at trial on the merits, and which if presented would have prevented the rendition of the judgment, see In re Nunez (1965) 62 C2d 234, 42 CR 6; People v. Mendez, 28 Cal. 2d 686, 688, 171 P.2d 425; Accord, People v. Tuthill, 32 Cal. 2d 819, 821, 198 P.2d; People v. Martinez (1948) 88 CA2d 767, 199 P2d 375; § 2.208.

(A) PETITIONER'S THREATS TO THE VICTIM AND THE VICTIM'S ATTORNEY FROM AN INVESTIGATIVE TO
MADE BY THE ARRESTING OFFICERS OF PETITIONER DETAILING HIS RELATIONSHIP WITH THE
VICTIM. THESE PUBLIC OFFICIALS KNEW ABOUT PETITIONER'S SUBSTANCE ABUSE PROBLEM
(USING COCAINE) AND HOW PETITIONER SOLD ROCK COCAINE DAILY. WITH RESPECTS TO
THE TAPED INTERVIEW THAT WAS NEVER INTRODUCED ON TRIAL RECORD, PETIT
TELLS THE ARRESTING OFFICERS HOW HE & THE VICTIM MET, THAT THEY GOT HIGH ON
OF CRACK, THAT THE VICTIM & HE HAS SEXUAL INTERCOURSE & HOW THE VICTIM LET
HIM USE HER CAR FOR MORE DRUGS. PETITIONER ON PAROLE WAS AFRAID THAT HE MIGHT
GET A PAROLE VIOLATION FOR USING COCAINE/BEING A KNOWN DRUG SELLER AND AS
THE TIME OF THE INTERVIEW, THE INTERVIEW WAS ON 9/21/92 AND PRIOR TO
THE ARRESTING OFFICERS HAD A FLEE OUT FOR PETITIONER. ON 9/19/92 OFFICERS
SLICKER & I RAN INTO EACH OTHER ON WILCOX ST. & YUCCA. % SLICKER THREATENED
IF I WOULD GO WITH HIM TO THE HOLLYWOOD POLICE STATION BECAUSE HE HAD
HAD QUESTIONS ABOUT A MURDER. PETITIONER JOINED % SLICKER & AFTER OVER
TWO HOURS OR SO THE DETECTIVES (PERRY & GAMBONI) ON THIS CASE FAILED.
SHOW AFTER % SLICKER REPEATIVELY PAGE THEM, % SLICKER ASK TO TAKE
A PICTURE OF PETITIONER & GAVE US THE DETECTIVES CARD TO CALL SATER
(9/21/92) SINCE I WAS WANTED FOR QUESTIONING. ALL OF THE PUBLIC OFFICIALS
KNEW THE STORY OF HOW PETITIONER & THE VICTIM BECAME ACQUAINTED AND
FROM THIS TAPED INTERVIEW THEY KNEW I TOLD ABOUT SEEING SOME OFFICERS
AT THE VICTIM'S APARTMENT BUILDING ON THE AFTERNOON OF THE MURDER.

IF THIS WOULD HAVE BEEN ADMITTED IT WOULD HAVE CHANGED
PEOPLE'S THEORY ABOUT PETITIONER BEING THE PERPETRATOR BECAUSE THE
TAPES TELL HOW PETITIONER ACQUIRED ALL HIS DRUGS/ABUSIONS, THAT THE
PEOPLE'S THEORY COMES FROM THE VICTIM & PETITIONER HAVING A VIOLENT STRIFE
AND HOW OFFICER SLICKER WOULD TESTIFY THAT ON THE EVENING OF THE 19
PETITIONER WAS TOLD BY SLICKER HOW A LESBIAN GOT STABBED FIVE TIMES
WITH KNIVES & FROM THE PHOTOS HE'D TAKEN THAT NIGHT PETITIONER HAD NO
VISIBLE MARKS OR INJURIES. THESE PUBLIC OFFICIALS LEFT OUT THIS IMPER-
TANT MATERIAL TO CORROBORATE THE PEOPLE'S THEORY, ALLOWING THE PRESSURE
TO GENERALIZE TO THE FACT FINDERS THAT PETITIONER WAS CAPABLE OF
COMMITTING THIS SORT OF CRIME. SEE 1A WIGNORE, EVIDENCE # 5B.2 P.
(TILLER REV. 1983); accord, Old Chief 519, U.S. at 180-81.

SEE TAPES INTERVIEW
OF ABILIAN (EXHIBIT #)

(E)

③ The Trial Attorney knew about the District Attorney giving leniency to the witnesses (James Lambert & Ava Reifer), or a consistent testimony against petitioner at trial and the court was not informed. James Reifer was picked up on 9/21/92 and was found in violation of 11364 H & S; Arrest Report (Dr. # 9206-40066) clearly shows that Lambert had 1 piece of rock cocaine as well as a cocaine pipe & several traffic tickets that were warrants. Lambert was on parole at this time and the arresting officers of the District Attorney gave Lambert a deal to not violate his parole or charge him for the possession if he spoke to the investigating officers. On 9/24/92 while at traffic court the arresting officers' statements on tapes from Lambert saying he was told by Franklin Smith that petitioner had done something to a girl. The Trial Attorney or the District Attorney knew that on 9/21/92 Lambert was arrested with petitioner. (petitioner possible 187 suspect / Lambert w/ possession of cocaine) petitioner and Lambert both were housed in the Hollywood police station and was both were aware we would receive a possible parole violation for using cocaine & that petitioner was being held for Hollywood for questioning. Lambert was heading back to prison until the arresting officers interviewed the District Attorney. The misrepresentation on petitioner's trial attorney but not examining the witness to expose the leniency he received for his statements to the arresting/interviewing officers was a violation when the trial attorney knew this occurred. The trial attorney knew Lambert were given promises of leniency from the investigator the court granted additional funds for to the trial attorney to hire. The trial attorney hired Adam Dawson of Dan Ryan Associates. The trial attorney told petitioner that Dawson he were buddies & he would have him interview all the District Attorney's witnesses. Later the trial attorney told petitioner that his buddy found out that Lambert was given leniency for the statements to the arresting officers, in the form of no parole violation & no charges for the possession of rock cocaine. (see Tapes, police Report

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 12/22/04

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL - MURDER.

COUNT 02: 211 PC FEL - ROBBERY.

COUNT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

ON 12/22/04 AT 830 AM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR MOTION

PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
 NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUN SEL

THE HAS READ AND CONSIDERED THE DEFENDANT'S MOTIONS TO DISMISS
FOR FAILURE TO PRESERVE EVIDENCE FILED ON 8/16/04, 12/1/04 AND
12/6/04.

THE MOTIONS ARE DENIED.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO

THE BELOW ADDRESS.

ALAN DEVON E-43780
D/4 #201 C.S.P.-LAC
44750 60TH ST. WEST
LANCASTER, CA 93536

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

CASE NO. BA065141
REF NO. 01

PAGE NO. 7
DATE PRINTED 01/06/05

-PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 05/20/03 AT 830 AM IN CENTRAL DISTRICT DEPT CLK

CASE CALLED FOR APPEAL DISMISSED
PARTIES: NONE (JUDGE) NONE (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
REMITTITUR FILED ON 05/20/03. DISMISSED.
REMITTITUR AND FILE SENT TO DEPT. 114 ON 05/28/03. J.MEDAL
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 12/22/04 AT 830 AM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR MOTION
PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
THE HAS READ AND CONSIDERED THE DEFENDANT'S MOTIONS TO DISMISS
FOR FAILURE TO PRESERVE EVIDENCE FILED ON 8/16/04, 12/1/04 AND
12/6/04.

THE MOTIONS ARE DENIED.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO
THE BELOW ADDRESS.

ALAN DEVON E-43780
D/4 #201 C.S.P.-LAC
44750 60TH ST. WEST

LANCASTER, CA 93536

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 01/03/05 AT 830 AM IN CENTRAL DISTRICT DEPT CLK

CASE CALLED FOR NTC OF APPEAL FILED-DEFNDNT
PARTIES: NONE (JUDGE) NONE (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
NOTICE OF APPEAL FILED 01/03/05.
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

Alan Devin 443700
DA # 201 CSPAC
44750 Wth ST. WEST
LANCASTER, CA, 93536

FILED
LOS ANGELES SUPERIOR COURT

JAN 09 2005

JUSTICE CLARENCE G. CLAY

BY [Signature]
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE
OF CALIFORNIA, Plaintiff,
vs.
ALAN DEVIN, Defendant

CASE # BA065141-1

NOTICE OF APPEAL
TO DISMISSAL OF DEFENDANT'S
"HITCH MOTION"

TO: THE HONORABLE JUDGE FREDRICK N. WARNER, Dept. # 114.
Defendant places the COURT ON NOTICE THAT THIS SERVES AS
DEFENDANT'S NOTICE OF APPEAL TO THE DENIAL OF MOTION TO
DISMISS, (Hitch Motion) dated / HEARD BY THIS COURT ON 12/22/04

PLEASE BE ADVISED THE COURT OF APPEALS WILL BE
GIVEN NOTICE AND PLEASE FORWARD THIS NOTIFICATION TO THE
COURT OF APPEALS. CALIFORNIA RULES OF COURT, RULE 3.1, sub (c)
EXECUTED THIS 29th, DAY OF DECEMBER, 2004.

/s/ Alan Devin
ALAN DEVIN

DEVON E43780 (L)
14 # 201 CSP-LAC
4750 60th St. West
Angeles, CA, 93536

Dept. 100

FILED
LOS ANGELES SUPERIOR COURT

DEC 06 2004

JOHN W. CLARKE, CLERK

BY [Signature] DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

People of the State of California,
Plaintiff,

-vs-

Van Devon,
Defendant,

Case # BA 065141

Notice of Motion and Motion
to Dismiss
(Hitoff Motion)

To: The Honorable Judge David E. Wesley Court in the
above - entitled cause of action and District Attorney of the
county of Los Angeles,

Please be advised that on the 5th day of February,
2005, at the hour of 0800 in Department # 100 of the above-
entitled court, or as soon thereafter as this motion can be
heard, defendant and/or counsel will move the court for an
order to Dismiss conviction against defendant based upon the
suppression, failure to preserve evidence and destruction
of evidence.

PG. 1 of 2

This Motion is based upon this Notice of Motion and Motion, the attached declaration(s), all points and authorities submitted, testimony and other evidence produced at post conviction evidentiary hearing, all files and records of the case, and any other evidence presented whether oral or documentary.

Dated; December 1, 2004

Alan De'von
/s/ Alan De'von

Declaration of Alan Devon

I, ALAN DEVON Hereby Declare:

- 1.) THAT I AM the defendant on the within cause of action and am a lay person untrained in law;
- 2.) THAT LAW ENFORCEMENT AND/OR PROSECUTION, (TRIAL JUDGE) IN THE WITHIN CAUSE OF ACTION HAS FAILED/OR REFUSED TO PRESERVE THE EVIDENCE ON REQUEST THAT WAS FAVORABLE TO THE DEFENSE;
- 3.) THAT LAW ENFORCEMENT, PROSECUTION, AND OR JUDGES IN THE WITHIN CAUSE OF ACTION HAS SUPPRESSED AND/OR DESTROYED EVIDENCE WHICH WOULD HAVE BEEN FAVORABLE TO THE DEFENSE.
- 4.) THAT DECLARANT HAS BEEN PREJUDICED BY NON-DISCLOSURE, SUPPRESSION, AND/OR DESTRUCTION OF EVIDENCE THAT'S FAVORABLE TO THE DEFENSE BY LAW ENFORCEMENT, THE PROSECUTION AND/OR THE JUDGE;
- 5.) THAT THE EXACT NATURE OF THE EVIDENCE WHICH HAS BEEN DESTROYED, SUPPRESSED, AND/OR NOT OTHERWISE DISCLOSED IS FULLY KNOWN AT THIS TIME AND IT IS BELIEVED THAT FULL IDENTIFICATION OF THIS SAID EVIDENCE IS ATTACHED TO THIS DECLARATION AND WILL BE MADE AVAILABLE AT THE HEARING INTO THIS MATTER;
- 6.) THAT DUE TO THE NON-DISCLOSURE, SUPPRESSION, AND/OR DESTRUCTION OF EVIDENCE FAVORABLE TO THE DEFENSE, DECLARANT DID NOT RECEIVE A FAIR TRIAL AND/OR THE POST CONVICTION ORDER IN TO THIS MATTER;

7.) That declarant is entitled to the benefit of sanction taken against the prosecution/or judge based upon the violations alleged and evidence presented at the evidentiary hearing.

Verification

That I have read the above statements and swear under penalty of perjury that these statements are true and correct as based upon information and belief. Executed this 1st day of December, 2004, at Lancaster State Prison, Lancaster California pursuant to provisions of code of civil procedure, sections 446 and 2015.5.

Dated: 12/1/04

ALAN DEYON

BY Alan Deyon declarant

POINTS AND AUTHORITIES

INTENTIONAL SUPPRESSION/DESTRUCTION OF MATERIAL EVIDENCE
FAVORABLE TO THE DEFENSE/POST CONVICTION RELIEF VIOLATES THE PROCESS

OF LAW.

THE 5TH, 14TH AMENDMENTS TO THE UNITED STATES

CONSTITUTION.

IT IS WELL ESTABLISHED THAT THE INTENTIONAL SUPPRESSION

OF MATERIAL EVIDENCE AND/OR DESTRUCTION FAVORABLE TO A DEFENDANT

CONSTITUTES A VIOLATION OF DUE PROCESS, RESPECTIVE OF THE GOOD OR

BAD FAITH OF THE PROSECUTOR, GIGLIO - VS - UNITED STATES, (1972) 405

U.S. 150, 153-154; BRADY - VS - MARYLAND, (1963) 373 U.S. 83, 87;

IN RE FERGUSON, (1971) 503 U.S. 532, 487 P.2D 1234, Although

A REQUEST FOR PRODUCTION OF SAID EVIDENCE MAY BE A FACTOR TO

CONSIDER IN DETERMINING A CHARGE OF UNLAWFUL DESTRUCTION AND/OR

SUPPRESSION OF EVIDENCE, IN SOME CIRCUMSTANCES THE PROSECUTOR MUST

WITHOUT REQUEST, DISCLOSE MATERIAL EVIDENCE FAVORABLE TO THE DEFENSE

IN RE LESAND, (1965) 62 C.2D 497, 509, 399 P.2D 39.

CONDITIONING THE DUTY TO DISCLOSE AND PRODUCE

EVIDENCE UPON REQUEST WOULD MEAN THAT THE DUTY TO DISCLOSE

AND PRODUCE EVIDENCE UPON REQUEST WOULD MEAN THAT THE DUTY

WOULD BE VACUOUS FORMALITY IN NUMEROUS SITUATIONS WHERE THE

FAILURE TO DISCLOSE WOULD DEPRIVE DEFENDANT OF A FAIR TRIAL AND

OF POST CONVICTION PROCEEDINGS, IN RE FERGUSON, (SUPRA) 503 U.S. 532,

525, 532; PEOPLE - VS - HITCH, (1974) 120 C.2D 471, 527 P.2D 361.

pg. 1 of "2"

PROSECUTOR MUST INFORM OF DEALS AND/OR LENIENCY
provided by informants and expose inconsistent statement.

When it appears from the evidence that an informer is a material witness and the informer's statements may be helpful to the defendant and non-disclosure would deprive defendant of a fair trial. Ohio vs Roberts, (1980) 448 US 56, 65 L Ed 2d 597, 100 S Ct 2531; Baylor vs Estelle (9th Cir 1996) 94 Fed. 1321; Giglio vs US, 405 US 150, 31 L Ed 2d 104, 92 S Ct 763; Brady vs Maryland, 373 U.S. 83, 83 S. Ct 1194, 10 L. Ed 2d 215 (1963); Rex vs Lambert, 283 F.3d (1040) 9th Cir. 2002; People vs Hunt, (1971) 4 C.3d 231, 239, 481 P.2d 205; People vs Hitch, (supra) 12 C.3d 641.

III

SANCTIONS ARE WARRANTED WHEN THE DEFENDANT IS
DEPRIVED OF EVIDENCE MATERIAL TO THE CASE
BEFORE THE COURT.

The federal courts hold that deception resulting from negligent non-disclosure is no less damaging than that which is the product of quills and that such non-disclosure entitles the defendant to relief in view of the disadvantages facing the defendant in the trial process, and post trial process. The prosecution must make available to the defendant any information which would tend to be beneficial, and both non-disclosure or negligent non-disclosure of relevant information is prohibited. Levin vs Katzenbach, (1965) 363 F.2d 287; Thomas vs United States, (1965) 9th Cir. 343 F.2d 49, 53; Tell vs Superior Court, (1977) 70 CA 3d 782; People vs Hitch, (supra) 12 C.3d 641; Brown vs Berg (9th Cir. 1991) 951 F.2d 1011.

DA # " " " "

Conclusion

BECAUSE OF THE CONDUCT OF LAW ENFORCEMENT
THE JUDGE AND/OR PROSECUTION HAS RESULTED IN THE
NON-DISCLOSURE, DESTRUCTION AND/OR SUPPRESSION OF
EVIDENCE FAVORABLE TO THE DEFENSE, SANCTIONS OF
DISMISSAL OR OTHER APPROPRIATE REMEDY SHOULD BE
GRANTED.

executed this 1st Day of December, 2005.

Alan Devon

Declarant

W/ Alan Devon

RON ROTHMAN
ATTORNEY AT LAW

1219 MORNINGSIDE DRIVE
MANHATTAN BEACH, CALIFORNIA 90266

January 10, 1997

Mr. R. M. Devon E 43780
P.O. Box 1906 4B/4A-202
C.C.I.
Tehachapi, CA 93581

Re: People vs. Devon
BA 065141 - BA 089987 - BA 051133

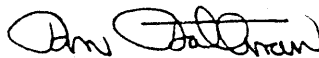
Dear Mr. Devon,

I am in receipt of a letter dated 12/2/96 which you directed to Judge Kamins, and your letter of 12/15/96 to me.

~~In May, 1994, I provided copies of all records and your complete file to attorney Janyce Blair, who was appointed to represent you on appeal.~~

It would appear that Judge Kamins' response directing you to your appointed appellate counsel is sound advice, and I would concur with it.

Very truly,



Ron Rothman
Attorney at Law

RR:te

cc: Honorable Bernard J. Kamins

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 05/21/02

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL - MURDER.
COUNT 02: 211 PC FEL - ROBBERY.
COUNT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

ON 04/05/02 AT 830 AM IN L.A. SUPERIOR - CENTRAL DEPT 114

CASE CALLED FOR HABEAS CORPUS PETITION

PARTIES: FREDERICK N. WAPNER (JUDGE) LINDA M. BOURELL (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

THE COURT HAS READ AND CONSIDERED THE PETITION FOR WRIT OF
HABEAS CORPUS. THE PETITION IS DENIED FOR THE FOLLOWING REASONS:

1. THERE IS NO NEWLY DISCOVERED EVIDENCE. EXCEPT FOR THE
AFFIDAVIT OF JOMAR REMBERT, ALL OF THE EVIDENCE PROVIDED WAS
KNOWN TO THE DEFENSE BEFORE TRIAL. JOMAR REMBERT IS NOW CLAIMING
THAT HE LIED TO THE DETECTIVES. THERE IS NO CORROBORATION THAT

WHAT HE IS SAYING NOW IS TRUE. AND, EVEN IF IT IS TRUE, IT
MERELY ESTABLISHES THAT THE DEFENDANT WAS WITH HIM THE NIGHT
AFTER THE MURDER.

2. THE FACT THAT THE DNA CAN NO LONGER BE TESTED DOES NOT MEAN
THAT THERE WERE ERRORS IN THE TRIAL THAT RESULTED IN THE
DEFENDANT'S UNLAWFUL CONFINEMENT.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO
THE ADDRESS DETAILED BELOW.

ALAN DEVON E-43730
B3/204 CSP LAC

ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

COURT OF APPEAL - SECOND DIST.

FILED

MAY 3 - 2002

JOSEPH A. LANE Clerk

J. BELCHER Deputy Clerk

In re

ALAN DEVON

on

Habeas Corpus.

B158107

(Super. Ct. No. BA065141)

(Frederick N. Wapner, Judge)

ORDER

THE COURT:

The court has read and considered the petition for writ of habeas corpus, filed April 24, 2002. The petition is denied.

Petitioner is not entitled to habeas corpus relief based on newly discovered evidence because he has not made "a colorable showing of factual innocence" (*Herrera v. Collins* (1993) 506 U.S. 390, 398-404; *Kuhlman v. Wilson* (1986) 477 U.S. 436, 453) and the declaration of Jomar Rembert does not undermine the entire prosecution case. (*In re Clark* (1993) 5 Cal.4th 750, 766; *People v. Gonzalez* (1990) 51 Cal.3d 1179, 1246.)

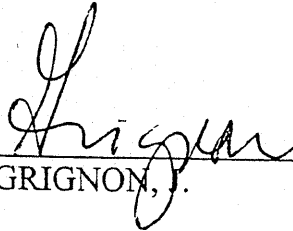
With respect to his claims regarding destruction of the DNA evidence (including judicial and prosecutorial error), petitioner has failed to demonstrate that the evidence, had it been preserved for testing by present-day methods, would have exonerated him.

As to the claim of ineffective assistance of trial counsel, petitioner has failed to meet his burden of showing that but for counsel's alleged errors, the outcome of his trial

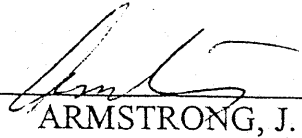
would have been different. (*Strickland v. Washington* (1984) 466 U.S. 668, 693-694;
People v. Fosselman (1983) 33 Cal.3d 572, 584.)



TURNER, P.J.



GRIGNON, J.



ARMSTRONG, J.

Alan DeVal #13700
D/A # 201 CSPLAC
44250 60th ST. WEST
LANCASTER, CA, 93536

FILED
LOS ANGELES SUPERIOR COURT

JAN 03 2006

JOHN A. CLARKE, CLERK

BY Alan DeVal DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE
OF CALIFORNIA, PLAINTIFF,
VS.
ALAN DEVAL, DEFENDANT

CASE # BA065141-1

NOTICE OF APPEAL
TO DISMISSAL OF DEFENDANT'S
"HITCH MOTION"

TO: THE HONORABLE JUDGE FREDRICK N. WAPNER, Dept. # 114.
DEFENDANT PLACES THE COURT ON NOTICE THAT THIS SERVES AS
DEFENDANT'S NOTICE OF APPEAL TO THE DENIAL OF MOTION TO
DISMISS, (HITCH MOTION) DATED / HEARD BY THIS COURT ON 12/22/05

PLEASE BE ADVISED THE COURT OF APPEALS WILL BE
GIVEN NOTICE AND PLEASE FORWARD THIS NOTIFICATION TO THE
COURT OF APPEALS. CALIFORNIA RULES OF COURT, RULE 2.1, sub (c)

EXECUTED THIS 29th DAY OF DECEMBER, 2005.

/s/ Alan DeVal
ALAN DEVAL

CASE NO. BA065141
DEF NO. 01

DATE PRINTED 05/21/02

THAN THE TIME OF HIS MOTION FOR THE WRIT. PEOPLE V. SHIPMAN 62
C2D 226.

THE PETITION MAKES THE FOLLOWING CONTENTIONS:

- 1) MISREPRESENTATIONS BY ATTORNEY ROTHMAN CAUSED THE PETITIONER TO SIGN A WAIVER OF THE DEATH PENALTY.
- 2) THE TAPE OF THE PETITIONER'S STATEMENT TO THE POLICE WAS NOT ADMITTED INTO EVIDENCE.
- 3) ATTORNEY ROTHMAN KNEW THAT WITNESSES GOT LENIENCY FROM THE PROSECUTOR AND DID NOT TELL THE COURT.
- 4) THE PETITIONER'S ATTORNEY AND THE PROSECUTOR KNEW THE BLOOD ON PETITIONER'S CLOTHES WAS NOT FROM THE VICTIM, BUT FAILED TO HAVE TESTS DONE TO ESTABLISH THIS.
- 5) PICTURES TAKEN BY DETECTIVE SLIDER COULD HAVE PROVED THAT THE PETITIONER WORE DIFFERENT CLOTHES ON SEPTEMBER 21 THAN ON SEPTEMBER 15.
- 6) THE PETITIONER'S BLOOD WAS NEVER TESTED TO SEE IF IT MATCHED THE SEMEN. PETITIONER'S ATTORNEY PROMISED HIM THAT THE SPECIAL CIRCUMSTANCES WOULD BE DROPPED IF THE TEST SHOWED IT WAS NOT HIM.
7. CORONER CARPENTER LIED WHEN HE SAID THAT CRIMINALIST KLANN PERFORMED CERTAIN BLOOD TESTS.
- 8) LAURA DOBSON LIED ABOUT THE TIME SHE SAW THE PETITIONER ON THE NIGHT OF THE MURDER.
- 9) ATTORNEY ROTHMAN FAILED TO CALL WITNESS, ADAM DAWSON.

ALL OF THESE THINGS GO TO THE MERITS OF THE ISSUES TRIED AND WERE KNOWN TO PETITIONER AT THE TIME OF THE TRIAL, THEREFORE THE PETITIONER HAS NOT MET THE GROUNDS FOR THE WRIT AND IT IS DENIED.

THE REQUEST FOR COUNSEL IS DENIED BECAUSE PETITIONER HAS NOT STATED FACTS SUFFICIENT TO SATISFY THE COURT THAT A HEARING IS REQUIRED.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO THE ADDRESS DETAILED BELOW.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

DOCKETED
LOS ANGELES
MAR 06 2003
BY M. MUNAR
NO 02DA1206

THE PEOPLE,

Plaintiff and Respondent,

v.

ALAN DEVON,

Defendant and Appellant.

B159444

(Super. Ct. No. BA065141)

COURT OF APPEAL - SECOND DIST.

FILED

MAR 05 2003

JOSEPH A. LANE

Clerk

Deputy Clerk

APPEAL from a judgment of the Superior Court of Los Angeles County.
Frederick N. Wapner, Judge. Dismissed.

Law Offices of Bruce Daniel Rosen and Bruce Daniel Rosen for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Marc J. Nolan and Margaret E. Maxwell, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant Alan Devon appeals from an order of the superior court denying his petition for writ of error coram nobis. On November 22, 1993, defendant was convicted of special circumstance murder and sentenced to prison for life without the possibility of parole. We affirmed his conviction on January 10, 1995 (B080839). The superior court was without jurisdiction to hear defendant's petition for writ of error coram nobis after we affirmed judgment on appeal. (Pen. Code, § 1265, subd. (a); *People v. Langdon* (1967) 250 Cal.App.2d 595.) Accordingly, the order denying the petition is not appealable.¹

DISPOSITION

The appeal is dismissed.

NOT TO BE PUBLISHED.

GRIGNON, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.

¹ We denied defendant's petition for writ of habeas corpus on May 3, 2002 (B158107). On July 3, 2002, we denied his petition for writ of error coram vobis, which raised the same issues raised in the petition for writ of error coram nobis (B159468).

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 07/19/07

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL - MURDER.

COUNT 02: 211 PC FEL - ROBBERY.

COUNT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

ON 07/19/07 AT 400 PM IN CENTRAL DISTRICT DEPT 114

CASE CALLED FOR JUDICIAL ACTION

PARTIES: FREDERICK N. WAPNER (JUDGE) ANGELICA MARES (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

THE COURT HAS AND CONSIDERED THE MOTION TO VACATE UNDER
PENAL CODE SECTION 1054.0 PENAL CODE REGARDING STATS. 2002,
C.1105 (S.B. 1391). THE COURT DENIES THE MOTION.

A COPY OF THIS MINUTE ORDER IS SENT VIA UNITED STATES MAIL TO
THE FOLLOWING:

ALAN DEVON
CDC #E-43780
FAC. C/3-#124
P.O. BOX 5246
COCORAN, CA 93212

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

1 Devan, A. E43700
2 C# 4/206L
3 P.O. # 5246
4 CORCORAN, CA., 93212

5
6 U.S. COURT OF APPEALS

7	Devan, A.)	CASE#
8	Petitioner)	
9	v.)	Lower case# BA065H1
10)	Supr Ct.
11	People of the)	^ REQUEST AUTHORIZATION ^
12	STATE OF CALIFORNIA)	for file petition for
13	Respondent)	Discovery (1054.9) S.B. 1391
14			in Federal Dist. Court

16 Dear Court, Petitioner a prisoner at SATF-SP
17 serving LWOP for a 1st degree murder conviction is
18 requesting authorization to file his petition in the
19 central district regarding a state imposed depri-
20 vement.

21 History of claim

23 on July 19, 2007 petitioner filed a timely motion of
24 discovery with the trial court, county of Los Angeles in
25 Dept. # 14 for a motion of discovery P.C. 1054.9 regarding
26 STAT. 2002 C. 105 (S.B. 1391) for production of specific
27 exculpatory evidence. This court denied petitioner's
28 motion. The timely writ of mandate was sent to the

1 COURT OF APPEALS, Second Appellate District, Div. # 5
2 Case # B21077 Requesting the appeal court to order
3 the superior court to produce the following requested
4 evidence.

5 (A) Production of Request for Preservation
6 of DNA. Per per. code 1405.

7 (B) Private Investigators Report by the
8 state employed Adam Dawson.

9 (C) photo of petitioner taken by officer
10 slide used at trial

11 (D) Waiver of death penalty signed
12 by plaintiff

13 (E) SID/ECU Reports of Analysis on Blood
14 Taken from plaintiff used to state blood
15 found on plaintiff's/petitioner's clothes was
16 from victim.
17

18 The court of appeals denied the writ of Mandate
19 filed August 7, 2007 on August 15, 2007 with no excuse.
20 per the W54.9. If a prisoner requests any post conviction
21 in material of evidence. This penal code is to serve as
22 a remedy for life without the possibility of parole
23 inmates. petitioner filed a timely writ to the
24 supreme court on the merits Case # S157004
25 that was denied on March 26, 2008: The states
26 own imposed impediment of any destruction of
27 evidence that was exculpatory is unfair.
28

1 The CENTRAL DISTRICT COURT will NOT allow for
2 Devon I petition to be heard from the "1" ⁷ year time
3 BARR, I'm needing AUTHORIZATION to be able to get
4 a Ruling from the DISTRICT COURT on the Discovery
5 REQUEST denied. The Superior court judge stated he
6 Errored in my initial REQUEST for the STATES
7 only Evidence used AGAINST ME (Production of DNA)
8 See ATTACHED Ltr, & REQUEST... DATED ATTACHED.
9
10

11 This STATE STOPPAGE of Evidence in I pray
12 looked at, AND allow petition AUTHORIZATION TO
13 petition A federal Habeas Corpus writ to the in-
14 JUSTICE of Denying The EXCULPATORY Evidence THAT
15 may be destroyed.
16
17

18 petitioner prayerfully Request AUTHORIZATION
19

20 Submitted This 30th Day of May 2008.
21
22

23 /s/ Alan
24

25 Alan Devon
26
27
28

Fac. 41-211

AUG 07 2007

BZU 10

ORIGINAL

P.O. 5246

Corcoran, CA, 93212

COURT OF APPEALS - SECOND DISTRICT

FILED

COURT of Appeals of California

AUG - 7 2007

Second appeal court, Division #5

JOSEPH A. LAINE

CLERK

L. TELLES

Deputy Clerk

A. DeVan, petitioner

v.

people STATE of Calif,
Respondents

CASE # BA06541

WRIT OF MANDATE

Ordering the Superior Court to
Render A judgment GRANTING petitioner
1054,9 Discovery Motion Request

Court of Appeals, Plaintiff/petitioner Alan DeVan Received a deni
Reply from the Superior Court, Dept. # 14 on the Penal sec. 1054, 9. The
Superior Court on 7/19/07 Quoted the STATs. 2002 C. 1105 (S.B. # 1391) AN.
still denied the Discovery Request.

As IN RE Steele (2004) 10 Cal. Pptr. 3d 530, 32 Cal. 4th 682 &
P. 3d 444 shows petitioner has A ENTITLEMENT when A petition has been
filed, I have two cases in the Court of Appeals pending case # 07-5566
and # 07-7246. PLAINTIFF/PETITIONER REQUEST THIS COURT TO ORDER A
Discovery order pursuant to the post conviction writ of habeas corpus
filed in A second or successive Application, * ATTACHED is the MINUTE ORD.
denying Discovery Also the * 85710 WETS ANN. CAL PERLENES 1054,
STATING IM ENTITLED being I have LIFE imprisonment. See ATTACHED

THIS WRIT OF Mandate I pray THIS COURT adhere to, that
was presented LESS THAN the 20-day Required AFTER the judges
Ruling on 7/19/07. Assigned to DIVISION FIVE
Executed this 7/23rd day of 2007, /s/ Alan DeVan
ALAN DEVAN

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

E PRINTED: 08/04/98

E NO. BA065141

PEOPLE OF THE STATE OF CALIFORNIA
VS.
ENDANT 01: ALAN DEVON

NT 01: 187(A) PC FEL - MURDER.

NT 02: 211 PC FEL - ROBBERY.

NT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

08/04/98 AT 830 AM IN L.A. SUPERIOR - CENTRAL DEPT 114

E CALLED FOR MISCELLANEOUS

JUDGES: FREDERICK N. WAPNER (JUDGE) MARIANNE CALVIN (CLERK)
NONE (REP) NONE (DDA)

ENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

COURT HAS READ AND CONSIDERED THE ~~DEFENDANT'S EX PARTE~~
REQUEST FOR AN ORDER PRESERVING ANY DNA EVIDENCE. THE REQUEST
DENIED FOR THE FOLLOWING REASON: THE COURT IS WITHOUT
JURISDICTION TO HEAR IT BECAUSE THE CASE IS ON APPEAL.
A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO
FOLLOWING:

ALAN DEVON E43780
P.O. BOX 1906
4B/4A.109L

TEHACHAPI, CA 93581

SCHEDULED EVENT:
~~HEARINGS TERMINATED~~

0210

COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOR THE SECOND APPELLATE DISTRICT

000478

DIVISION: 5

Janyce Blair
302 West Grand Avenue
Suite 3
El Segundo, CA. 90245

RE: People of the State of California
vs. ~~Devon, Alan~~
2 Criminal B080839
Los Angeles NO. BA065141

* * REMITTITUR NOTICE * *

Notice is hereby given that the Remittitur has been issued
this date and that the opinion, decision or order entered in
the above entitled cause on 01/10/95 is now final.

* * Affirmed With Modifications. * *

JOSEPH A. LANE, Clerk

By: Z. Heraldez

Deputy Clerk

MAR 17 1995

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

000477

DATE PRINTED: 04/25/99

CASE NO. BA065141

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: ALAN DEVON

COUNT 01: 187(A) PC FEL - MURDER.

COUNT 02: 211 PC FEL - ROBBERY.

COUNT 03: 261(A)(2) PC FEL - RAPE BY FORCE/FEAR.

ON 08/04/98 AT 830 AM IN L.A. SUPERIOR - CENTRAL DEPT 114

CASE CALLED FOR MISCELLANEOUS

PARTIES: FREDERICK N. WAPNER (JUDGE) MARIANNE CALVIN (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

THE COURT HAS READ AND CONSIDERED THE DEFENDANT'S EX PARTE
REQUEST FOR AN ORDER PRESERVING ANY DNA EVIDENCE. THE REQUEST
IS DENIED FOR THE FOLLOWING REASON: THE COURT IS WITHOUT
JURISDICTION TO HEAR IT BECAUSE THE CASE IS ON APPEAL.

A COPY OF THIS MINUTE ORDER IS SENT VIA U.S. MAIL THIS DATE TO
THE FOLLOWING:

ALAN DEVON E43780
P.O. BOX 1906

4B/4A.109L
TEHACHAPI, CA 93581

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED



PAGE NO. 1

MISCELLANEOUS
HEARING DATE: 08/04/98

0214

1 Alan Deivan E43780
2 #
3 D1-139L
4 Po, # 4670
5 LANCASTER, CA. 93539

6 THE SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF LOS ANGELES COUNTY

9 Alan Deivan, Appellant

CASE # BA065141
P.C. 1405-1417

11 v.

EX PARTE Motion for
Preservation of Evidence
Evidence Log # 92-08504
Dept. # 100

13 THE STATE OF CALIF,
14 Respondant

* Honorable David Wesley

17 on Appeal of 2002, this court closed a file on the
18 above captioned case. Since then under due diligence
19 accused/convicted "Alan Deivan" has located the D.P.N.A.
20 Evidence @ the Los Angeles county coroner under
21 Evidence Log # 92-08504. To confirm please @
22 the courts convenience call county coroner MARGARETTE
23 CAVELLE @ 323-343-0615 to verify existence
24 of evidence of victim Brenda Kaye from alleged
25 destruction by L.A. P.D. I request PRESERVATION
26 OF ITEMS FOR TESTING please.

27 Respectfully submitted;

/s/ Alan Deivan
ALAN Deivan

8/9/12



Date NOVEMBER 27 1993

DEPT 114

402 J BRAY

Deputy Sheriff

B PETERS

PEOPLE OF THE STATE OF CALIFORNIA VS DL DEYON ALAN H11350-4 001075

Courtroom for People DEZGADILLO

Courtroom for Defendant R ROTHMAN ICDA

(BOX CHECKED IF ORDER APPLICABLE)

NATURE OF PROCEEDINGS

- 101 PUBLIC DEFENDER APPOINTED... 102 DUE TO CONFLICT OF INTERESTS... 103 ALTERNATE DEFENSE COUNSEL... 104 CRIMINAL PROCEEDINGS ADJOURNED/RESUMED... 105 DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS... 106 DEFENDANT IS ADVISED OF RIGHTS... 107 DEFENDANT IS FOUND TO BE IN VIOLATION OF PROBATION... 108 PROBATION REVOKED... 109 PROBATION IS EXTENDED TO... 110 ON... MOTION, FURTHER PROCEEDINGS CONTINUED TO... 111 DEFENDANT INSTRUCTED TO RETURN ON ABOVE DATE... 112 SUPPLEMENTAL PROBATION REPORT IS ORDERED... 113 DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR... 114 FURTHER ORDERS AS FOLLOWS... 115 SERVE... DAYS IN COUNTY JAIL... 116 DEFENDANT GIVEN TOTAL CREDIT FOR... DAYS IN CUSTODY... 117 SENTENCE... TO RUN CONSECUTIVELY/CONCURRENTLY WITH... 118 COURT ADVISES DEFENDANT OF HIS APPEAL/PAROLE RIGHTS... 119 SHERIFF IS ORDERED TO ALLOW DEFENDANT... PHONE CALLS AT DEFENDANT'S EXPENSE... 120 ORIGINAL PROCEEDINGS ADJOURNED... 121 DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS... 122 FURTHER PROCEEDINGS CONTINUED TO... AT... A.M. IN DEPT... 123 EXECUTION OF SENTENCE IS SUSPENDED... PETITION ORDERED FILED IN DEPARTMENT 26... 124 COUNSEL AND DEFENDANT ARE ORDERED TO APPEAR IN DEPARTMENT 96... 125 FURTHER PROCEEDINGS CONTINUED TO... AT 9:30 A.M. IN THIS DEPARTMENT... 126 DEFENDANT HAVING BEEN COMMITTED BY DEPARTMENT 26... MATTER IS ORDERED OFF CALENDAR... 127 PURSUANT TO SECTION 17 PENAL CODE OFFENSE IS DEEMED TO BE A MISDEMEANOR... 128 PROBATION IS ORDERED TERMINATED... 129 PLEA OF GUILTY OR CONVICTION IS SET ASIDE... 130 ORDER OF... GRANTING... DAYS GOOD TIME WORK TIME CREDITS IS ORDERED AWARDED... 131 DEFENDANT NOTIFIED BY U.S. MAIL... 132 DEFENDANT'S EX PARTE REQUEST / MOTION FOR... IS DENIED/GRANTED... 133 DEFENDANT FAILS TO APPEAR WITH WITHOUT SUFFICIENT EXCUSE... 134 BAIL IF POSTED FORFEITTED/NOT RECOVERED... 135 NO BAIL / BAIL FIXED AT \$... 136 PERSON IN CUSTODY NOT BEING THE DEFENDANT... 137 BENCH WARRANT RECALLED/QUASHED... 138 UPON PAYMENT OF \$... COSTS BEFORE... 139 STATED AND EXONERATED... 140 DEFENDANT'S MOTION FOR... 141 BAIL RESET AT \$... 142 REMANDED... 143 RELEASED...

COPIED AT STATE FORENSIC

TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 22755100 LA NUMBER

MAIN #: 04321029 CTT #: 08993631 FBI #: 275476040 LA #: 22755100

LAST NAME: DEVON FIRST: ALAN MIDDLE: SUF:

CNTRL DT ACT

080189 ARR ADY CA0194341 LARD-KLIR CIV FILE BKD 151619
 CHG 11350(A)MS LEVEL F UNLAWFUL POSS CON/POLEY SUBSTANCE
 DISP 318 CA REJ/PED/DET/ONLY/OTHER CNV CHG1
 000 071490 CASE SP EXP DT CNV CHG2
 COURT SENT CODE "J"

013P 304 -SUMMARY PROBATION CNV CHG1 48470
 013D1902 CASE 09878242 SP EXP DT 081990 CNV CHG2
 COURT 1748 MET MO SENT PR/3043 JUVETS 134188

PAGE01

TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 22755100 LA NUMBER

MAIN #: 04321029 CTT #: 08993631 FBI #: 275476040 LA #: 22755100

LAST NAME: DEVON FIRST: ALAN MIDDLE: SUF:

CNTRL DT ACT

080189 ARR ADY CA0194306 LARD-HOLLYWD CIV FILE BKD 1535046
 CHG 148,980 LEVEL M FALSE 10 10 PEACE OFFICER
 DISP
 000 CASE SP EXP DT CNV CHG1
 COURT SENT CNV CHG2

080187 ARR ADY CA0194306 LARD-HOLLYWD CIV FILE BKD 1535046
 CHG 32306(A)VC LEVEL M FTA/TRAFFIC WARRANT
 DISP
 000 CASE NL78265197 SP EXP DT CNV CHG1
 COURT SENT CNV CHG2

080489 ARR ADY CA0194306 LARD-HOLLYWD CIV FILE BKD 1540098
 CHG 11350(A)MS LEVEL F UNLAWFUL POSS CONTROLLED SUBSTANCE
 DISP ADY -CONVICTED/PLED GUILTY CNV CHG1 11350(A)MS F
 000 091389 CASE SA002222 SP EXP DT 091293 CNV CHG2
 COURT 19100 LA SC SENT 03803 PR08/90045 JL

PAGE02

TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 22755100 LA NUMBER

MAIN #: 04321029 CTT #: 08993631 FBI #: 275476040 LA #: 22755100

LAST NAME: DEVON FIRST: ALAN MIDDLE: SUF:

CNTRL DT ACT

080187 ARR ADY CA0194307 LARD-ADM HAWK CIV FILE BKD 1511733
 CHG 113245 LEVEL F TRANS CELL HARC CONTROLLED SUBSTANCE
 DISP 073 SUBST/PC-DET ONLY/ARREST EMS INSUF CNV CHG1
 000 071987 CASE SP EXP DT CNV CHG2
 COURT SENT

080187 ARR ADY CA0194307 LARD-ADM HAWK CIV FILE BKD 1511733
 CHG 113245 LEVEL F TRANS CELL HARC CONTROLLED SUBSTANCE
 DISP 073 SUBST/PC-DET ONLY/ARREST EMS INSUF CNV CHG1
 000 071987 CASE SP EXP DT CNV CHG2
 COURT SENT

080187 ARR ADY CA0194307 LARD-ADM HAWK CIV FILE BKD 1511733
 CHG 113245 LEVEL F TRANS CELL HARC CONTROLLED SUBSTANCE
 DISP 073 SUBST/PC-DET ONLY/ARREST EMS INSUF CNV CHG1
 000 071987 CASE SP EXP DT CNV CHG2
 COURT SENT

09-13-89 CARD LOS ANGELES CENTRAL

COURT: NAM:01

09-13-89 CARD LOS ANGELES CENTRAL

CNT:01 #A002200

1130(A) HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED
#1380: STATUS: FELONY

1130 HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

ARR/DET/OTTE: NAM:01 DOB:02-00-1958

09-13-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

1130 HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

#1380: FEL/DET ONLY/ASBEST EVIDENCE INSUFF

ARR/DET/OTTE: NAM:01 DOB:03-05-1966

09-13-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

1130 HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

#1380: FEL/DET ONLY/ASBEST EVIDENCE INSUFF

ARR/DET/OTTE: NAM:01 DOB:03-05-1966

09-27-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

1130(A) HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

#1380: FEL/DET ONLY/ASBEST EVIDENCE INSUFF

ARR/DET/OTTE: NAM:01 DOB:04-03-1958

11-08-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

457 PC-BURGLARY

ARR/DET/OTTE: NAM:01 DOB:04-17-1958

11-08-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

1130 HAS-POSSESS NARC CONTROL SUBSTANCE

COURT: NAM:01

11-10-89 CASE LOS ANGELES CENTRAL

CNT:01 #A009086

1130 HAS-POSSESS NARC CONTROL SUB FOR/SALE
#1380: DISMISSED/FURTHERANCE OF JUSTICE

1130 HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

#1380: CONVICTED

ARR/DET/OTTE: NAM:01

11-08-89 CARD LOS ANGELES

CNT:01 #12255100-1221989

1130 HAS-POSSESS NARC CONTROL SUBSTANCE
#1380: CONVICTED

1130 HAS-POSSESS NARC CONTROL SUBSTANCE

#1380: CONVICTED

#1380: CONVICTED

#1380: CONVICTED

11-10-89

COURT'S COPY (ORIGINAL)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

PROBATION OFFICER'S REPORT **165**

REPORT SEQUENCE NO. 1

29th

8/19
9/28

DEFENDANT'S NAME(S) ALAN DEVON TN: AKA: DERRICK HORTON ALEX				COURT 109	JUDGE OUDERKIRK	COURT CASE NO. BA065141 ✓ BA051133 (VIOLATION)
ADDRESS (PRESENT, RELEASE) 1903 WILSHIRE BLVD LOS ANGELES, CA 90057				HEARING DATE 05/13/93	DEFENSE ATTY ROTHMAN (PVT)	PROSECUTOR DELGADILLO
BIRTHDATE 03/05/66	AGE 27	SEX M	RACE BLACK	DPO LINGREN C46	AREA OFFICE CAI	PHONE NO. 9749364
CITIZENSHIP STATUS U.S. CITIZEN		DRIVER'S LICENSE/EXP. DATE		TYPE REPORT <input type="checkbox"/> Probation and sentence <input checked="" type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify)		
PROBATION NO. X - 279813	CII NO. A08993631	BOOKING NO. 3243664				
DAYS IN JAIL THIS CASE 234 <input checked="" type="checkbox"/> ESTIMATED <input type="checkbox"/> VERIFIED		CUSTODY STATUS/RELEASE DATE JAIL -				

PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNT 1: 187(a) PC (MURDER), PLUS IT IS FURTHER ALLEGED PER 12022(b) PC THAT DEFENDANT PERSONALLY USED A DEADLY WEAPON, TO WIT: SCISSORS, IN THE COMMISSION OF THE OFFENSE;
COUNT 2: 211 PC (ROBBERY);
COUNT 3: 261.2 PC (FORCEABLE RAPE); ALL SERIOUS FELONIES PER 1192.7(c) SUB SECTIONS (1) (23) (17) IN CT 1, (19) IN CT 2, & (3), IN CT 3; PLUS 3 PRIOR FELONY CONVICTIONS ARE ALLEGED PER 667.5(b) PC IN ALL COUNTS.

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

NOT CONVICTED; REFERRED PER 131.3 C.C.P FOR PRE-PLEA REPORT.

Wit: Anna Reefs

CONVICTED BY NOT	DATE OF REFERRAL 04/27/93	COUNT(S) CONTINUED TO P 3 & 5 FOR DISPOSITION ALL COUNTS
PROPOSED PLEA AGREEMENT NA	SOURCES OF INFORMATION DA FILE BA065141/ MINUTE ORDER	
DATE(S) OF OFFENSE 9 15 92	TIME(S) AFTER 3:30 P.M.	
DEFENDANT: (SEE PRIOR RECORD SECTION) <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ON PROBATION <input checked="" type="checkbox"/> ON PAROLE-REMAINING TIME	<input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE <input checked="" type="checkbox"/> PENDING PROBATION VIOLATION <u>PENDING</u>	HOLD/WARRANTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DCL

RECOMMENDATION:

PROBATION DENIAL DIAGNOSTIC STUDY C/A OTHER REV PROB. IMPOSE SP
 COUNTY JAIL 797.2 WIC
 STATE PRISON 1203.33 PC

7-10: Rec'd case 114. Cont PT 7/15 8/19 - PT 402 7-25 4/28 - Sick

VICTIM:

SOURCES OF INFORMATION (this page) DA FILE BA065141
--

NAME BRENDA KAYE	COUNT(S) ALL COUNTS		
INJURY: PROPERTY LOSS (TYPE / COST / ETC.) ABOVE.			
INSURANCE COVERAGE NONE			
LOSS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ESTIMATED LOSS LIFE	RESTITUTION ALREADY MADE N	APPLIED FOR VICTIM RESTITUTION FUND <input type="checkbox"/> UNK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

VICTIM STATEMENT:

THE NEXT OF KIN OF ALLEGED VICTIM BRENDA KAYE INCLUDES HER SISTER, CLAUDIA KAYE, REPORTEDLY AN ATTORNEY PRACTICING IN NEW YORK. SHE HAS SAID THAT THE DEFENDANT, IF CONVICTED, SHOULD BE SENTENCED TO THE MAXIMUM PENALTY ALLOWABLE BY LAW. SHE IS AWARE THAT THE DEFENDANT WAS INITIALLY CHARGED WITH TWO SPECIAL CIRCUMSTANCES IN THE ALLEGED MURDER, EITHER ONE OF WHICH IF FOUND TRUE COULD HAVE BEEN CAUSE FOR THE IMPOSITION OF THE DEATH PENALTY IN THE CASE. SHE HAS INCLUDED THIS PENALTY IN HER THINKING, ALTHOUGH THE DISTRICT ATTORNEY PRESENTLY HAS A SIGNED AGREEMENT AND WAIVER WITH THE DEFENDANT THAT THE DEATH PENALTY WILL NOT BE PURSUED EVEN WHERE THE SPECIAL CIRCUMSTANCES HAVE BEEN ASSERTED.

SHE HAS NOT BEEN REACHED FOR HER FURTHER COMMENT/ OPINION.

Continued on next page

RESTITUTION	TOTAL NUMBER OF VICTIMS 1	ESTIMATED LOSS TO ALL VICTIMS \$ABOVE	VICTIM(S) NOTIFIED OF P33 HEARING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.	

1 VICTIM STATEMENT

2 THE NEXT OF KIN OF THE VICTIM HAS BEEN NOTIFIED PER 1191.3
3 (b) PC AND PER 679.03 PC, BY MAIL.
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PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)

DEFENDANT

SUBSTANCE ABUSE:

 No record, indication, or admission of alcohol or controlled substance abuse. Occasional social or experimentation use of _____ acknowledged. See below: Indication / admission of significant substance abuse problem.Referred to Narcotic Evaluator YES NO _____ Narcotic Evaluator's report attached

Additional information

DEFENDANT ACKNOWLEDGES THE PERSONAL USE OF "ROCK" COCAINE SINCE 1985. HE SAYS HE USED IT DAILY UNTIL HIS INITIAL COMMITMENT TO PRISON OCCURRED IN 1989.

HE HAS NOT CURRENTLY BEEN REFERRED TO ANY ANTIDRINKING OR ANTIDRUG PROGRAM. HE HAS NOT RECENTLY ATTENDED ANY PROGRAM VOLUNTARILY EITHER. HE SAYS HE ASKED FOR DIVERSION IN ONE OR MORE OF HIS EARLIER DRUG CASES. HE WAS NEVER CONSIDERED AS SUITABLE FOR SUCH A PROGRAM.

HE SAYS ALSO THAT HE WAS NEVER REQUIRED TO SUBMIT TO TESTING UNDER HIS PAROLE PLAN.

PHYSICAL/MENTAL/EMOTIONAL HEALTH:

 No indication or claim of significant physical/mental/emotional health problem. See below: Indication / claim of significant physical/mental/emotional health problem.

1 PHYSICAL/MENTAL/EMOTIONAL HEALTH

2 HE FELL ONTO A METAL RAILING, CAUSING A STOMACH INJURY IN
3 1989. SURGERY WAS PERFORMED. HE WAS HOSPITALIZED FOR 3 DAYS. HE
4 HAS MADE A FULL RECOVERY.

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PERSONAL HISTORY:
(CONTINUED)

SOURCES OF INFORMATION (this page):
DEFENDANT

EMPLOYMENT STATUS	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH	EMPLOYER AWARE OF PRESENT OFFENSE
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO
PRESENT / LAST EMPLOYER / ADDRESS / PHONE LAST: AUSTIN DIVERSIFIED PRODUCTS		OCCUPATION DISTRIB-SALES	PERIOD OF EMPLOYMENT 3 YRS/1989
<input type="checkbox"/> VERIFIED <input checked="" type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS UNSTABLE AS REPORTED	TYPES OF PREVIOUS EMPLOYMENT NOT GIVEN

Additional information

HE SAYS HE WAS SELLING COCAINE AS WELL.

FINANCIAL STATUS	INCOME STABILITY UNSTABLE AS REPORTED	NET MONTHLY INCOME NONE	
PRIMARY INCOME SOURCE QUESTIONABLE	SECONDARY INCOME SOURCE(S) ABOVE	EST. TOTAL ASSETS NONE	EST. TOTAL LIABILITIES NONE
MAJOR ASSETS / ESTIMATED VALUE			
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY)			

Additional information

GANG ACTIVITY YES NO

Name of Gang _____

1 DEFENDANT STATEMENT:

2 DUE TO THE NATURE OF THIS REFERRAL, THE DEFENDANT WAS NOT
3 QUESTIONED WITH REGARD TO THE PRESENT ALLEGATION.

4 HE IS HOPEFUL THAT THE CIRCUMSTANCES OF HIS CASE ~~PROVEN~~ WILL
5 SUGGEST THAT IF HE IS CONVICTED, THAT HE SHOULD HAVE PROBATION.
6 HE IS AWARE THAT ONE OR MORE OF THE WITNESSES HAVE TESTIFIED THAT
7 THEY DID NOT MAKE AN INCRIMINATING STATEMENT TO THE POLICE. "ONE
8 TESTIFIED THAT HE NEVER SAID THAT I TOLD HIM WHAT THE POLICE SAY
9 THAT I TOLD HIM."

10 HE BELIEVES THE BLOOD TEST RESULTS WERE NOT CONCLUSIVE AS TO
11 THE BLOOD TYPE OF THE PERSON'S SEMEN FOUND IN THE WOMAN'S BODY.

12 HE HOPES TO AVOID A CONVICTION BUT IF THIS OCCURS, HE SAYS
13 HE SHOULD HAVE PROBATION. HE OFFERS HIS WILLINGNESS TO FULLY
14 COOPERATE BY REPORTING AND TO COMPLY WITH WHATEVER CONDITIONS OF
15 PROBATION ARE THOUGHT TO BE APPROPRIATE, INCLUDING STANDARD
16 CONDITIONS.

17 PRIOR TO THIS, HE PLANS TO GO TO TRIAL IN THE MATTER AND
18 APPEAL ANY CONVICTION IF IT IS NECESSARY. HE HAS SIGNED A
19 WAIVER-AGREEMENT THAT THE DISTRICT ATTORNEY WILL NOT SEEK THE
20 DEATH PENALTY IN THIS CASE, ALTHOUGH TWO SPECIAL CIRCUMSTANCES
21 HAVE BEEN FILED.

22 IF HE IS COMMITTED TO STATE PRISON, HE HOPES TO AVOID A LIFE
23 WITHOUT POSSIBILITY OF PAROLE SENTENCE ALSO, BELIEVING ALSO THAT
24 THIS WOULD BE UNFAIR.

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1 INTERESTED PARTIES:

2 POLICE INVESTIGATING OFFICER GANNON WAS REACHED AT THE LAPD
3 HOLLYWOOD DETECTIVES, 485-6410. HE REPORTS, "THE WOMAN MURDERED
4 WAS KILLED OVER THIRTY DOLLARS WORTH OF COCAINE." HE
5 CHARACTERIZED THE DEFENDANT AS A COCAINE SALES PERSON WHO
6 TORTURED, RAPED AND ROBBED THE WOMAN BECAUSE SHE DID NOT HAVE THE
7 MONEY TO PAY FOR THE "TWO ROCKS" OF COCAINE THAT SHE USED. THE
8 APARTMENT WAS ALSO RANSACKED PRIOR TO THE ARRIVAL OF THE SISTER
9 OF THE DECEASED, WHO FOUND THE BODY. HE DOES NOT HAVE THE RESULTS
10 OF THE DEFENDANT'S BLOOD TEST BUT, EVEN IF THE RAPE SPECIAL
11 CIRCUMSTANCE DOES NOT HOLD UP, THE ROBBERY SPECIAL CIRCUMSTANCE
12 COULD. HE BELIEVES THE SENTENCING SHOULD REMOVE THE DEFENDANT
13 FROM THE COMMUNITY FOR HIS LIFE WITHOUT POSSIBILITY OF PAROLE
14 BUT THE APPLICATION OF THE DEATH PENALTY WOULD BE BETTER. HE WAS
15 NOT CONSULTED ABOUT THE DEFENDANT'S WAIVER- AGREEMENT WITH THE
16 DISTRICT ATTORNEY'S OFFICE WITH REGARD TO THE DEATH PENALTY.

17 WITH REGARD TO THE WITNESSES, HE SAYS THAT NONE OF THEM HAD
18 ANY REASON TO LIE TO HIM ALTHOUGH THEY ALL HAVE RECORDS. THEIR
19 STATEMENTS WERE ALL TAPE RECORDED AND COULD BE ADMISSABLE AS
20 PRIOR INCONSISTENT STATEMENTS AND FOR THEIR TRUTH, IF THE
21 TESTIMONY CHANGES AT THE TRIAL. HE BELIEVES THE CASE SHOULD
22 RESULT IN A CONVICTION. IT SHOULD NOT BE PLEA-BARGAINED, OR
23 FURTHER REDUCED AS TO THE POSSIBILITY OF MAXIMUM SENTENCING. "HE
24 SHOULD SPEND THE REST OF HIS LIFE IN PRISON."

25 THE DEFENDANT LISTS HIS FORMER ROOMMATES AS CHARACTER
26 REFERENCES. THEY COULD BE REACHED AT 413-2378.

27 PAROLE AGENT BETTY WILSO WAS NOT REACHED FOR HER COMMENT;
28

Continued on next page

1 INTERESTED PARTIES:

2 HOWEVER, THE PAROLE "HOLD" HAS BEEN VERIFIED. THE MAXIMUM RETURN
3 TIME WOULD BE FOR ONE YEAR. THIS TIME WILL EXPIRE ON 9-16-94.
4

5 CONDUCT UNDER SUPERVISION:

6 SINCE PROBATION WAS GRANTED IN CASE BA051 133, THE DEFENDANT
7 HAS REPORTED TO THE CRENSHAW AREA PROBATION OFFICE. HE HAS BEEN
8 BOTH ON PAROLE AND ON PROBATION IN TWO RE^SPECTIVE DRUG RELATED
9 CASES. TESTING WAS NOT ORDERED IN THE PROBATION CASE. HE AP~~O~~PEARS
10 BY HIS RECORD AND BY HIS STATEMENTS TO BE PRIMARILY A DEALER THAN
11 A USER OF COCAINE. THE SUPERVISION OFFICER/OFFICER OF THE DAY
12 REPORTS THAT HE HAS NOT PAID ANYTHING TOWARD HIS RESTITUTION
13 FINE.

14 THE RECOMMENDATION IS FOR REVOCATION OF PROBATION AND
15 IMPOSITION OF THE SUSPENDED STATE PRISON SENTENCE IN THE ABOVE
16 CASE. CREDIT FOR PREIMPRISONMENT CUSTODY WOULD INCLUDE THE 365
17 DAYS HE WAS ORDERED TO SERVE AS A CONDITION OF PROBATION.
18
19

20 EVALUATION:

21 THE DEFENDANT'S CONDUCT BY THE PRESENT ASSERTIONS DEPICTS HIM
22 AS AN EXTREMELY DANGEROUS AND LIFE THREATENING INDIVIDUAL, NOT
23 DESERVING OF ANY LENIENCY OR FAVORABLE CONSIDERATION. THE
24 ALTERNATIVE TO THE DEATH PENALTY MAY BE SOUGHT BY THE DISTRICT
25 ATTORNEY'S OFFICE IN THE PRESENT CASE IF HE IS CONVICTED AS
26 CHARGED. THE UNDERSIGNED IS INCLINED TO AGREE THAT MAXIMUM
27 SENTENCING WOULD BE BEST FOR ALL CONCERNED SINCE HE HAS
28

Continued on next page

1 EVALUATION:

2 REPORTEDLY ESCALATED THE THREAT HE MAY POSE TO OTHERS TO AN
3 EXTREME POINT, ALL WHILE HE WAS ON BOTH PAROLE AND PROBATION IN
4 SEPARATE MATTERS.

5 IN THE INSTANT MATTER THE VICTIM WAS REPORTEDLY TORTURED,
6 RAPED AND ROBBED DURING HER ORDEAL THAT TOOK HER LIFE. THE
7 DEFENDANT REPORTEDLY BRAGGED ABOUT THIS TO SEVERAL WITNESSES
8 SHORTLY AFTER THE VICTIM'S DEMISE. HE WAS SEEN TO BE DRIVING THE
9 VEHICLE HE TOOK FROM HER AS WELL. HE MUST HAVE BELIEVED THAT HE
10 COULD ACT WITH IMPUNITY, THAT NONE OF THE OTHERS WOULD HELP TO
11 CONNECT HIM TO THE CRIME. ALL OF THIS POINTS TO A VERY CALLOUS
12 AND COLD-BLOODED PERSON, ONE POSSIBLY INCAPABLE OF REMORSE OR
13 FEELINGS OF GUILT. HE REPORTEDLY ABUSED HER BODY AND TOOK HER
14 LIFE IN PAYMENT FOR THE COCAINE THAT HE REPORTEDLY SUPPLIED TO
15 HER.

16 IF HE IS CONVICTED, THE COURT MAY NOT CHOOSE TO ORDER THE
17 TAKING OF HIS LIFE IN PAYMENT FOR WHAT HE HAS DONE BUT HE SHOULD
18 BE ORDERED TO PAY THE NEXT GREATEST PENALTY, THAT OF LIFE WITHOUT
19 THE POSSIBILITY OF PAROLE. THIS WOULD APPEAR TO BE THE ONLY
20 VIABLE ALTERNATIVE OF THE COURT, GIVEN THE FACTS AS ALLEGED. THE
21 FOLLOWING RECOMMENDATION REFLECTS THIS THINKING.

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1 SENTENCING CONSIDERATIONS:

2 THE DEFENDANT IS INELIGIBLE FOR PROBATION PURSUANT TO
3 1203E 1&4 UNLESS THE COURT DETERMINES THIS IS AN UNUSUAL CASE.

4 AGGRAVATING FACTORS:

- 5 1. THE CRIME INVOLVED GREAT VIOLENCE, GREAT BODILY HARM,
6 THREAT OF GREAT BODILY HARM, OR OTHER ACTS DISCLOSING
7 A HIGH DEGREE OF CRUELTY, VICIOUSNESS OR CALLOUSNESS.
8 2. THE DEFENDANT'S PRIOR CONVICTIONS AS AN ADULT OR
9 ADJUDICATIONS OF COMMISSION OF CRIMES AS A JUVENILE
10 ARE NUMEROUS OR OF INCREASING SERIOUSNESS.
11 3. THE DEFENDANT HAS SERVED PRIOR PRISON TERMS.
12 4. THE DEFENDANT WAS ON PROBATION OR PAROLE WHEN HE
13 COMMITTED THE CRIME.
14 5. THE DEFENDANT'S PRIOR PERFORMANCE ON PROBATION OR
15 PAROLE WAS UNSATISFACTORY.

16 MITIGATION FACTORS:

17 NONE.

18 ALTHOUGH THE MATTER APPEARS TO BE AN INDETERMINATE SENTENCING
19 CASE, IF THE CHARGE HE MAY BE CONVICTED OF IS A DETERMINATE
20 SENTENCING CHARGE(S), THE CIRCUMSTANCES IN AGGRAVATION APPEAR TO
21 FAR OUTWEIGH ANY IN MITIGATION, AND THE APPLICATION OF THE
22 HIGH-BASE TERM WOULD THEREFORE BE MOST APPROPRIATE IN THIS
23 MATTER, SHOULD PROBATION BE DENIED AND DEFENDANT IN FACT BE
24 COMMITTED TO STATE PRISON. THE BOARD OF PRISON TERMS MAY ALSO
25 CONSIDER THE VULNERABILITY OF THE VICTIM AND THE TORTUROUS
26 CONDITION IN WHICH THE DECEASED DIED IN DECIDING WHEN HE MAY BE
27 RELEASED, IF AT ALL, SHOULD THE SENTENCE BE AN INDETERMINATE
28 SENTENCE THAT FALLS SHORT OF A LIFE WITHOUT POSSIBILITY OF PAROLE

Continued on next page

1 SENTENCE.

2 CREDIT FOR PREIMPRISONMENT CUSTODY WOULD INCLUDE 234 DAYS,
3 WITH CREDIT FOR GOOD-TIME, AND WORK-TIME IF ALLOWED; HOWEVER, THE
4 COURT MAY WISH TO LIMIT THE CREDIT BY THE FACT THAT THE DEFENDANT
5 HAS REMAINED IN CUSTODY ON AUTHORITY OF A PAROLE
6 "HOLD," PLACED SHORTLY AFTER HE WAS ARRESTED IN THIS CASE, WHICH
7 HAS PRECLUDED HIS RELEASE FROM CUSTODY.

8 ALL TIME THAT MAY BE AVAILABLE SHOULD BE ORDERED SERVED
9 CONSECUTIVE TO ANY OTHER TIME IN THE CASE, INCLUDING THE
10 ENHANCEMENTS, THE PROBATION AND PAROLE VIOLATION TIME, AND THE
11 TIME ON THE MULTIPLE CHARGES. ALL OF THE DETERMINATE SENTENCING
12 SHOULD BE SERVED PRIOR TO THE IMPOSITION OF THE INDETERMINATE
13 SENTENCES, IF ANY.

14

15 RECOMMENDATION:

16 IF THE DEFENDANT IS CONVICTED OF THE CRIMINAL CHARGE, IT IS
17 RECOMMENDED THAT PROBATION BE DENIED, THAT HE BE COMMITTED TO
18 STATE PRISON, THAT HE BE CREDITED WITH 234 DAYS PREIMPRISONMENT
19 CUSTODY, AND WITH CREDIT FOR GOOD-TIME AND WORK-TIME IF ALLOWED,
20 THAT HE BE ORDERED TO PAY A RESTITUTION FINE OF \$100 AS PROVIDED
21 BY SUBDIVISION (a) OF SECTION 13967 OF THE GOVERNMENT CODE, THE
22 AMOUNT TO INCLUDE A SERVICE FEE AS PROVIDED BY SUBDIVISION (d) OF
23 SECTION 13967 OF THE GOVERNMENT CODE.

24

25 IT IS RECOMMENDED IN CASE BA051133 THAT THE DEFENDANT BE
26 FOUND IN VIOLATION OF PROBATION, THAT PROBATION BE REVOKED OR
27 REMAIN REVOKED, THAT HE BE SENTENCED TO STATE PRISON, THAT HE BE

28

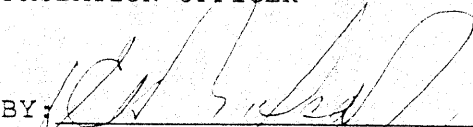
Continued on next page

1 RECOMMENDATION:

2 CREDITED WITH 365 DAYS PREIMPRISONMENT CUSTODY, THAT HE BE
3 ORDERED TO PAY A RESTITUTION FINE OF \$100 AS PROVIDED BY
4 SUBDIVISION (a) OF SECTION 13967 OF THE GOVERNMENT CODE, THE
5 AMOUNT TO INCLUDE A SERVICE FEE AS PROVIDED BY SUBDIVISION (d) OF
6 SECTION 13967 OF THE GOVERNMENT CODE.

7
8
9 RESPECTFULLY SUBMITTED,

10 BARRY J. NIDORF,
11 PROBATION OFFICER

12 BY: 
13 ROGER L LINGREN, DEPUTY
14 CENTRAL ADULT INVESTIGATIONS
(213) 974-9331

15 READ AND APPROVED:

16 
17 ERNEST RICHARDSON, SDO

I HAVE READ AND CONSIDERED
THE REPORT OF THE PROBATION
OFFICER:

18 _____
19 JUDGE OF THE SUPERIOR COURT

20 IF PROBATION IS GRANTED, IT IS FURTHER RECOMMENDED THAT THE
21 COURT DETERMINE DEFENDANT'S ABILITY TO PAY THE COST OF PROBATION
22 INVESTIGATION AND REPORT - \$412.00. COST OF SUPERVISION - \$28.00
23 PER MONTH.

24 THE DEFENDANT WILL BE ASSIGNED TO THE CRENSHAW AREA
25 PROBATION OFFICE.
26
27
28

PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)
DEFENDANT

SUBSTANCE ABUSE:

No record, indication, or admission of alcohol or controlled substance abuse.

Occasional social or experimentation use of _____ acknowledged.

See below: Indication / admission of significant substance abuse problem.

Referred to Narcotic Evaluator YES NO _____ Narcotic Evaluator's report attached

Additional information

DEFENDANT ACKNOWLEDGES THE PERSONAL USE OF "ROCK" COCAINE SINCE 1985. HE SAYS HE USED IT DAILY UNTIL HIS INITIAL COMMITMENT TO PRISON OCCURRED IN 1989.

HE HAS NOT CURRENTLY BEEN REFERRED TO ANY ANTIDRINKING OR ANTIDRUG PROGRAM. HE HAS NOT RECENTLY ATTENDED ANY PROGRAM VOLUNTARILY EITHER. HE SAYS HE ASKED FOR DIVERSION IN ONE OR MORE OF HIS EARLIER DRUG CASES. HE WAS NEVER CONSIDERED AS SUITABLE FOR SUCH A PROGRAM.

HE SAYS ALSO THAT HE WAS NEVER REQUIRED TO SUBMIT TO TESTING UNDER HIS PAROLE PLAN.

PHYSICAL/MENTAL/EMOTIONAL HEALTH:

No indication or claim of significant physical/mental/emotional health problem.

See below: Indication / claim of significant physical/mental/emotional health problem.

1 PHYSICAL/MENTAL/EMOTIONAL HEALTH

2 HE FELL ONTO A METAL RAILING, CAUSING A STOMACH INJURY IN
3 1989. SURGERY WAS PERFORMED. HE WAS HOSPITALIZED FOR 3 DAYS. HE
4 HAS MADE A FULL RECOVERY.

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BOOKING RECOMMENDATION

No Carbon Required

SEE DISTRIBUTION AT BOTTOM FOR NUMBER OF COPIES REQUIRED.	DATE & TIME OF ARREST 07-01-92' 2000	TIME OF INTERVIEW
---	---	-------------------

ARRESTEE'S NAME (Last, First, Middle)
REDER, JOHN PAUL

ARRESTING OFFICER(S) HWD CTZN LEVY	SERIAL NO(S) —	DIVISION —	DETAIL —
---------------------------------------	----------------	------------	----------

ACTION ADVISED: <input checked="" type="checkbox"/> Booking Charge: <u>243(a)PC — BATTERY</u> <small>(As appears on AUIS Charge Table)</small>	BASIC CHARGE: \$ <u>250⁰⁰</u>
<input type="checkbox"/> Advise arrestee of immediate cash bailout right (if two or fewer warrants for parking offense or traffic infraction).	ADD'L CHARGES: \$ <u>11,000⁰⁰</u>
<input type="checkbox"/> Release without booking <input type="checkbox"/> Phone calls made <input type="checkbox"/> Phone calls refused by arrestee	ENHANCEMENTS: \$ _____
	TOTAL BAIL: \$ <u>11,250⁰⁰</u>

1. EVIDENCE TO BE BOOKED (1) LAH92H0012301 - 2500 ⁰⁰ (482-508PC) (2) LAH92H0168101 - 8500 ⁰⁰ (877(B)BM	2. SUGGESTIONS FOR CONTENTS OF REPORTS.	3. VISITATION RESTRICTION	RESPONSIBLE INVEST. UNIT
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admits, all descriptors match

PAROLE/PROBATION AGENT:	PHONE NO.	TIME TELEPHONIC HOLD PLACED:
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REASON FOR SEARCH: List the specific facts and circumstances that qualify as reasonable suspicion to believe that this arrestee is concealing a weapon or contraband.

TYPE OF SEARCH AUTHORIZED: <input type="checkbox"/> STRIP <input type="checkbox"/> PHYSICAL BODY CAVITY* <input type="checkbox"/> VISUAL BODY CAVITY *Note: Search warrant required.	WARRANT NO. _____	OBTAIN THIS AUTHORIZATION PRIOR TO SEARCH
---	-------------------	---

DATE & TIME OF SEARCH	LOCATION SEARCH CONDUCTED	SEARCHING EMPLOYEE SERIAL NO.	DIV.	SEX	SEARCHING EMPLOYEE SERIAL NO.	DIV.	SEX
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RESULTS OF SEARCH (List items and location removed from):

APPROVING SUPERVISOR <i>SA [Signature]</i>	SERIAL NO. 21595	DIVISION H	RAP SHEET REVIEWED YES <input type="checkbox"/> NO <input type="checkbox"/>
---	---------------------	---------------	--

MISDEMEANOR ARRESTEES: Circle reason for booking below.

- CONDITIONS FOR NON-ELIGIBILITY FOR RELEASE**
- The person arrested is so intoxicated that he or she could be a danger to himself or herself or others.
 - The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety.
 - The person is arrested for one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code. (EXCEPTION - DUI ARRESTEES MAY BE RELEASED AFTER BOOKING, IF OTHERWISE ELIGIBLE.)
 - There are one or more outstanding arrest warrants for the person.
 - The person cannot provide satisfactory evidence of personal identification.
 - The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.
 - There is a reasonable likelihood that the offense or offenses will continue or resume, or that the safety of persons or property will be imminently endangered by release of the person arrested.
- The person arrested demands to be taken before a magistrate or refused to sign the notice to appear.
- There is reason to believe that the person arrested would not appear at the time/place specified in the notice.

OFFICER MAKING O.R. DETERMINATION	<input type="checkbox"/> YES <input type="checkbox"/> NO	MISD. WARRANT #	OR REASON #
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CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 4/5	TYPE OF REPORT COMB CRIME - see 243(a) PC - BATTERY	BOOKING NO. 3134442	DR NO. 9206-27797			
ITEM NO.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, DESCRIPTIONS, CALIBER, REVOLVER ETC.)	DOLLAR VALUE

STATEMENT OF CITIZEN'S ARREST:

AS A PRIVATE PERSON, I, REGINA LEVY HAVE

ARRESTED JOHN REDER FOR VIOLATION

OF SECTION 243(a) PC OF THE PENAL CODE, A PUBLIC

OFFENSE AT 1211 N. MCCADDEN PL

AND GIRMALA (24916) BUTLER

HAS TRANSPORTED THE SUSPECT TO THE STATION.

I UNDERSTAND THAT I HAVE ARRESTED THIS PERSON AND I WISH TO

PROSECUTE. THE OFFICERS ARE ONLY TRANSPORTING AND COMPLETING

THE NECESSARY REPORTS.

SIGNATURE: Regina Levy

ADDRESS: 1211 N. MCCADDEN PL #2
HWP, CA 90028

PHONE NO: (213) 962-2885

DISCLOSURE STATEMENT

Los Angeles Police Department

PAGE NO. 5/5	TYPE OF REPORT ARREST - 243 IC, BATTERY	BOOKING NO. 3134442	DR NO. 9206-2779
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1. All currently existing reports (except personnel investigations) connected to this investigation, including crime, property, arrest, schematic, refusal, follow-up, etc., including those of other suspects, are cross-referenced in this report.
2. The names, assignments, serial numbers, and work phone numbers of all officers who saw, heard or otherwise perceived (1) any events leading to or involving the commission of the crime; (2) any arrest and/or search made in connection with the crime; (3) any statement of a suspect or witness; (4) any test performed at the scene (e.g., FST, scientific); (5) any intoxication or impairment of a suspect or witness; and/or (6) any facts necessary for probable cause for a warrant, search or detention, are listed in the report. Also listed in the report are the names, business and/or home addresses, business and/or home phone numbers of all civilian witnesses (except confidential informants) who provided information (whether incriminating or exonerating) as to any of the above listed categories.
3. All known oral statements made by any suspect or witness concerning the offense are included in a referenced report.
4. Copies of all original officer notes relating to statements of suspects or witnesses are attached.
5. All items of evidence seized, photographs (except booking), audio and video tape recordings (except Communications Division records) are mentioned in one of the referenced reports.
6. If any of the above items have been lost or destroyed, this fact is mentioned in a referenced report.
7. Any known fact which might indicate innocence of this crime or which might be substantial material evidence favorable to any suspect or which might damage the believability of a prosecution witness is mentioned in a referenced report.

All of the above statements are true.

SIGNATURE	SERIAL #	DIVISION OF ASSIGNMENT	DATE
BUTLER	25093	MWD	7-1-92
GIRMALA	24916	HWP	7-1-92

Adam Dawson
For: Ron Rothman

DAWSON R/R ASSOCIATES
12021 WILSHIRE BLVD. #846
LOS ANGELES, CA. 90025

EXHIBIT 1

Re: People vs Alan Devon

Interview: Tamara Gonzalez aka Ana Reefer aka Panama

NOTE: Ms Gonzalez was interviewed at Sybil Brand Institute on July 14, 1993. Her registration number is #3531036.

Ms Gonzalez is being held on a charge of possession for sale.

She said that the judge ordered her released on her own recognizance but the \$10,000 material witness bail is blocking her release. Her co-defendant in the drug case, who was carrying her drugs and the money, agreed to plead guilty after the preliminary hearing.

She has been interviewed by the police once about the murder of Brenda.

She does not remember exactly what she told them because she was high at the time. In late September 1992 she was pretty much high all the time on cocaine.

In fact while she was alone in the interview room she managed to smoke a hook of cocaine that she had with her when she was brought in for questioning.

At the station she said the police officers tried to scare her with going back to prison because she was on parole at the time.

She has been told that if she co-operates with the police then she will not do any time on the sales charge. Otherwise, she has been told she will get five years. Her co-defendant plead to four years. She has been out of state prison two years on her previous sales conviction.

Ms Gonzalez spent 21 days in protective custody, then was released for 30 to 35 days. That is when she was arrested on the sale charge.

She had "heard stuff" about the murder from Frank, Mo and New York. That is how "I learned the details" of Brenda's murder. Ms Gonzalez then took those details, exaggerated others and told the story to the police to get them off her back.

Devon did not say anything about the killing or his role in it, according to Ms Gonzalez.

"I never said" that he choked and stabbed a girl over \$10 of cocaine, according to Ms Gonzalez.

COPIES

(Dawson/Rothman re:Devon interview:I. Gonzalez 7/14/93 p 2)

She said she made up the entire scenario that she told the police with Devon tearfully confessing to her about trying to choke Brenda and then stabbing her with the scissors.

She told that to the police but did so because Ms. Gonzales said she was "under pressure" and "under the influence of cocaine."

She was "speaking just to be speaking" because she just wanted "to get out of the office and get another hit."

She also told the story because had had a "personal disagreement" with Devon and she saw this as a way to get back at him.

Devon was "always trying to take my money," she said. There was a physical fight over his trying to take her money.

She thought that knowing how Devon was he probably did kill Brenda so Ms. Gonzalez said she waived the story for the police.

At the time she was being "vindictive" and "selfish."

"I was lying because I was upset with D. He was trying to take my money from me. He was like a dope fiend," she said.

Ms. Gonzalez said she met Brenda once while she was in the car with New York. He introduced the pair.

She said that she has had no contact with Devon since her arrest other than a brief glimpse and shout in court. Devon said he had sent her a letter but she said that she has not yet received it.

When asked what she would do if called to the stand in Devon's trial, she responded "Tell the truth."

When asked what that was, she said it was that she "made up what she told the police about Dis" alleged confession.

RAA

IN
REL: OHY, CAC194206, 07890824, GANNON DATE: 09-23-92 TIME: 09:10:39
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

LN: GANNON HOMI HOMIINV
ALL MULTI STATE RECORD
ELI/AB020-0024
DOB/01-23-1962 SEX/F RAC/BLACK
HGT/500 WGT/105 EYE/BRN HAIR/BLK POB/PM

- 01 REEFER, ANA
- 02 REEFER, ANA
- 03 LEWIS, TANNY
- 04 REEFER, ANA
- 05 WILLIAMS, ANN
- 06 REEFER-AND DERRBURNE, ANA
- 07 REEFER-ADAME, ANA
- 08 LEWIS, ANN

PC HENRY
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FBI/66270EA5
DOB/02-26-63 02-26-64 02-23-64 02-23-65
SOC/573391082 572391082
INN/CDC-U031717
SMT/SC ABBOM
OCC/CLERK (TYPIST) CLERIAL

ARR/DET/CITE: NAM:01
02-20-85 CAPD LOS ANGELES
101 #2032556R-7960449
196.1 PC-RECEIVE/ETC KNOWN STOLEN PROPERTY

COURT: NAM:01
12-17-85 CASE LOS ANGELES CENTRAL
CNT:01 #A763889
459 PC-BURGLARY; FIRST DEGREE
DISPO: DISMISSED/FURTHERANCE OF JUSTICE
CNT:02
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE
DISPO: DISMISSED/FURTHERANCE OF JUSTICE
CNT:03

496 PC-RECEIVE/ETC KNOWN STOLEN PROPERTY
ADISPO: CONVICTED
CONV STATUS: FELONY
SEN: 35 MONTHS PROBATION, 274 DAYS JAIL
10-14-86
DISPO: PROBATION REINSTATED
SEN: 21 DAYS JAIL
06-23-87
DISPO: PROBATION REVOKED
SEN: 29 DAYS JAIL
07-26-88
DISPO: PROBATION REINSTATED
SEN: 150 DAYS JAIL
1-01-89
DISPO: PROBATION REVOKED
SEN: COMMITTED TO STATE PRISON
UNIT: IRS CC, PSTN

*Ms Louise Sims
Assoc officer -
AGENT - SMITH o/d
Ms (Hawer), SUPERVISOR
2(13) 620-6879*

1000
03-06-86 CARC LOS ANGELES METRO

CNT:01 #31325404
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION
DISPO:CONVICTED
COM:STATUS/MISDEMEANOR
SEN:6 MONTHS PROBATION, 10 DAYS JAIL
COM:45 DS JL 86

ARR/DET/CITE: NAM:01
05-12-85 CARC LOS ANGELES
CNT:01 #2033556R-8117927
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE

PROBATION NAM:01
11-17-85 LAPR LOS ANGELES
CNT:01 #X030124
859 PC-BURGLARY
CNT:02
496 PC-RECEIVE/DEL KNOWN STOLEN PROPERTY
CNT:03
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE

SEN:8 YEARS PROBATION
COM:COURT CASE NBR A768309
05-12-87
DISPO:PROBATION REVOKED
07-26-88
DISPO:PROBATION MODIFIED
COM:PROB EXT TO 072591, 180 DS JL
07-26-88
DISPO:PROBATION
COM:3 YR PROS, 180 DS JL, CRT NBR A967592

ARR/DET/CITE: NAM:02
03-06-86 CARC LOS ANGELES
CNT:01 #2032556R-8472785
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION

COURT: NAM:02
03-13-86 CARC LOS ANGELES METRO
CNT:01 #31355599
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION

-WITH PRIOR
DISPO:CONVICTED
COM:STATUS/MISDEMEANOR
SEN:45 DAYS JAIL

ARR/DET/CITE: NAM:03
08-15-86 CARC LOS ANGELES
CNT:01 #2032556R-8712493
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION

COURT: NAM:03
09-18-86 CARC LOS ANGELES METRO
CNT:01 #31381583
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION
-WITH PRIOR
DISPO:CONVICTED
COM:STATUS/MISDEMEANOR

ARR/DET/CITE: NAM:01
01-12-89 CAPD LOS ANGELES METRO
CNI:01 #87M07890
647(E) PC-DISORDERLY CONDUCT:PROSTITUTION
-WITH PRIOR
-DISP:CONVICTED
CONV STATUS:MISDEMEANOR
SEN:24 MONTHS PROBATION, 100 DAYS JAIL,
LAP SEN 88

ARR/DET/CITE: NAM:01
05-27-87 CAPD LOS ANGELES
CNI:01 #2032556R-9123466
647(B) PC-DISORDERLY CONDUCT:PROSTITUTION
-WITH PRIOR
-DISP:CONVICTED
CONV STATUS:MISDEMEANOR
SEN:90 DAYS JAIL

ARR/DET/CITE: NAM:04
01-06-88 CAPD LOS ANGELES
CNI:01 #2032556R-9442468
11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE
01-11-88
ISPO:REL/DET ONLY/ADMISS EVIDENCE INSUFF

ARR/DET/CITE: NAM:01
04-19-88 CAPD LOS ANGELES
CNI:01 #2032556R-9593227
11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE

COURT: NAM:01
07-26-88 CASC LOS ANGELES CENTRAL
CNI:01 #A967592
11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE
-DISP:CONVICTED
CONV STATUS:FELONY
SEN:36 MONTHS PROBATION, 180 DAYS JAIL,
IMP SEN 88
03-02-89

DISP:PROBATION REINSTATED
SEN:365 DAYS JAIL

ARR/DET/CITE: NAM:01 DOB:01-23-1962
01-12-89 CAPD LOS ANGELES
CNI:01 #2032556R-1206643
-WARRANT
459 PC-BURGLARY
WARRANT #LA96388901
1-02
-WARRANT
647(B) PC-DISORDERLY CONDUCT:PROSTITUTION
WARRANT #LA887M0789001

* * * * *
#3103A CDC NAM:01
03-15-89 CASO CORRECTIONS
CNT:01 #W31717
-PROBATION REV
475 PC-RECEIVE/ETC KNOWN STOLEN PROPERTY
SEN FROM:LOS ANGELES CO CRT #A763887
SEN:2 YEARS PRISON
-21-89
DISPD:PAROLED FROM CDC
RECVD BY:CAPA LOS ANGELES CO

* * * * *
ARR/DET/CITE: NAM:05
07-18-89 CAPD LOS ANGELES
CNT:01 #2182491W 1511486
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE
07-20-89
DISPD:PROB REL-DET ONLY-INADMISS SEARCH & SEIZ

* * * * *
ARR/DET/CITE: NAM:05 DOB:02-23-1964
08-04-89 CAPD LOS ANGELES
CNT:01 #2182491W 1540720
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE

COURT: NAM:05
09-13-89 CASO LOS ANGELES CENTRAL
CNT:01 #BA002192
11350(A) HAS-POSSESS NARC CONTROL SUBSTANCE
*DISPD:CONVICTED
CONV STATUS:FELONY
SEN:36 MONTHS PROBATION, 90 DAYS JAIL,
FINE, IMP SEN SS

* * * * *
STUDY:CDC NAM:01
7-22-89 CASO CORRECTIONS
CNT:01 #W31717
VIOLATION OF PAROLE
-TO FINISH TERM
02-07-90
DISPD:PAROLED FROM CDC
RECVD BY:CAPA LOS ANGELES CO

* * * * *
ARR/DET/CITE: NAM:05 DOB:01-23-1962
10-26-89 USIS LOS ANGELES CA
CNT:01 #A35047673
3 USC 1251-DEPORTATION PROCEEDINGS

* * * * *
ARR/DET/CITE: NAM:08 DOB:02-23-1964
04-25-90 CAPD LOS ANGELES
CNT:01 #2032556R 1962489
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION

COURT: NAM:08
04-27-90 CAMC LOS ANGELES METRO
CNT:01 #90R10814
647(B) PC-DISORDERLY CONDUCT;PROSTITUTION
*DISPD:CONVICTED
CONV STATUS:MISDEMEANOR
SEN:12 MONTHS PROBATION, 5 DAYS JAIL,
IMP SEN SS

* * * * *
ARR/DET/CITE: NAM:08 DOB:02-23-1965

BOOKING RECOMMENDATION

No Carbon Required

SEE DISTRIBUTION AT BOTTOM FOR NUMBER OF COPIES REQUIRED.	DATE & TIME OF ARREST 9-21-92 0430 HRS	TIME OF INTERVIEW
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ARRESTEE'S NAME (Last, First, Middle)
REMBERT, JAMES

ARRESTING OFFICER(S) TORSNEY #25383 / NONORA #	SERIAL NO(S) 30251	DIVISION HWD	DETAIL 6A49
--	------------------------------	------------------------	-----------------------

ACTION ADVISED: Booking Charge: **11364 HRS (POSSESSION OF COCAINE APE)** (As appears on AJS Charge Table)

Advise arrestee of immediate cash bailout right (if two or fewer warrants for parking offense or traffic infraction).
 Release without booking Phone calls made Phone calls refused by arrestee

BASIC CHARGE:	\$ 250.00
ADD'L CHARGES:	\$ 1885.00
ENHANCEMENTS:	\$ -
TOTAL BAIL:	\$ 2135.00

1. EVIDENCE TO BE BOOKED BK'D "COKE PIPE" AND COCAINE	2. SUGGESTIONS FOR CONTENTS OF REPORTS.	3. VISITATION RESTRICTION
---	---	---------------------------

RESPONSIBLE INVEST. UNIT

MISD WARRANTS	① 017635319420 → \$ 329.00	NO GOOD I. D
	② 056894719420 → 273.00	
	③ TT5418919990 → 783.00	
	④ U65933919990 → 500.00	

PAROLE/PROBATION AGENT:	PHONE NO.	TIME TELEPHONIC HOLD PLACED:
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REASON FOR SEARCH: List the specific facts and circumstances that qualify as reasonable suspicion to believe that this arrestee is concealing a weapon or contraband.

TYPE OF SEARCH AUTHORIZED:
 STRIP PHYSICAL BODY CAVITY
 VISUAL BODY CAVITY *Note: Search warrant required. WARRANT NO. _____

OBTAIN THIS AUTHORIZATION PRIOR TO SEARCH

DATE & TIME OF SEARCH	LOCATION SEARCH CONDUCTED	SEARCHING EMPLOYEE SERIAL NO. DIV. SEX	SEARCHING EMPLOYEE SERIAL NO. DIV. SEX
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RESULTS OF SEARCH (List items and location removed from):

APPROVING SUPERVISOR <i>[Signature]</i>	SERIAL NO. 14116	DIVISION HWD	RAP SHEET REVIEWED YES <input type="checkbox"/> NO <input type="checkbox"/>
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MISDEMEANOR ARRESTEES: Check reason for booking below.

CONDITIONS FOR NON-ELIGIBILITY FOR RELEASE

- The person arrested is so intoxicated that he or she could be a danger to himself or herself or others.
- The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety.
- The person is arrested for one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code. (EXCEPTION - DUI ARRESTEES MAY BE RELEASED AFTER BOOKING, IF OTHERWISE ELIGIBLE.)
- There are one or more outstanding arrest warrants for the person.
- The person cannot provide satisfactory evidence of personal identification.
- The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.
- There is a reasonable likelihood that the offense or offenses will continue or resume, or that the safety of persons or property will be imminently endangered by release of the person arrested.
- The person arrested demands to be taken before a magistrate or refused to sign the notice to appear.

There is reason to believe that the person arrested would not appear at the time/place specified in the notice.

OFFICER MAKING O.R. DETERMINATION	MISD. WARRANT #	OR REASON #
-----------------------------------	-----------------	-------------

YES NO

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 2/4		TYPE OF REPORT ARREST			BOOKING NO. 3239080	DR NO. 9206-40066	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE

SOURCE OF ACTIVITY

OFOR NOMBRA 30251 AND I (TORSNEY # 25383) WERE WORKING HWO AM PATROL 6449 ON 9-21-92 @ 0410 HRS WE WERE IN A MARKED BLK & WHT AND IN FULL UNIFORMS WE RECD INFO THAT A HOMICIDE SUSP WAS ON THE CORNER OF YUCCA ST AND CAHUENGA. SUSP WAS A M BLK WITH APPLE CAP 6-1 THEN RIDING A BICYCLE WE WERE E/B YUCCA ST FROM CAHUENGA

OBSERVATION

WE ARRIVED @ SCENE AND OBS'D A MALE BLK W/ A PATCH APPLE CAP, 6-0/6-1, RIDING A BICYCLE ON THE NORTH SIDEWALK OF YUCCA ST TOWNS CAHUENGA & IVAR. THE PERSON (WIT-1) MATCHED THE DESCRIPTION OF THE HOMICIDE SUSP. WIT-1 WAS SPEAKING TO DEFT. DEFT LOOKED IN OUR DIRECTION AND WALKED TO A TELEPHONE. DEFT PICKED UP THE PHONE AND ACTED LIKE HE WAS TALKING TO SOMEONE. DEFT AND WIT WERE DETAINED FOR INV.

WHILE I WAS QUESTIONING DEFT ABOUT HIS NAME, DEFT STATED I GOT TWO WARRANTS PLEASED DON'T TAKE ME IN. A W/W CHECK REVEALED DEFT HAD NUMEROUS TRAFFIC WARRANTS OFOR NOMBRA RECOVERED A SMALL BUC CONTAINER FROM WHERE WIT WAS STANDING (BEHIND A TELEPHONE CEMENT BOARD) INSIDE THE CONTAINER WE OBS II OFF WHT ROCKS RESEMBLING ROCK COCAINE. DEFT WAS TRANS TO HWO STA FOR THE TRAFFIC WARRANTS. WIT WAS TRANSPORTED FOR 187 INV.

AT THE STA, I RECOVERED A 2 IN. GLASS PIPE W/ BURNT MARKS, WIRE MESH, RESIDUE FROM DEFTS RT FT COIN POCKET.

ARREST

DEFT WAS ARRESTED FOR 1/364 H/S (POSS OF MAIL P/B)

STATEMENT FORM

Page 1 of 1

Tape No. 138876		DR No. 92-0639640	
Wit. No. 10			
Name REMBERT, JAMES LEE		Date/Time of Interview 9-24-92 1350	Location of Interview 1945 S. HILL STREET
Res. Add. 1919 ARBYLE #406		City HOLLYWOOD	Zip Code 90048 Phone 466-5747
Bus. Add. (MOTHER)		City LOS ANGELES	Zip Code 90053 Phone 413-4278
Sex M	Desc. BLK	Hair BLK	Eyes BRN
Hgt. 5-0	Wgt. 150	DOB 12-08-68	Age 23
Drivers Lic. No./Other ID CA035416		State CA	
Interviewing Officer(s) DETECTIVE PARRY		Serial No(s) #22622	Division HWD
Other Person(s) Present			

Statements: Use first person. Include who, what, where, when, why and how.

AKA: "MOE"

I HAVE KNOWN "D" (ALLEN DEVON) FOR SIX OR SEVEN YEARS. SOMETIME LAST WEEK (9-14-92 TO 9-18-92), HE HAD COME BY MY HOUSE. IT WAS EITHER TUESDAY OR THURSDAY BECAUSE HE HAD DRIVEN UP IN A GREY CONVERTIBLE AND YOU CAN'T PARK ON THE STREET ON THOSE DAYS BECAUSE OF STREET CLEANING. HE LATER HAD WANTED ME TO MOVE THE CAR, SO HE WOULDN'T GET A TICKET, BUT I WOULDN'T. HE LATER MOVED IT HIMSELF ACROSS THE STREET. WHEN HE HAD DRIVEN UP, FRANK (FRANKLIN SMITH) WAS RIDING IN THE CAR WITH HIM.

I COULD TELL THAT SOMETHING WAS WRONG WITH BOTH FRANK AND "D." "D" LOOKED DEPRESSED. FRANK TOLD ME THAT "D" HAD DONE SOMETHING TO A BITCH. "D" DIDN'T TELL ME ANYTHING AT THIS TIME. LATER IN THE DAY, I SAW HIM BY HIMSELF. HE TOLD ME THEN THAT HE HAD KILLED THIS BITCH OVER TWO ROCKS (COCAINE). HE SAID HE HAD CHOKED HER AND SOLD HER STEREO.

I DON'T KNOW WHO THE GIRL WAS (VICTIM KAYE). I HAVE NEVER BEEN TO HER APARTMENT NOR HAVE I EVER BEEN IN HER CAR. I ONLY SAW THE CAR ONCE. THAT WAS WHEN "D" HAD DRIVEN IT TO MY HOUSE.

WHEN WE WERE ARRESTED (9-19-92, 0430), I HAD BEEN WALKING ON YUCCA TOWARDS CAHUENGA. I SAW "D" RIDING TOWARDS ME ON A BICYCLE. HE HAD JUST LEFT "PANAMA" (ANA REEFER), WHO WAS STANDING ON THE CORNER. I HAD JUST LEFT MY APARTMENT. WE HAD JUST STARTED TALKING WHEN THE POLICE GOT US.

STATEMENT FORM

Page 1 of 1

Tape No. NONE		DR No. 92-0639640							
Wit. No. 9									
Name SMITH, FRANKLIN		Date/Time of Interview 9-23-92 1330	Location of Interview 1805 N. WILCOX AVE						
Resid. Add. 1805 NORTH WILCOX #108		City HOLLYWOOD	Zip Code 90028 Phone NONE						
Bus. Add. NONE		City	Zip Code Phone						
Sex M	Desc. BLK	Hair BLK	Eyes BRD	Hgt.	Wgt.	DOB 04-08-68	Age 24	Drivers Lic. No./Other ID NONE	State
Interviewing Officer(s) DETECTIVE GANNON							Serial No(s) #17299	Division HWD	
Other Person(s) Present DETECTIVE PARRY							#22622	HWD	
Statements: Use first person. Include who, what, where, when, why and how.									

I had first met Devon (defendant) about four and a half weeks ago. At first we were close, but that didn't last long. In the past couple of weeks, I hadn't seen him much.

Sometime in the past week, around the weekend (9-18-92/9-19-92), I was in apartment #408 upstairs (vacant). There was no one else there except this white base head (cocaine addict). I don't know who he was. He was just there smoking. I never saw him before and haven't seen him since. While there, Devon came in. Devon didn't look good. He was depressed. He told me that he had been with a girl. He didn't tell me her name. He would always be with different girls. Devon said that he was rocked out and something went haywire. He said he killed her and she wouldn't die at first. He had choked her and stabbed her. He choked her with his hands, but she wouldn't die. He stabbed her and she wouldn't die for awhile. I don't remember if he said anything else. I think he said he killed her over money.

I didn't see him in a car. He is usually riding a bicycle. He didn't say anything about taking anything from her apartment. The next thing I knew was that he was arrested.

Investigative Note: At the time of this interview, Debra Gibson (DOB 12-5-50) was inside the apartment. She is not a witness. She is the registered tenant of #108.

STATEMENT FORM

139840
9

DR No
92-0639640

Name	Date/Time of Interview	Location of Interview
SMITH, FRANKLIN	11-9-92 1040	HOLLYWOOD DETS/ROOM #111
Address	City	Zip Code Phone
TRANSIENT		
Address	City	Zip Code Phone

Sex	Desc	Hair	Eyes	Hgt	Wgt	DOB	Age	Drivers Lic No/Other ID	State
M	BLK	BLK	BRN	5-9	145	4-8-68	24	NONE	

Interviewing Officer(s)	Serial No(s)	Division
DETECTIVE GANNON	#17299	HWD

Other Person(s) Present	Serial No(s)	Division
DETECTIVE FERRY	#22622	HWD

Statements: Use first person. Include who, what, where, when, why and how.

WITNESS SMITH WAS ORIGINALLY INTERVIEWED ON 9-23-92, AT 1205 NORTH WILCOX #108.

ON 11-9-92, 1040 HOURS, SMITH VOLUNTARILY RESPONDED TO HOLLYWOOD STATION FOR A SECOND INTERVIEW.

DETECTIVE GANNON RE-READ SMITH'S ORIGINAL STATEMENT TO SMITH. SMITH REPLIED "THAT'S EXACTLY WHAT I SAID."

SMITH STATED THAT HE HAD IN FACT BEEN IN THE VICTIM'S VEHICLE, ALTHOUGH, AT THE TIME, HE DID NOT KNOW THAT IT WAS THE DECEASED. AFTER HIS MEETING WITH DEVON IN APARTMENT #408 (SEE ORIGINAL STATEMENT), HE AGAIN SAW DEVON LATER AT THE 7-11 STORE AT YUCCA AND LAHUENGA. DEVON WAS DRIVING THE CONVERTIBLE AND I GOT IN WITH HIM. WE DROVE AROUND AWHILE AND WENT TO NOE'S (JANES BEMBERT) APARTMENT ON ARBYLE. DEVON PARKED THE CAR IN THE DRIVEWAY. DEVON TOLD ME THAT THE CAR WAS THE DEAD'S GIRL'S. I IMMEDIATELY JUMPED OUT OF THE CAR AND WIPED MY FINGERPRINTS OFF OF IT. LATER I WALKED BACK BECAUSE I DIDN'T WANT ANYTHING TO DO WITH THE CAR. WE WERE AT NOE'S APARTMENT FOR 30/40 MINUTES.

THE NIGHT THAT I HAD MET DEVON IN APARTMENT #408, HE TOLD ME HE HAD KILLED THE GIRL. IT SOUNDED AS IF HE HAD JUST DONE IT. HE SAID HE HAD JUST LEFT THE APARTMENT. I TOLD HIM THAT HE WAS STUPID FOR LEAVING HER IN THE APARTMENT. SHE WOULD START STINKING OR SOMETHING. THAT WHITE BASE HEAD NEVER HEARD ANYTHING. DEVON WAS TALKING LOW. ANYWAY I HAVEN'T SEEN HIM SINCE.

I NEVER SAW THE JACKET (PHOTO OF VICTIM'S JACKET SHOWN), THE STEREO OR ANY JEWELRY THAT MAY HAVE BEEN TAKEN FROM HER APARTMENT. DEVON NEVER SAID ANYTHING ABOUT THAT.

001 140194200.07737 18 FARRY

DATE 09-24-92 TIME 09:24:00

RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

IN: FARRY DET INV

ALL CALIFORNIA ONLY RECORD

CIT: A07 07718

DOB: 04-03-1968 SEX: M RACE: BLACK

HGT: 510 WGT: 110 EYE: BRO HAIR: BLK POB: CA

SCA: 91 SMITH, FRANKLIN

01 SMITH, FRANKLIN CLARENCE

02 LOWIS, ROBERT

04 JOHNSON, FRANKLIN

05 JONES, FRANK

06 SMITH, FRANKLIN C

07 TAYLOR, FRANKLIN

FPC HENRY

D 11 0 00M 17

L 28 - III 20

FBI/502435NA9

DOB: 04-05-68 09-03-68 04-07-68

SCC/550392452 550295214

INN/CDC-E059042

OCC/SALES; LABORER

* * * *

ARR/DET/CITE: NAM: 01

03-26-84 CAPD LOS ANGELES

CNT: 01 #19964595-7528459

11359 HAS-POSSESS MARIJUANA/HASHISH FOR SALE

-27-84

DISPO: PETITIONED AND DETAINED

* * * *

ARR/DET/CITE: NAM: 02

12-15-84 CAPD LOS ANGELES

CNT: 01 #19964595-7869203

-ATTEMPTED

459 PC-BURGLARY

12-17-84

DISPO: PETITIONED AND DETAINED

* * * *

ARR/DET/CITE: NAM: 02

10-03-88 CAPD LOS ANGELES

CNT: 01 #19964595-1050815

11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE

10-05-88

DISPO: REL/DET ONLY/ASCERT EVIDENCE INSUFF

* * * *

ARR/DET/CITE: NAM: 01

10-19-88 CAPD LOS ANGELES

CNT: 01 #19964595-1074457

11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE

10-21-88

DISPO: REL/DET ONLY/ASCERT EVIDENCE INSUFF

* * * *

ARR/DET/CITE: NAM: 03 DOB: 04-05-1968

10-08-87 CAPD LOS ANGELES

CNT: 01 #19964595-1279235

11352 HAS-TRANS/SELL NARCOTIC CONTRL SUBSTANCE

WFO4 - PERSONAL HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 19964895 LA NUMBER

LA #1: 09048890 AFIS CODE: LAGS 0 LAPD 8

AKA COUNT: 07

SI NAME: SMITH

FIRST: FRANKLIN

MIDDLE:

SUF:

SEX: M RACE: E HAIR: BLK EYES: BRO HGT: 510 WGT: 150 DATE OF BIRTH: 040868

REF: 183 414 517 547 400 CII #: 907737218 DATE LAST PHOTO:

REF: 419 515 517 520 419 FBI #: SUMMARY PROB IND:

LA #1: 19964895 DATE OF BIRTH CNT: 04

PERSON CLASSIFICATION: C-EL #: DRIVER'S LIC CNT: 00

SEC #1: 550 57 3482 500 560 40 CNT: 02

UNDER INVEST. 1:

2:

3:

PHYS SCAR/SCARS/MARKS/TATTOOS: SC LF ARM TAT BACK TAT L SHLD

STREET NO: 8500

CITY:

ST NAME: YUCCA ST

APT: 542

CITY: L A

ST: CA ZIP:

HOW LONG:

YRS

MOS

PREV ADDR CNT: 11

OUTPUT MSG 519:

FROM J030 FOR WMD4

09/24/92 09:35

17-000000

HI04 - TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 19964598 LA NUMBER
MAIN #: 04048890 CII #: A07737718 FBI #: LA #: 19964598
LAST NAME: SMITH FIRST: FRANKLIN MIDDLE: SUF:
CNTL DT ACT

082574 ARR AGY CA0194203 LAPD-SOUTHWEST DIV FILE BKG 7528459
CHG 11359HS LEVEL F POSS MARIJUANA/HASHISH FOR SALE
DISP 000 CASE SP EXP DT CNV CHG1
COURT SENT CNV CHG2
121884 ARR AGY CA0194203 LAPD-SOUTHWEST DIV FILE BKG 7869003
CHG A457PC LEVEL F ATTEMPT BURGLARY
DISP 000 CASE SP EXP DT CNV CHG1
COURT SENT CNV CHG2
100509 DET AGY CA0194203 LAPD-ADM NARC DIV FILE BKG 1050615
CHG 11353HS LEVEL F TRANS SELL NARC CONTROLLED SUBSTANCE
DISP 075 849B(1) PC-DET ONLY/ASCRT EVD INSUF CNV CHG1
000 100509 CASE SP EXP DT CNV CHG2
COURT SENT

PAGE01

HI04 - TRAILER & APPLICANT HISTORY INFORMATION - JDS
SEARCH PARAMETER: NUMBER 19964598 LA NUMBER
MAIN #: 04048890 CII #: A07737718 FBI #: LA #: 19964598
LAST NAME: SMITH FIRST: FRANKLIN MIDDLE: SUF:
CNTL DT ACT

101988 DET AGY CA0194287 LAPD-ADM NARC DIV FILE BKG 1074457
CHG 11352HS LEVEL F TRANS SELL NARC CONTROLLED SUBSTANCE
DISP 075 849B(1) PC-DET ONLY/ASCRT EVD INSUF CNV CHG1
000 102188 CASE SP EXP DT CNV CHG2
COURT SENT
023889 ARR AGY CA0194287 LAPD-ADM NARC DIV FILE BKG 1279235
CHG 11352HS LEVEL F TRANS SELL NARC CONTROLLED SUBSTANCE
DISP 000 CASE SP EXP DT CNV CHG1
COURT SENT CNV CHG2
027889 ARR AGY CA0194287 LAPD-ADM NARC DIV FILE BKG 1279235
CHG LAPC LEVEL M LOS ANGELES MUNICIPAL CODE
DISP 000 CASE 88H1185901 SP EXP DT CNV CHG1
COURT SENT CNV CHG2

PAGE02

HI04 - TRAILER & APPLICANT HISTORY INFORMATION - JDS
SEARCH PARAMETER: NUMBER 19964598 LA NUMBER
MAIN #: 04048890 CII #: A07737718 FBI #: LA #: 19964598
LAST NAME: SMITH FIRST: FRANKLIN MIDDLE: SUF:
CNTL DT ACT

010990 ARR AGY CA0194203 LAPD-HOLLYWD DIV FILE BKG 1783890
CHG 11364HS LEVEL M POSS CONTROLLED SUBS PARAPHERNALIA
DISP 408 -CONVICTED/NOLO CONTENDRE CNV CHG1 11364HS M
000 010992 CASE 90H0006901 SP EXP DT CNV CHG2
COURT 1999 HUD MC SENT 6049 JAIL DEFT COMMU
023090 ARR AGY CA0194203 LAPD-HOLLYWD DIV FILE BKG 1889268
CHG 143,910 LEVEL M FALSE ID TO PEACE OFFICER
DISP 000 CASE SP EXP DT CNV CHG1
COURT SENT CNV CHG2
023090 ARR AGY CA0194203 LAPD-HOLLYWD DIV FILE BKG 1889268

PAGE03

HIO3 - TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 19964595 LA NUMBER

LA #: 04048890 CII #: A07737718 FBI #: LA #: 19964595

LAST NAME: SMITH FIRST: FRANKLIN MIDDLE: SUF:

CNTL DT ACT

052390 DET AGY CA0194241 LAPD-METRO DIV FILE BKG 1908139

CHG 211PC LEVEL F ROBBERY CNV CHG1 497-2PC F

DISP 603 -CONVICTED SP EXP DT CNV CHG2

000 01703 CASE 82015426 SENT PRIS TFT 1 YEAR: 4 MOS/103 DAYS CREDIT

052431 DET AGY CA0194241 LAPD-METRO DIV FILE BKG 2626989

CHG 4530(6)PC LEVEL F PRISON ESCAPE WITHOUT FORCE

DISP 026 REL TO OTHER AGENCY CNV CHG1

000 070891 CASE 8403494001 SP EXP DT CNV CHG2

COURT SENT LASSO

052722 DET AGY CA0194202 LAPD-KANTORT DIV FILE BKG 2888520

CHG 4876(A)PC LEVEL F GRAND THEFT MOTOR VEH/TRAILER/VESSEL

DISP 602 DA REJ/REL/DET ONLY/LACK P/C/EVID CNV CHG1

000 010942 CASE SP EXP DT CNV CHG2

COURT SENT

PAGE04

HIO4 - TRAILER & APPLICANT HISTORY INFORMATION - JDS

SEARCH PARAMETER: NUMBER 19964595 LA NUMBER

LA #: 04048890 CII #: A07737718 FBI #: LA #: 19964595

LAST NAME: SMITH FIRST: FRANKLIN MIDDLE: SUF:

CNTL DT ACT

052092 DET AGY CA0194206 LAPD-HOLLYWD DIV FILE BKG 3080376

CHG 211PC LEVEL F ROBBERY CNV CHG1

DISP 603 DA REJ/REL/DET ONLY/LACK P/C/EVID CNV CHG2

000 052292 CASE SP EXP DT

COURT SENT

ADY FILE BKG

CHG LEVEL CNV CHG1

DISP CNV CHG2

000 CASE SP EXP DT

COURT SENT FILE BKG

CHG LEVEL CNV CHG1

DISP CNV CHG2

000 CASE SP EXP DT

COURT SENT

PAGE05

OUTPUT MSG 613 FROM JD30 FOR HW04 09/24/92 09:26

10

18-00-24-204 TIME: 10:18A

18-00-24-204 TIME: 10:18A

7 PAGES FOR LAW ENFORCEMENT USE ONLY

09/24/92 09:51:53 08870109-00-05 SAN DIEGO

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OUTPUT MSG 689 FROM 0120 FOR HQ41 09/24/92 12:18

- CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.	TYPE OF REPORT	3	BOOKING NO.	DR NO.			
ITEM NO.	QUAN	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE

9/16/92 2100 Hrs

Parry 22622

BRIEF INTERVIEW OF DEBRA JACKSON

9-6-68

1211 N. MCCADDEEN PL # 207

HWS ~~469-1481~~ 465-4657

S12/BLK
139

N.Y. LICENSE 2462910 SS 082582175

M/B HAS BEEN WITH VICT SATURDAY AFTERNOON. CAME TO JACKSON'S DOOR AND BORROWED RUBBING ALCOHOL BOTTLE AND RETURNED TO VICT'S APT. HAD SEEN THIS M/B WITH VICT TWICE.

M/B 18/19 TALL/SCIM ASS NAME "DEVON" DRK COMPLEX, SHORT AFRO, LOOKS LIKE A DRUG USER, SCARY - STATES HE WAS STAYING IN R12 - MED CARE

DET NOTES —

"AYRON" GARRETT ARRD FOR 602/ 245(A) PC ON 9/15/92 AND RELEASED TO PARENT. ARRD FROM INCIDENT AT SAME APT COMPLEX # 202 DR
M/B 6' 185 17 YRS —

2nd interview 9/17/92

Saw him again Monday afternoon, He said Hi and asked if he could come visit. He then started pointing on Beverly Pkwy "BRENDA OPEN THE DOOR, ITS ME."

STATEMENT FORM

Page 1 of 1

Tape No. NONE		DR No. 92-0639640							
Wit. No. 2									
Name FRANKS, MICHAEL H.		Date/Time of Interview 9-16-92 2025	Location of Interview HOLLYWOOD STATION						
Resid. Add. 1102 SOUTH CLARK DRIVE		City LOS ANGELES	Zip Code 90035 Phone 310 288-0197						
Bus. Add. SELF EMPLOYED DIRECTOR/PHOTOGRAPHER		City	Zip Code Phone						
Sex M	Desc. WHT	Hair BLN	Eyes BLU	Hgt. 5-3	Wgt. 110	DOB 04-14-59	Age 33	Drivers Lic. No./Other ID #A9253019	State CA
Interviewing Officer(s) DETECTIVE BASSET								Serial No(s) #13639	Division HWD
Other Person(s) Present									

Statements: Use first person. Include who, what, where, when, why and how.

I knew Brenda in New York (Manhattan), in 1974-1977. I lost track of her until about June 1992. We talked on the phone several times and finally made plans to meet on 9-16-92, at 4:00 PM, at her apartment on McCadden Place. I spoke to her yesterday at 6:00 PM. During the conversations, Brenda did talk about financial problems and moving to New Orleans with her roommate Gina. Today I was running late, so at ten minutes to 4:00 PM, I called, no answer. I called at 4:00 PM and it was busy. I called again and it was busy so I proceeded to Brenda's apartment arriving at 4:30 or 4:40. I rang the bell and there was no answer. I left and went to the photo lab and I called again at 4:45 PM. I returned to her apartment and I ran into Claudia (sister). We talked and I introduced myself. Claudia told me she was Brenda's sister and was concerned about her. She was checking on her. A lady exited the lobby door, so we were able to enter. We went to Brenda's door #212 and heard the dogs barking. We called out to Brenda and tried the door. The light was on at the table by the window. I entered the bedroom and found Brenda on the bed. I saw the drawer on her head. She was nude. Claudia called her mother in New York from the phone and we called the police.

STATEMENT FORM

Tape No.		DR No.	
Wit. No. 3		92-0639640	
Name: LEVY, REGINA		Date/Time of Interview: 9.16.92 2100	Location of Interview: TELEPHONE
Resid. Add.: 850 MARTIN BEHRMAN #16 METAIRIE LOUISIANA		City: METAIRIE	Zip Code: 70005
Bus. Add.: MOTHER (504) 832-1973		City: METAIRIE	Phone: (504) 367-9536
Sex: F	Desc: W	Hair: BRN	Eyes: BRN
Hgt: 5'2	Wgt: 120	DOB: 2-5-59	Age: 33
Drivers Lic. No./Other ID: A9553029		State: CA	
Interviewing Officer(s): DETECTIVE PARRY		Serial No(s): 22622	Division: HUCD
Other Person(s) Present:			

Statements: Use first person. Include who, what, where, when, why and how.

WITNESS LEVY HAD BEEN VICTIM BRENDA FAYE'S ROMATE.

I HAD BEEN LIVING WITH BRENDA FOR THE PAST FOUR YEARS. TWO WEEKS AGO I MOVED TO NEW ORLEANS BECAUSE I WAS GETTING TOO INVOLVED IN CRACK (CRACK).

I WAS TALKING TO BRENDA ON THE PHONE TUESDAY NIGHT (9.15.92) AT ABOUT 10:30 PM (2030 HRS PACIFIC TIME), WHEN SHE SAID THAT SHE HAD TO GO. SHE HAD SAID THAT A BLACK MAN WAS THERE AND THAT HE HAD BEEN THERE BEFORE. HE WAS SURVEILLING HER WITH CRACK. WHEN SHE HUNG UP, WE HAD BEEN TALKING FOR TEN MINUTES. BRENDA SAID SHE WOULD CALL ME BACK. I HAD TOLD HER NOT TO LET THAT ~~BLACK MAN~~ BLACK MAN IN BECAUSE HE WOULD RAPE HER. AFTER HANGING UP, I CALLED HER BACK FIFTEEN MINUTES LATER BUT THERE WAS NO ANSWER. I CONTINUED CALLING BACK EVERY FIFTEEN MINUTES THEREAFTER BUT AGAIN, THERE WAS NO ANSWER.

A FEW DAYS BEFORE THIS I HAD BEEN TALKING TO BRENDA. SHE HAD SAID THAT A MALE WHITE AND A FEMALE WHITE HAD BEEN AT THE APARTMENT AND THEY HAD SMOKED CRACK. THE MALE BLACK (DESCRIBED ABOVE) WAS A FRIEND OF THEIRS. I THINK I'VE MET THIS WHITE-COURED BEFORE, BUT I DON'T REMEMBER THEIR NAMES.

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 1	TYPE OF REPORT				BOOKING NO.	DP NO.	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE

PARMY 22622 9/16/92 2100

LEVY, GINA

504-832-1973 #16
850 MARTIN BEHRMAN
METAIRIE, CA, 70005

LEFT (2) weeks ago.

504) 367-9536

BROWN ROOMATES 4 YRS

LEFT BECAUSE OF HEAVY CRACK USE w/
VICT - TO NEW ORLEANS.

VICT CALLED GINA A FEW DAYS AGO

HE'S MET A MW: ~~HE'S~~ AT APT AND
FLW

SMOKING CRACK. W/IT GINA HAS BEEN w/

THESE TWO PERSONS ONCE BEFORE BUT CAN'T REMEMBER
NAMES.

TALKED TO HER AGAIN LAST NIGHT 7/15/92 ^{2230 NEW cells}
STATES A BLK WM WITH HER WITH WHOM
BEEN THERE BEFORE. HE SUPPLIED HER w/ COCAINE
_{FINE}

GINA → VICT GAY LOVES.

M/S WM FRIENDS OF MW AND FLW.

GINA TALKED w/ VICT FOR 10 MINUTES
AND SAID SHE HAS TO GET W/F PHONE AND
WOULD CALL HER BACK. WOULDNI SAY WHAT
SHE WAS DOING.

BROWN MAN THEN CALLED AND SAID SHE HAD
JUST TALKED TO VICT AND VICT GOT W-F PHONE.

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 2		TYPE OF REPORT				BOOKING NO.	DR NO.
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER # REVOLVER, ETC.)	DOLLAR VALUE

BRENDA NEVER CALLS BACK.

GINA CALLS BRENDA BACK 15 MINUTES LATER AND 15 MIN AFTER UNTIL BED 0030 HRS - CALLS BACK 0230 AM ALSO QUITE A BIT THEREAFTER. NO ANSWER

WIT SAID THE M/B KILLS VICT AND RAPES HER -

COLONCE SAID,

~~RAPES~~ RAPES

PANTS DOWN

DRESSER DRAWER

HER HEAD

BLOOD EVERY WHERE

USE

(INFO CAME FROM COLONCE PAYS)

GINA

F/W

~~SHORT~~

STOCKY

EARLY 30'S
SHORT HAIR
DIRTY BLOOD

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.		TYPE OF REPORT				BOOKING NO.		DR. NO.	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER #, RIFLE, ETC.)			DOLLAR VALUE

LSUJ, GINA TELEPHONIC 9/17/92 1630

M/W STRAIGHT SHOULDER LENGTH DIRTY BLONDE HAIR
 MED HEIGHT, THIN
 DO 22/27

F/W LONG (PAST SHOULDERS) STRAIGHT DIRTY BLONDE
 HAIR 5'9 - THIN 30/35

REDEC, JOHN M/W 26 6'2 200+ SHORT BRN HAIR
 POSS STAYED WITH THE HARRIS' CROWN CUT
~~CLAUDE HAS SEEN HIM AT~~
 AREA FOR 242 ON GINA 7/1/92? MUST/GOTEL?
 AFTER ACC

2 mlaks #209
 JOE HARRIS 26 MAYBE IN CANADA
 5'7
 DAVE HARRIS 30/35 5'9 / 5'10
 EVICTED (2) MONTHS AGO

JOHN REDEC STAYED WITH HARRIS ACOT

VERIFIED INFO HAS PROVIDED IN CLAUDIA KAYE'S
 STATEMENT OF 9/17/92 1550 HRS -

STATEMENT FORM

Tape No. **NONE**
 Wit. No.

DR No.

Name KAYE, CLAUDIA JANE		Date/Time of Interview 9-16-92 1900	Location of Interview HOLLYWOOD	
Resid. Add. 4469 VENTURA CANYON AVE #E206		City SHERMAN OAKS	Zip Code 91423	Phone 818-995-7898
Bus. Add. NONE MESS # 213-957-4802		City <u> </u>	Zip Code <u> </u>	Phone <u> </u>
Sex F	Desc. W	Hair BRN	Eyes BLU	Hgt. 5'2"
Wgt. 110	DOB 12-25-53	Age 38	Drivers Lic. No./Other ID KO1898 93558 878171 53 NY	
Interviewing Officer(s) DET PARRY			Serial No(s) 22622	Division HWD
Other Person(s) Present <u> </u>				

Statements: Use first person. Include who, what, where, when, why and how.

**ADD RESID ADDRESS: 330 W-56th ST #9F
 MANHATTEN N.Y. 10019 (212)977-4077
 SS# 107 34 2199**

I AM BRENDA'S (VICTIM) SISTER. I HAD BEEN LIVING IN NEW YORK UNTIL FEBRUARY 1, 1992 AT WHICH TIME I MOVED TO THE SHERMAN OAKS ADDRESS. SINCE THEN I HAVE BEEN TRAVELING BACK AND FORTH FROM NEW YORK TO HERE.

ON 9-15-92, AFTER A 2 WEEK STAY IN NEW YORK, I RETURNED TO LOS ANGELES. BRENDA HAD TALKED TO MY MOTHER (MIA KLEIN) WHO WAS LIVING IN NEW YORK, ABOUT A WEEK AGO AND REQUESTED THAT WHEN I RETURN, IF I COULD DRIVE HER TO THE AIRPORT. SHE WAS GOING TO SEE HER BROTHER, REGINA LEVY, WHO HAD RECENTLY MOVED TO NEW ORLEANS.

I HAD NOT TALKED TO BRENDA FOR ABOUT A MONTH. SO TODAY (9-16-92), I WHEN I MET THESE FRIENDS MICHAEL FRANK BUT BRENDA WAS NOT AT THE DOOR AND MICHAEL CAME OUT AND SAID DIDNT GO IN THE BECA MY MOTHER AND THE I MY SISTER HAS BEEN

OP LIC. NO.	STATE	NAME (Last name first)	SUFFIX (JR., ETC.)
		KAYE CLAUDIA JANE	
RESIDENCE ADDRESS	CITY	STATE	SEX
4469 VENTURA CANYON AVE #E206	SHERMAN OAKS	CA	F
HEIGHT	WEIGHT	BIRTHDATE	CLOTHING
		12/25/63	
PERSONAL ODDITIES			PHONE NO.
HM ADD IN NY			818-995-7898
BUSINESS ADDRESS/SCHOOL/UNION AFFIL	212 977 4077		SOC. SEC. NO.
330 W/56th ST NY 10019 APT 9F	APT 9F		2 107 34 2199
MONIKER/ALIAS	GANG/CLUB		
SUBJ. INFO.			
1 LOITERER	3 SOLICITOR	5 GANG ACTIVITY	7 ON PAROLE
2 PROWLER	4 HITCHHIKER	6 HAS RECORD	8 ON PROBATION
			<input type="checkbox"/> DRIVER
			<input type="checkbox"/> PASSENGER
YEAR	MAKE	MODEL	TYPE
			L
INSIDE COLOR	INT	1 BUCKET SEATS	2 DAMAGED INSIDE
		1 CUST WHEELS	3 LEVEL ALTER.
		2 PAINTED INSC.	4 RUST PRIMER
		5 CUST PAI	6 VINYL TOI
BODY	1 DAMAGE 3 STICKER	4 LEFT 6 FRONT	WIN-DOWS
	2 MODIFIED	5 RIGHT 7 REAR	1 DAMAGE 3 CURTAINS
			4 LEFT 6 FF
			2 CUST TINT
			5 RIGHT 7 RI

STATEMENT FORM

Page 1 of

Tape No.		DR No.	
Wit. No.			
Name KAYE, CLAUDIA		Date/Time of Interview 9/12/82 1550	Location of Interview TELEPHONIC
Resid. Add.		City	Zip Code Phone
Bus. Add.		City	Zip Code Phone
Sex	Desc.	Hair	Eyes Hgt. Wgt. DOB Age Drivers Lic. No./Other ID State
Interviewing Officer(s)		Serial No(s) Division	
Other Person(s) Present			
Statements: Use first person. Include who, what, where, when, why and how.			

ON THIS DATE AND TIME, WIT CLAUDIA KAYE TELEPHONED ME WITH ADDITIONAL INFORMATION. SHE STATED:

I TALKED TO GINA (VICT'S EX ROMANTIC LOVER GINA LEVY) ON THE PHONE JUST A SHORT TIME AGO. SHE TOLD ME THAT WHEN SHE HAD TALKED TO BRENDA (VICT KAYE) ON THE PHONE TUESDAY NIGHT, BRENDA HAD TOLD HER THAT A MALE BLACK WAS WITH HER AND TURNING HER ON TO CRACK. BRENDA TOLD GINA THAT THIS MALE BLACK WAS A GUY SHE KNEW: TO BE A FRIEND OF THE WHITE GUY THAT WAS HERE THE OTHER DAY.

JOHN REEDER WAS A FRIEND OF (2) BLACK GUYS WHO HAD BEEN EVICTED FROM APT 209. THIS IS NOT THE SAME WHITE GUY AS WAS WITH THE W.I.F. REEDER HAD BEAT GINA (GINA LEVY) UP A WHILE BACK

I HAD ALSO TALKED TO THE MIB LIVING DOWN THE HALL FROM BRENDA AFTER DISCOVERING HER BODY. THIS MIB (DEBRA JACKSON) TOLD ME ABOUT THE MIB BECOMING ROAMING ACCORDING FROM HER OVER THE WEEKEND AND ALSO SEEING HIM A DAY OR TWO LATER. THIS GUY MAY HAVE BEEN STAYING WITH BRENDA

MICHAEL FRANKS (OTHER MIB) TOLD ME TODAY THAT HE HAD BEEN TO BRENDA'S APT EARLIER ON TUESDAY AND HAD RETURNED WHEN HE MET ME. I THOUGHT THIS WAS ODD. HE TOLD ME TODAY THAT HE WENT BACK TO THE APT (LIVING) TODAY TO SEE WHAT

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.	TYPE OF REPORT CLAUDIA KAYE 9/12/92 CONTINUED				BOOKING NO.	DR NO.	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

WAS GOING ON. I DON'T KNOW WHY HE WOULD BE DOING THAT

WHILE I AND MICHAEL (FRANKS) WERE AT THE APARTMENT THE ABOVE NEVER RANG. I USED THE PHONE TO CALL MY MOTHER AND MICHAEL ALSO USED THE PHONE TO TALK TO HER.

CLAUDIA KAYE

CALLS BACK ON 9.18.92 1230 HRS TO INFORM THAT VICTIM ALWAYS WORE A GOLD RING WITH GOLD RAISED LETTERS "FO" - ~~THEY ARE LOCATED~~. THEY CAN'T FIND THIS RING.
 ↓ RECTANGLE SHAPE

CLAUDIA KAYE

CALLS BACK ON 9/21/92 TO INFORM THAT SHE HAS BEEN TO VICT'S APT AND FOUND THAT THE FOLLOWING ITEMS OF VICTIMS ARE MISSING.

- 1) BLK LEATHER MOTORCYCLE JACKET WITH PAINTED PICTURE OF EDDIE COCKRAN ON BACK ALSO "LONDON ENGLAND" PRINTED ON BACK SIZE 36 ALSO HAS METAL STUDS OR WHT STUDS
- 2) GENERAL ELECTRIC STEREO W/ TURN TABLE

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.		TYPE OF REPORT				BOOKING NO.		DR. NO.	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)			DOLLAR VALUE

~~ANNA CLINE~~ MOTHER

MIA KLEIN MOTHER 212-289-4359

(Vict) KAYE, BRENDAN GEORGETTE 6.23.59

WIT KAYE, CLAUDIA

9/16/92 1900 (had STA PARRY 22622

WIT BACK AND FORTH FROM N.Y. TO L.A.

MOVED FROM N.Y. 2/1/92 TO STEWART OAKS BUT HAS BEEN BACK AND FORTH SINCE.

HAD BEEN IN N.Y. FOR PAST (2) WEEKS CAME BACK 9/15/92 EVERY WED. HAS NOT TALKED TO SISTER ABOUT (1) MONTH AGO WHILE VICT IN JAIL.

(1) WEEK AGO, VICT CALLED VICT RESID IN N.Y. AND TALKED TO MOTHER MIA KLEIN. VICT STATED THAT HER ROOMMATE HAD MOVED TO NEW ORLEANS AND WOULD WIT CLAUDIA KAYE BE IN L.A. TO TAKE HER TO THE AIRPORT.

ON 9/16/92 MOTHER MIA KLEIN

#6808

LOS ANGELES POLICE DEPARTMENT
ANALYZED EVIDENCE REPORT

Page 1 of 1

DR. NO. 92-08-39640	DATE & TIME OF OCCURRENCE 8-15-82	TYPE OF INVESTIGATION 187 P.C.	AREA OF OCCURRENCE HOLLYWOOD
S. REQUESTED 1 PARE SUSPECT BLOOD vs. BLOODSTAINS ON CLOTHING PREVIOUSLY TYPED			
BOOKED TO: E, BRENDA	<input type="checkbox"/> ARRESTEE	<input checked="" type="checkbox"/> VICTIM	<input type="checkbox"/> OTHER
LOCATION EVID. BOOKED: S.I.D. / E.C.U.	REQUESTING PARRY	SERIAL NO. #22622	DIVISION HWD HOMICIDE
PHONE NO. EXT. x56410	CORONER NO. 92-08504		

- SID USE ONLY -

I, undersigned, am prepared to testify that I am a CRIMINALIST employed by the
 Angeles Police Department; that I did on the 28th day of DECEMBER, 19 92 obtain
SCIENTIFIC INVESTIGATION DIVISION / EVIDENCE CONTROL UNIT evidence consisting of:

ITEM #41 - TWO PURPLE CAP TUBES, EACH LABELED "DEVON, ALAN: 3239-520"

I did make an examination and analysis of this evidence and in my opinion: The evidence item described above exhibited the following results:

ITEM	ABO	EsD	EAP	ADA	AK	Qc
"Devon, Alan" blood	Type "O"	Inc.	B	1	1	2

= Inconclusive

#41 - ("Devon, Alan" blood) was submitted for blood analysis and comparison to the bloodstains on Items #20 (windbreaker), #21 (shirt), and #22 (jeans) - see Analyzed Evidence Report dated 9-22-82. The blood on Items #20 (windbreaker) and #21 (shirt) could have come from "Devon, Alan", "Kaye, Brenda" or any other individual exhibiting the same combination of genetic marker types. The blood on Item #22 (jeans) could have come from "Devon, Alan" or any other individual exhibiting the same combination of genetic marker types. The blood on Item #22 (jeans) could not have come from "Kaye, Brenda".

0251

LOS ANGELES POLICE DEPARTMENT
ANALYZED EVIDENCE REPORT

DR. NO.
 92-00-39000
 AREA OF OCCURRENCE
 HOLLYWOOD

13000 (P. 3/87)
 Page 1 of 2

DATE 9-22-92	TYPE OF INVESTIGATION 157 P.C.	DATE & TIME OF OCCURRENCE 9-15-92	AREA OF OCCURRENCE HOLLYWOOD
ANALYSIS REQUESTED ITEMS #19 - 23 FOR BLOOD / TYPED vs. VICTIM			
EVIDENCE BOOKED TO: KAYE, BRENDA			LOCATION EVID. BOOKED: S.I.D./E.C.U.
OFFICER REQUESTING DET. PARRY			CORONER NO. 92-08504
SERIAL NO. #22822		DIVISION HWD HOMICIDE	PHONE NO. EXT. x55410
<input type="checkbox"/> ARRESTEE		<input checked="" type="checkbox"/> VICTIM	
<input type="checkbox"/> OTHER			

- SID USE ONLY -

I, the undersigned, am prepared to testify that I am a CRIMINALIST employed by the Los Angeles Police Department; that I did on the 25th day of SEPTEMBER, 19 92 obtain from SCIENTIFIC INVESTIGATION DIVISION / EVIDENCE CONTROL UNIT evidence consisting of:

- ITEM #19 - ONE JACKET, BLACK LEATHER, "SAX FIFTH AVENUE" BRAND.
- ITEM #20 - ONE WINDBREAKER, BLACK, GREEN AND PURPLE IN COLOR, "LAVON SPORTS WEAR" BRAND.
- ITEM #21 - ONE SHIRT, RUST COLORED, "EQUIPMENT" BRAND.
- ITEM #22 - ONE PAIR JEANS, GOLDEN YELLOW IN COLOR, "JNCO" BRAND.
- ITEM #23 - ONE PAIR LOAFERS, BLACK WITH COAT OF ARMS DESIGN ON TOE, "BUFFALINO" BRAND.
- ITEM #25 - ONE CORONER'S SWATCH WITH ATTACHED CARD LABELED "00 #92-08504; KAYE, BRENDA".

That I did make an examination and analysis of this evidence and in my opinion: Human blood was detected on items #20 (windbreaker), #21 (shirt) and #22 (jeans). Blood was not detected on items #19 (leather jacket) and #23 (loafers). The evidence items described above exhibited the following results:

ITEM	PHENO	HUMAN	ABO antigen activity	EsD	EAP	ADA	AK	Gc	FREQ
#19 (leather jacket)	(-)								
#20A (windbrkr, back)	+	+	H	Ins.	Ins.	Ins.	Ins.	Ins.	48 in 100
#20B (windbrkr, liner)	+	+	H	Ins.	Ins.	Ins.	Ins.	Ins.	48 in 100
#21A (shirt, lt. back)	+	+	H	NA	NA	1	NA	Ins.	45 in 100
#21B (shirt, rt. back)	+	+	H	NA	NA	Inc.	NA	Ins.	48 in 100
#22 (jeans, lt. pocket)	+	+	H	1	B	1	1	2	8 in 1000
#23 (loafers)	(-)								
#25 "Kaye, Brenda" blood			Type "O"	1	BA	1	1	2	---

Phenolphthalein = the presumptive test for blood; Human = human species test; FREQ = frequency, the approximate number of people in a given quantity of the general population exhibiting this item's type(s) - assuming the stain is not a mixture.

CONTINUED

272		ANALYZED EVIDENCE REPORT			BOOKING NO.	DR. NO.	
						92-06-39840	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	M.S.C. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE

The statistical data is derived from blood samples analyzed by the LAPD Serology Section. Inc. = Inconclusive; Ind. = Indicative of; Ins. = Insufficient sample for analysis; NA = No Activity; NT = Not Tested.

The blood on Items #20, stains "A" and "B" (windbreaker) and #21, stain "B" (shirt) could have come from "Kaye, Brenda" or any other individual with ABO type "O" blood. In addition, the blood on Item #21, stain "A" (shirt) could have come from "Kaye, Brenda" or any other individual with the same combination of genetic marker types.

The blood in the left pocket of Item #22 (jeans) could not have come from "Kaye, Brenda".

LOS ANGELES POLICE DEPARTMENT
ANALYZED EVIDENCE REPORT

LABORATORY NO. SC#6808	DATE 16 Dec 92	TYPE OF INVESTIGATION 187 D.C.	DATE & TIME OF OCCURRENCE 15 Sep 92	DR. NO. 92 06 39540
TESTS REQUESTED				AREA OF OCCURRENCE Hollywood

Type and compare seminal fluids (previously detected and reported) with Alan Devon.

EVIDENCE BOOKED TO: Kaye, Brenda	<input type="checkbox"/> ARRESTEE	<input checked="" type="checkbox"/> VICTIM	<input type="checkbox"/> OTHER	LOCATION EVID BOOKED: ECU/SID
OFFICER REQUESTING: Det Parry	SERIAL NO. 22622	DIVISION HWD	PHONE NO. 213/4856410	EXT. CORONER NO. 92 08504

- SID USE ONLY -

I, the undersigned, am prepared to testify that I am a CRIMINALIST employed by the Los Angeles Police Department; that I did on the 22nd day of December, 1992 obtain from ECU/SID evidence consisting of:

- Item #39E: Two (2) vaginal swabs.
- Item #39F: Two (2) external genital swabs.
- Item #26: One (1) whole blood swatch—"Brenda Kaye."
- Item #41: Two (2) vials of whole blood—"Alan Devon."
- Item #42: Two (2) saliva swabs—"Alan Devon."

That I did make an examination and analysis of this evidence and in my opinion: THE ABOVE DESCRIBED EVIDENCE EXHIBITED THE FOLLOWING RESULTS:

ITEM	SEMEN PRESENT	ABO ANTIGENIC ACTIVITY	PGM	PGM SUBTYPE	PEP-A
39E	Yes	N/A	1	1+	INC
39F	Yes	N/A	N/A	N/A	N/A
26		O	1	1+	INC
41		O	1	1+	1
42		H			

"N/A" = NO ACTIVITY; "INC" = INCONCLUSIVE.

--CONTINUED--

CONTINUATION SHEET

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Los Angeles Police Department

PAGE NO. 2	TYPE OF REPORT ANALYZED EVIDENCE	BOOKING NO.	DP NO. 92 06 39640				
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	DESC. DESCRIPTION (ISS. CO., SERIAL, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE

SUMMARY:

(What appears below is supplemental to an Analyzed Evidence Report, same DR#, filed on 25 Nov 92.)

Item #39E: Results indicate that the vaginal swabs bear no detectable ABO(H) antigens. For a lack of ABO(H) antigens, no statement can be made about the antigenic activity of the semen found on the vaginal swabs.

However, results indicate that the vaginal swabs bear phosphoglucomutase (PGM) type "1" enzymes. Brenda Kaye has been determined to possess PGM type "1" enzymes. This means that the PGM type "1" enzymes detected on the vaginal swabs are not foreign and could have originated with her. Therefore, for a lack of a foreign type, no statement can be made regarding the PGM type of the semen donor.

Similarly, the phosphoglucomutase subtype (PGM SUBTYPE) enzyme assay revealed that the vaginal swabs bear "1+" PGM SUBTYPE enzymes. Brenda Kaye has been determined to possess type "1+" PGM SUBTYPE enzymes. This means that the "1+" PGM SUBTYPE enzymes detected on the vaginal swabs are not foreign and could have originated with her. Therefore, for a lack of a foreign type, no statement can be made regarding the PGM SUBTYPE of the semen donor.

Due to a lack of Peptidase-A (PEPA) enzyme activity from the whole blood sample provided by Brenda Kaye, no statement can be made about the PEPA type of the semen present on the vaginal swabs.

Item #39F: Due to a lack of detectable ABO(H) antigens, PGM enzymes, and PEPA enzymes, no statement can be made about these types possibly contributed by the semen donor.

William L. Moore

ES199

1 1 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
2 2 TRUTH, SO HELP YOU GOD.

3 3 THE WITNESS: I DO.

4 4 THE CLERK: PLEASE BE SEATED. AND PLEASE STATE
5 5 AND SPELL YOUR FULL NAME FOR THE RECORD.

6 6 THE WITNESS: WILLIAM MOORE. W-I-L-L-I-A-M,
7 7 MOORE, M-O-O-R-E.

8 8 THE COURT: MR. MOORE, YOU CAN PULL UP THE
9 9 MICROPHONE. I DON'T KNOW HOW HIGH IT GOES UP, YOU'RE
10 10 PRETTY TALL IN THE SADDLE.

11 11 THERE IS GOING TO BE SOME QUESTIONS ABOUT A
12 12 CASE THAT ORIGINATED LAST YEAR.

13 13 IF THERE IS SOMETHING YOU DON'T REMEMBER
14 14 ABOUT IT, LET THE QUESTIONER KNOW THAT YOU DON'T
15 15 REMEMBER, RATHER THAN TRY TO FILL IN ANY GAPS.

16 16 AND IF YOU DON'T UNDERSTAND THE QUESTION,
17 17 HAVE THEM REPEAT IT FOR YOU.

18 18 OKAY?

19 19 THE WITNESS: THANK YOU.

20 20 THE COURT: MISS DELGADILLO.

21 21 MS. DELGADILLO: THANK YOU.

22
23
24 DIRECT EXAMINATION +

25
26 BY MS. DELGADILLO:

27 Q MR. MOORE, COULD YOU PLEASE STATE YOUR
28 OCCUPATION AND ASSIGNMENT?

1 A I'M A CRIMINALIST WITH THE LOS ANGELES
2 POLICE DEPARTMENT, CURRENTLY ASSIGNED TO THE FORENSIC
3 SEROLOGY UNIT OF THE SCIENTIFIC INVESTIGATION DIVISION.

4 Q HOW LONG HAVE YOU BEEN A CRIMINALIST WITH
5 THE POLICE DEPARTMENT?

6 A APPROXIMATELY NINE AND A HALF YEARS.

7 Q COULD YOU PLEASE DESCRIBE YOUR BACKGROUND,
8 TRAINING, AND EXPERIENCE WITH RESPECT TO THAT FIELD?

9 A I POSSESS A BACHELOR OF ARTS DEGREE IN
10 BIOLOGY FROM THE SAN DIEGO PREMED SCHOOL CURRICULUM.

11 I COMPLETED SUCH COURSES AS HUMAN ANATOMY,
12 HUMAN PHYSIOLOGY, GENETICS, AND A VARIETY OF OTHER
13 BIOLOGY COURSES REQUIRED TO OBTAIN MY DEGREE, AND
14 CERTAIN OTHER COURSES IN CHEMISTRY AND PSYCHOLOGY.

15 AFTER A BRIEF STINT AS A QUALITY ASSURANCE
16 CHEMIST WITH A PLASTIC MANUFACTURING FIRM, I JOINED THE
17 LOS ANGELES POLICE DEPARTMENT, SCIENTIFIC INVESTIGATION
18 DIVISION, WHERE I WAS INITIALLY ASSIGNED TO THE
19 NARCOTICS ANALYSIS UNIT.

20 AFTER APPROXIMATELY TWO YEARS IN THAT
21 CAPACITY, I JOINED THE ANALYSIS UNIT WHERE MUCH OF MY
22 TIME WAS OCCUPIED IN THE ANALYSIS OF BLOOD AND URIN
23 SPECIMENS FOR ALCOHOLIC CONTENT; AND IN SUCH INSTANCES
24 REQUIRED TO GIVE TESTIMONY IN COURT.

25 IN DECEMBER OF 1991, I JOINED THE FORENSIC
26 SEROLOGY UNIT WHERE I SUBSEQUENTLY RECEIVED TRAINING IN
27 THE ANALYSIS OF SEXUAL ASSAULT KIT EVIDENCE, AND LATER
28 THE TRAINING IN THE ANALYSIS OF HUMAN BLOOD.

1 1 IN BOTH INSTANCES, THAT TRAINING INCLUDED
2 IDENTIFICATION OF VARIOUS ENZYME TYPES, USEFUL TO
3 FORENSIC SCIENCE, AS WELL AS THE DETECTION OF A B O
4 TYPES IN THESE EVIDENTIARY ITEMS.

5 Q AND HAVE YOU EVER TESTIFIED AS AN EXPERT
6 WITH RESPECT TO YOUR EXPERTISE IN THE ANALYSIS OF BLOOD?

7 A YES.

8 Q HOW MANY TIMES?

9 A MORE SPECIFICALLY, I'VE TESTIFIED TO
10 EVIDENCE RELATED TO SEXUAL ASSAULT KITS.

11 I'VE TESTIFIED ON TWO OCCASIONS. I HAVE
12 YET TO TESTIFY SPECIFICALLY ON EVIDENCE RELATED TO
13 BLOODSTAINS.

14 THE COURT: DO YOU WANT TO PUT THE MICROPHONE
15 UP A LITTLE HIGHER. SO YOU CAN AMPLIFY YOUR VOICE A
16 LITTLE BIT MORE.

17 THE WITNESS: (THE WITNESS COMPLIES.)

18 THANK YOU.

19 Q BY MS. DELGADILLO: WHEN YOU TALK ABOUT A
20 SEXUAL ASSAULT KIT, WHAT IS THAT?

21 A THE STATE OF CALIFORNIA, OFFICE OF CRIMINAL
22 JUSTICE PLANNING, SET FORTH ON A PROJECT TO DEVELOP A
23 STANDARD PROCEDURE AND PROTOCOL FOR THE COLLECTION OF
24 SEXUAL ASSAULT EVIDENCE, IN OTHER WORDS, THE MANNER IN
25 WHICH VAGINAL SWABS AND OTHER GENETALIA, SWABS AND
26 SLIDES, ARE PREPARED FOR EXAMINATION BY A CRIMINALIST
27 SUCH AS MYSELF.

28 THIS SPECIFICALLY WAS SET FORTH FOR LIVING

1 VICTIMS, BUT MUCH OF THE VICTIM PROTOCOL IS EMPLOYED FOR
2 DECEDENTS.

3 Q AND THE SEXUAL ASSAULT KITS THAT ARE USED
4 ON DECEDENTS, THAT'S DONE BY THE CORONER'S OFFICE?

5 A THEY PREPARE THESE KITS. YES.

6 Q WHAT DO THESE KITS CONSIST OF?

7 A ORDINARILY, A CORONER'S SEXUAL ASSAULT KIT
8 WILL CONSIST OF VAGINAL SWABS, AND THE ACCOMPANYING
9 VAGINAL SLIDES, WHICH IS A SMEAR OF THAT SWAB ON A GLASS
10 PLATE, SUITABLE FOR VISUALIZATION UNDER A MICROSCOPE,
11 EXTERNAL GENETALIA SWABS AND SLIDES, RECTAL SWABS, AND
12 SLIDES, BREAST NIPPLE SWABS, AND BODY CONTROL SWABS, AND
13 ORAL SWABS, AND SLIDES AS WELL.

14 Q AND WITH RESPECT TO -- GOING BACK TO
15 SEPTEMBER 15 OF 1992, WERE YOU WORKING IN THAT CAPACITY
16 THAT YOU JUST DESCRIBED?

17 A YES.

18 Q AND DID YOU RECEIVE A SEXUAL ASSAULT KIT
19 FROM A D. R. NUMBER, AT LEAST CRIME REPORT EVIDENCE
20 NUMBER 92-06396402 WITH THE EVIDENCE BOOKED TO ONE
21 BRENDA KAYE?

22 A YES.

23 Q DID YOU PERFORM AN ANALYSIS OF THAT KIT?

24 A YES, I DID.

25 Q IN DOING SO, DID YOU DETECT ANY, OR COULD
26 YOU DESCRIBE THE A B O TYPE AND ENZYME TYPES OF THE
27 ANALYSIS OF BRENDA KAYE?

28 A MAY I SEE MY ANALYZED EVIDENCE REPORT,

2 1 THE COURT: THE PURPOSE OF THIS EVIDENCE IS THE
2 2 ANALYSIS OF BLOOD AND SEMEN. IS THAT CORRECT?

3 3 MS. DELGADILLO: YES.

4 4 AND I WOULD MARK THAT AS PEOPLE'S 22, AS
5 5 THE ANALYZED EVIDENCE REPORT THAT WE'LL BE REFERRING TO.

6 6 AND I'LL MARK THAT JUST FOR IDENTIFICATION
7 7 SO WE WILL BE REFERRING TO --

8 8 THE COURT: THE EVIDENCE REPORT IS BEING MARKED
9 9 RIGHT NOW AS NUMBER 22, MARKED FOR IDENTIFICATION ONLY.

10 10 THE WITNESS: AS DESCRIBED IN MY ANALYZED
11 11 EVIDENCE REPORT --

12 12 MR. ROTHMAN: EXCUSE ME, YOUR HONOR.

13 13 MAY I MAKE A DETERMINATION AS TO WHETHER
14 14 THE WITNESS IS REFRESHING HIS MEMORY, OR WHETHER HE'S
15 15 READING FROM THE REPORT?

16 16 THE COURT: YES. THAT'S A GOOD OBJECTION.

17 17 IF YOU'RE GOING TO READ, LET US KNOW YOU'RE
18 18 GOING TO DO THAT. AND THE MAIN PURPOSE OF THE RECORDS
19 19 WAS TO REFRESH YOUR RECOLLECTION.

20 20 IF YOU CAN'T REMEMBER ON YOUR OWN, YOU'RE
21 21 TO LOOK AT THE RECORDS AND SEE IF THAT REFRESHES YOUR
22 22 MEMORY. IF IT DOES NOT, THEN YOU CAN TAKE THE NEXT STEP
23 23 TO READ IT.

24 24 BUT SHE'S GIVING YOU THE RECORDS FOR THE
25 25 PURPOSES OF JOGGING YOUR MEMORY, IN LAY TERMS, TO SEE IF
26 26 YOU LOOK THEM OVER FIRST, TO SEE IF YOU CAN TESTIFY ON
27 27 YOUR OWN FROM THEM AFTERWARDS.

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(SLIGHT PAUSE.)

THE WITNESS: MY MEMORY IS REFRESHED.

Q BY MS. DELGADILLO: THANK YOU.

MR. MOORE, YOU, IN FACT, DID THE ANALYSIS ON BRENDA KAYE, DID YOU NOT?

A THAT'S CORRECT.

Q CAN YOU DESCRIBE HER, OR IF YOU DID THE ANALYSIS, OR ENZYME, A B O, AND ENZYME TYPES?

A AS DETERMINED FROM THE BLOOD SAMPLE RECOVERED FROM THE CORONER'S OFFICE, BRENDA KAYE POSSESSED TYPE O BLOOD.

THE ONE ENZYME TYPE THAT WAS SUCCESSFULLY ANALYZED FOR IS KNOWN AS PHOSPHOGLUCOMUTASE, SUB-TYPE.

THE COURT: CAN YOU SPELL THAT FOR THE REPORTER?

THE WITNESS: CERTAINLY.

P-H-O-S-P-H-O-G-L-U-C-O-M-U-T-A-S-E, SUB-TYPE, COMMON SPELLING, A-P-M-G FOR SHORT, SUB-TYPE OF ONE PLUS.

THE COURT: THAT WORD, WHEN YOU SAY P G M, THAT'S SHORT FOR THE WORD YOU JUST SPELLED THAT HAD ABOUT TWELVE OR 13 LETTERS IN IT?

THE WITNESS: YES, SIR.

Q BY MS. DELGADILLO: DID YOU DETERMINE ANY A B O OR ENZYME TYPES FROM THE SEXUAL ASSAULT WITNESS?

A YES, I DID.

Q AND WHERE DID YOU DETERMINE IT?

A AGAIN, REFRESHING MY MEMORY, ^{W+S} DETERMINED THAT THE ORIGINAL SWABS BORE PGM SUB TYPE

ONE PLUS ACTIVITY

~~ONE PLUS ACTIVITY~~

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THERE WAS NO A B O ANTIGENIC ACTIVITY
DETECTED FROM THAT SWAB.

Q IN THE SEXUAL ASSAULT KIT, DID YOU
DETERMINE WHETHER THERE WAS ANY SEMEN?

A YES.

Q AND WHERE WAS THAT FOUND?

A THE SEMEN WAS DETECTED ON THE VAGINAL SWABS
AND THE EXTERNAL GENETALIA SWABS, AS WELL AS THE
ASSOCIATED SLIDES, IF MY RECOLLECTION IS CORRECT.

Q AND DID YOU FIND ANY GENETIC MARKERS TO BE
FOREIGN TO BE BRENDA KAYE WITH RESPECT TO THAT SEMEN?

A NO.

Q. DID YOU PERFORM A BLOOD ANALYSIS OF THE DEFENDANT
ALLAN DEVON IN THIS CASE?

A. YES I DID.

Q. AND WHAT TYPE ABO AND ENZYME MARKERS DID YOU FIND FOR THE
DEFENDANT, IF ANY?

A. IT WAS DETERMINED, AGAIN REFRESHING MY MEMORY, THAT MR. DEVON
ALSO POSSESSED TYPE O BLOOD, WITH PGM SUB-TYPE ACTIVITY OF ONEPLUS.

MS. DELGADILLO: I HAVE NO FURTHER QUESTIONS.

THE COURT; JUST TO GET IT CLEAR, HER BLOOD TYPE CAME BACK O,
HIS BLOOD TYPE CAME BACK O/

A. YES SIR.

THE COURT; THE VAGINAL SWABS, YOU GOT THE SAME RESULTS,
ONE PLUS AND O, OR YOU COULD NOT GET ANY BLOOD TYPE ON
THE SEMEN?

THERE WAS NO ABO ANTIGENIC

THE WITNESS: [REDACTED]
ACTIVITY DETECTED ON THE VAGINAL SWABS

THE COURT: WHAT DOES THAT MEAN, THERE IS NO A B O ACTIVITY?

THE WITNESS: IT COULD MEAN A NUMBER OF THINGS.

IT COULD MEAN THAT IN BRENDA KAYE'S SECRETIONS SUCH AS VAGINAL SECRETIONS, THERE WERE NO A B O ANTIGENS PRESENT.

IN OTHER WORDS --

THE COURT: ASIDE FROM HER, I JUST WANT AN OVERALL, WHAT DOES THAT TERM MEAN?

BECAUSE IF I DON'T KNOW, A LOT OF THE JURORS, MAYBE SOME OF THEM KNOW, BUT OTHERS DON'T KNOW. AND THEY ARE THE TRIER OF FACT.

SO WHEN YOU SAY THERE IS NO A B O ACTIVITY, WHAT DOES THAT MEAN IN CHEMISTRY TALK THAT A LAY PERSON CAN UNDERSTAND?

THE WITNESS: THERE ARE TWO DIFFERENT TYPES OF INDIVIDUALS, RELATING TO THE APPEARANCE OF A B O ANTIGENS IN SECRETIONS. THERE ARE SECRETORS AND NONSECRETORS.

APPROXIMATELY EIGHTY PERCENT OF THE POPULATION WILL SECRETE THESE A B O ANTIGENS IN THAT SPERM, SWEAT, THEIR SALIVA, THEIR VAGINAL SECRETIONS, AND OTHER FLUIDS THAT COME FROM THE BODY, BESIDES BLOOD.

THE OTHER 20 PERCENT DO NOT SECRET THESE ANTIGENS INTO THESE FLUIDS, AND THUS THEY ARE NOT EXPECTED TO BE DETECTED.

3
 1 IN THIS CASE, IT COULD MEAN THAT BRENDA
 2 KAYE WAS A NONSECRETOR, THE SEMEN DONOR WAS A
 3 NONSECRETOR, AND IT DILUTED HER ANTIGENS TO THE POINT
 4 THAT THEY WERE NOT DETECTED WITHIN THE SCOPE OF THIS
 5 TEST.

6 THE COURT: THANK YOU.

7 OKAY, MR. ROTHMAN. CROSS-EXAMINATION.

8 MR. ROTHMAN: THANK YOU.

9
 10
 11 CROSS EXAMINATION +

12
 13 BY MR. ROTHMAN:

Q. MR. MOORE, IS THERE ANYTHING IN ANY TEST
 THAT YOU HAVE PERFORMED, OR ANY EVIDENCE THAT YOU HAVE
 OBTAINED, THAT CONNECTS ANYTHING IN THE VICTIM'S BODY
 WITH MY CLIENT, OR ANY OTHER INDIVIDUAL.

A. NO

Q. WOULD IT BE A FAIR STATEMENT THAT THE STATE
 OF THE EVIDENCE AT THIS POINT IS THAT ALL YOU CAN SAY
 FOR CERTAINTY WAS THAT THERE WAS SPERM FOUND INSIDE HER
 BODY?

A. YES

22
 23 A [REDACTED]

24 Q AND DO YOU HAVE ANY WAY OF KNOWING HOW LONG
 25 THAT PARTICULAR FLUID THAT CONTAINS SPERM HAD BEEN IN
 26 HER BODY?

27 A NO.

28 Q WHAT ARE THE PARAMETERS, IF YOU KNOW, WITH

3
1 RESPECT TO TIME?

2 A IF A WOMAN HAS HAD SEXUAL INTERCOURSE, AND
3 SUBSEQUENT TO THAT SEXUAL INTERCOURSE SHE'S LIVING,
4 BREATHING, GOING ABOUT HER BUSINESS IN A NORMAL WAY,
5 SPERM CELLS DEPOSITED BY A MAN COULD BE DETECTED AS LONG
6 AS THREE DAYS AFTER THE SEXUAL INTERCOURSE.

7 HOWEVER, IF A WOMAN IS MURDERED, FOR
8 EXAMPLE, IMMEDIATELY AFTER THE SEXUAL ACT, THEN SEMEN
9 COULD BE DETECTED FOR A MUCH LONGER PERIOD OF TIME, DUE
10 TO THE FACT THAT SHE'S NOT MOVING AROUND, THERE IS NO
11 DRAINAGE OF THE FLUID, THERE IS NO MENSTRUAL ACTIVITY,
12 THINGS OF THAT NATURE.

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3 1 Q ALL RIGHT.

2 SO IN THIS CASE, OBVIOUSLY, YOU WOULDN'T
3 HAVE ANY WAY OF KNOWING WHEN THE ACTS OF SEXUAL
4 INTERCOURSE TOOK PLACE THAT PRODUCED THE SPERM YOU FOUND
5 IN HER BODY.

6 WOULD THAT BE A FAIR STATEMENT?

7 A THAT'S CORRECT.

8 Q. NOW ARE YOU FAMILIAR WITH THE TERM D N A TESTING/
9 A. YES

10
11 Q WHAT IS IT IN ITS SIMPLY TERMS, IF YOU CAN
12 EXPLAIN IT TO THE JURY AND ME?

13 A D N A IS SHORT FOR DEOXYRIBONUCLEIC ACID.

14 THE COURT: CAN YOU SPELL THAT? THE LAST WORD
15 YOU GAVE US WAS 18 LETTERS?

16 THE WITNESS: I KNOW. IT IS AWFUL.

17 THE COURT: WELL, SHE JUST HAS TO TAKE A GUESS
18 UNLESS YOU SPELL IT FOR THE RECORD.

19 THE WITNESS: D-E-O-X-Y-R-I-B-O-N-U-C-L-E-I-C
20 ACID, A-C-I-D, TWO WORDS. AND --

21 THE COURT: YOU DIDN'T THINK YOU WERE COMING TO
22 A SPELLING TEST TODAY, DID YOU?

23 THE WITNESS: I'M GOING TO PREPARE AN APPENDIX
24 TO HAND TO ALL COURT REPORTERS, I BELIEVE.

25 THE COURT: THANK YOU.

26 MR. ROTHMAN.

27 Q. BY MR. ROTHMAN; WHAT IS THE FUNCTION OF D N A/ WHAT DOES
28 IT MEAN IN LAY TERMS?

4 1 A YES.

2 MR. ROTHMAN: THANK YOU.

3 I HAVE NOTHING FURTHER.

4 THE COURT: THANK YOU.

5 ANY REDIRECT?

6
7
8 REDIRECT EXAMINATION +

9
10 BY MS. DELGADILLO:

11 Q -- AND THE SEMEN WAS CONNECTED WITH THE
12 ANTIGEN C P M, OR ONE PLUS?

13 A ONE PLUS.

14 Q IS THAT A DISTINCT SUB-TYPE?

15 A YES, IT IS.

16 Q AND WITH ARE RESPECT TO THE BLOOD TYPE, CAN
17 YOU TELL A BLOOD TYPE SUCH AS AN O, AN O, JUST FROM
18 LOOKING AT THE SEMEN?

19 A SEMINAL FLUIDITY, IF IT ORIGINATES WITH A
20 SECRETOR, AS PREVIOUSLY DESCRIBED WILL HAVE WITHIN IT
21 THOSE ANTIGENS SUITABLE FOR TYPING. YES.

22 MS. DELGADILLO: I HAVE NO FURTHER QUESTIONS.

23 MR. ROTHMAN: VERY BRIEFLY.
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RECROSS EXAMINATION

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3 BY MR ROTHMAN:

4 Q I GET EASILY CONFUSED. WHAT DOES THAT
5 MEAN? EXPLAIN YOUR LAST ANSWER, WHAT IT MEANS, PLEASE.

6 A IT MEANS THAT IF A B O ANTIGENS ARE PRESENT
7 IN SEMINAL FLUID, AND THE SENSITIVITY OF THE TEST IS
8 SUCH THAT IT'S ON PAR WITH THE CONCENTRATION OF THOSE
9 ANTIGENS IN THAT SEMEN, THEY CAN BE DETECTED.

10 Q WHAT YOU'RE GIVING IS POSSIBILITIES AND
11 PROBABILITIES, AND DIFFERENT PERMUTATIONS OF VARIABLES
12 THAT COULD OCCUR.

13 WOULD THAT BE A TRUE STATEMENT?

14 A YES.

15 Q YOU'RE NOT GIVING US ANY SPECIFICS, BECAUSE
16 YOU COULDN'T DRAW ANY SPECIFIC CONCLUSION BECAUSE OF THE
17 NATURE OF THE TESTING THAT YOU HAVE AVAILABLE TO YOU.

18 WOULD THAT BE FAIR STATEMENT?

19 A EXACTLY. YES.

20 Q ALL RIGHT. WHAT BLOOD TYPE WAS BRENDA
21 KAYE, THE VICTIM, IF YOU KNOW?

22 A TYPE O.

23 Q WHAT TYPE BLOOD DOES MY CLIENT HAVE?

24 A TYPE O.

25 Q WHAT PERCENTAGE OF THE POPULATION HAS TYPE
26 O BLOOD?

27 A FORTY-EIGHT IN ONE HUNDRED INDIVIDUALS,
28 APPROXIMATELY.

4 1 Q ABOUT HALF?

2 A YES.

3 MR. ROTHMAN: THANK YOU.

4 NOTHING FURTHER.

5 THE COURT: RE-RE-DIRECT.

6 MS. DELGADILLO: JUST ONE QUESTION.

7
8
9 FURTHER REDIRECT EXAMINATION +

10
11 BY MS. DELGADILLO:

12 Q DO YOU RECEIVE REQUESTS FOR D N A?

13 A ON OCCASION, I HAVE RECEIVED THE REQUESTS,
14 AND PREPARED THE EVIDENCE FOR ANALYSIS. YES.

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4 1 Q WITH RESPECT TO CASES YOU HAVE, REQUESTS,
2 IN TOTAL SPECTRUM, DO YOU RECEIVE A LOT OF REQUESTS FOR
3 D N A? OR IS THAT RARE?

4 MR. ROTHMAN: I WOULD OBJECT TO THE TERM, A LOT.

5 THE COURT: IT'S VAGUE. SUSTAINED.

6 Q BY MS. DELGADILLO: IF YOU COULD JUST
7 DESCRIBE THE PERCENTAGE THAT ARE ACTUALLY REQUESTED TO
8 HAVE D N A DONE ON THE SAMPLES?

9 A I DON'T KNOW IF THAT'S A FAIR QUESTION.
10 BECAUSE IN THE COURSE OF MY DUTIES, I ANALYZED FOURTEEN
11 SEXUAL ASSAULT KITS THAT WERE ASSOCIATED WITH ONE
12 SUSPECT.

13 AND BETTER THAN HALF OF THOSE WENT TO A
14 TESTING AGENCY FOR D N A PROFILING.

15 I WOULD SAY TYPICALLY WITHIN THE SEROLOGY
16 UNIT, APPROXIMATELY TEN TO 20 PERCENT OF ALL CASES
17 RECEIVE CONSIDERATION FOR D N A PROFILING.

18 MS. DELGADILLO: NO FURTHER QUESTIONS.

19 THE COURT: THIS IS RE-RECRSS.

20 MR. ROTHMAN: THANK YOU.

21
22
23 FURTHER RECRSS EXAMINATION

24
25 BY MR. ROTHMAN:

26 Q WITH RESPECT TO TEN AND 20 PERCENT, IS THAT
27 OF ALL OF THE CASES?

28 A BASED UPON INVESTIGATIONS, YES.

4 1 Q AND LITTLE, JUST TAKE ALL OF THOSE CASES.
2 HOW MANY OF THOSE CASES ARE MURDER CASES, IF YOU CAN
3 JUDGE?

4 THE COURT: IF YOU DON'T KNOW, DON'T FILL IT IN,
5 UNLESS YOU HAVE A PRETTY GOOD APPROXIMATION.

6 THE WITNESS: I COULD NOT.

7 MR. ROTHMAN: MAY I HAVE THE WITNESS'S BEST
8 ESTIMATE OF HOW MANY, OF ALL OF THE CASES ARE HOMICIDE
9 CASES?

10 THE COURT: THAT IS WHAT I ASKED HIM. AND HE
11 SAID HE COULDN'T. I DIDN'T WANT HIM TO TAKE A STAB IN
12 THE DARK HERE.

13 Q BY MR. ROTHMAN: BUT WHEN YOU SAY TEN TO
14 20 PERCENT, THAT'S TEN TO 20 PERCENT OF ALL SEXUAL
15 ASSAULTS, INCLUDING THOSE IN WHICH SOMEONE IS NOT
16 MURDERED.

17 ISN'T THAT RIGHT?

18 A YES.

19 Q BROAD SPECTRUM. RAPES AND ASSAULTS ARE ALL
20 IN THERE?

21 A YES.

22 Q SO IF WE WERE TO TAKE JUST THE HOMICIDE
23 CASES, THEY MIGHT ONLY BE 20 OR 25 PERCENT OF THOSE
24 CASES.

25 IS THAT RIGHT?

26 A THAT'S CORRECT.

27 Q AND THEN IF YOU SAY THAT TEN TO 20 PERCENT
28 ARE TESTED, THAT MEANS THAT VIRTUALLY EIGHTY TO

5 1 EIGHTY-FIVE PERCENT OF THOSE MURDER CASES ARE D N A
2 TESTED THEN. WOULD THAT BE A FAIR STATEMENT?

3 A NO. IF I UNDERSTAND YOUR LINE OF
4 QUESTIONING CORRECTLY, YOU'RE TALKING ABOUT 20 PERCENT
5 OF A GROUP OF SAMPLES THAT REPRESENTS TEN TO 20 PERCENT
6 OF ALL SEXUAL ASSAULT KITS EXAMINED.

7 SO YOU'RE TALKING ABOUT A MUCH SMALLER
8 PERCENTAGE THAN SEXUAL ASSAULTS, ALL TOLD.

9 Q OKAY. WOULD IT BE A FAIR STATEMENT THAT IN
10 MANY HOMICIDES CASES, D N A TESTING IS PERFORMED. WOULD
11 THAT BE A FAIR STATEMENT?

12 A NO.

13 MS. DELGADILLO: I WOULD OBJECT AS OVERBROAD.

14 THE COURT: SUSTAINED.

15 ALL JUST INJECTURES. THERE IS NO BASIS FOR
16 IT.

17 MR. ROTHMAN: I HAVE NOTHING FURTHER.

18 MS. DELGADILLO: NOTHING FURTHER.

19 THE COURT: THANK YOU VERY MUCH, MR. MOORE, FOR
20 TAKING YOUR TIME.

21 IS IT DOCTOR?

22 THE WITNESS: MR. MOORE.

23 THE COURT: THANK YOU.

24 THE WITNESS: THANK YOU.

25 THE COURT: THANK YOU FOR TAKING YOUR TIME FOR
26 BEING IN COURT TODAY.

27 THE WITNESS: IT WAS A PLEASURE.

28 THE COURT: THE PEOPLE CALL WITNESS EIGHT.

QUAN	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE
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9/17/92 ^{POST} 1100 HRS/1230 PARRY 22622/GANNON 17299

DR E. CARPENTER

CARD & TOWEL REMOVED PRIOR TO ARRIVAL

W/MET SCISSORS FOUND WRAPPED IN TOWEL & FIT WOUNDS.

DR DESCRIBED SCISSORS AS POST BARBER TYPE 5" LENGTH
APPROX

INJURIES

OR ANTI MORTEM

PERCUTANEOUS OR POST MORTAL INJURIES ABOUT NOSE, NECK AND
LEFT SHOULDER (PROBABLY CAUSED AT TIME NEAR DEATH - POOR BLOOD
CIRCULATION.

BRUISING ABOUT RT NECK AND LT FACE

PITIRIA EYES, EARS, UNDER EYES, AND POSS IN MOUTH.

- (1) STAB WOUND LEFT BREAST - BRUISING BELOW AND TO THE RIGHT, SCRATCH
(MAY ANTI MORTEM) EXTENDING DOWNWARD FROM SW - WOUND GOES UPWARD
TO LEFT.
- (4) STAB WOUNDS - (1) AT MID LINE (3) RT SIDE OF NECK

BREAST STAB WOUND PUNCTURED LUNG

NECK STAB WOUNDS PUNCTURED RT CAROTID ARTERY

NO DISCOLORATION, NO DEHYDRATION

PROBABLY NOT MORE THAN 12 HRS. OLD AT TIME

NO LIVER TEMP

SEXUAL ASSAULT EXAM CONDUCTED

NO EVID ASSAULT EITHER VAGINAL OR ANAL

CAUSE OF DEATH

MULTIPLE INJURIES

- 1) STRANGULATION
- 2) STAB WOUNDS

1
2 THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

3 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
4 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT,
5 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
6 TRUTH, SO HELP YOU GOD.

7 THE WITNESS: I DO.

8 THE CLERK: PLEASE BE SEATED.

9 WILL YOU PLEASE STATE AND SPELL YOUR FULL
10 NAME FOR RECORD.

11 THE WITNESS: HARRY KLANN H-A-R-R-Y, K-L-A-N-N.

12 THE CLERK: THANK YOU.

13 THE COURT: MR. KLANN, IF YOU'LL MOVE THE
14 MICROPHONE UP A LITTLE BIT.

15 MISS DELGADILLO HAS SOME QUESTIONS FOR YOU.
16 IF THERE IS SOMETHING YOU DON'T REMEMBER FROM THIS CASE,
17 TELL HER YOU DO NOT REMEMBER. AND PERHAPS IT CAN BE
18 REFRESHED WITH WHATEVER RECORDS YOU HAVE.

19 AND IF YOU DO NOT UNDERSTAND A QUESTION,
20 HAVE THEM REPEAT IT FOR YOU.

21 THE WITNESS: YES, SIR.

22 THE COURT: OKAY, MISS DELGADILLO.

23
24
25 DIRECT EXAMINATION +

26
27 BY MS. DELGADILLO:

28 Q MR. KLANN, WOULD YOU PLEASE TELL US YOUR

14 1 OCCUPATION AND ASSIGNMENT?

2 A CRIMINALIST, EMPLOYED BY THE CITY OF LOS
3 ANGELES, AND ASSIGNED TO THE SCIENTIFIC INVESTIGATION
4 DIVISION OF THE LOS ANGELES POLICE DEPARTMENT.

5 Q AND HOW LONG HAVE YOU HELD THAT POSITION?

6 A I HAVE BEEN THERE FOR APPROXIMATELY TWO
7 YEARS AND ELEVEN MONTHS NOW.

8 Q BACK ON SEPTEMBER 22ND OF 1992, WAS THAT
9 THE POSITION THAT YOU HELD?

10 A YES, IT WAS.

11 Q COULD YOU PLEASE DESCRIBE YOUR TRAINING AND
12 EXPERIENCE AND BACKGROUND WITH RESPECT TO THAT POSITION?

13 A I HAVE A BACHELOR OF SCIENCE DEGREE IN
14 MICROBIOLOGY FROM U C L A.

15 AND I HAVE ABOUT SIX YEARS EXPERIENCE AS A
16 MEDICAL LABORATORY TECHNICIAN FROM SANTA MONICA
17 HOSPITAL.

18 I WORKED FOR A YEAR AND A HALF AT U C L A
19 IN THE MOLECULAR BIOLOGY DEPARTMENT, PERFORMING GENETIC
20 ANALYSES.

21 I HAVE ABOUT THREE YEARS ON-THE-JOB
22 TRAINING WITH THE CRIME LABORATORY AT L A P D.

23 THAT INCLUDES ONE MONTH AT THE F B I
24 ACADEMY IN QUANTICO VIRGINIA WHERE I WAS PERFORMING D N
25 A TYPING.

26 I HAVE ADDITIONALLY ONE WEEK ADVANCE D N A
27 TYPING FROM THE F.B.I. ACADEMY.

28 I HAVE ONE WEEK PENAL CODE TRAINING FROM

14

1 THE DEPARTMENT OF JUSTICE IN BERKELEY CALIFORNIA.

2 AND ONE WEEK OF FORENSIC CRIME SCENE
3 INVESTIGATION SCHOOL LEVEL TWO AT CALIFORNIA D O J OF
4 EUREKA, CALIFORNIA.

5 Q WITH RESPECT TO THE CASE OF ALLAN DEVON,
6 DID YOU PERFORM A BLOOD ANALYSIS AND COMPARISON WITH
7 RESPECT TO THE DECEASED IN THIS CASE, ONE BRENDA KAYE,
8 AND THE DEFENDANT, ONE ALLAN DEVON?

9 A I DID.

10 Q WITH RESPECT TO THAT, WHERE DID YOU GET THE
11 BLOOD SAMPLES?

12 A THE BLOOD SAMPLES FROM THE DECEDENT WERE
13 OBTAINED FROM THE CORONER'S OFFICE. AND THE BLOOD FROM
14 ALLAN DEVON WAS OBTAINED FROM, APPARENTLY, THE COUNTY
15 JAIL. IT WAS BOOKED INTO PROPERTY, AND I CHECKED IT
16 OUT.

17 Q WITH RESPECT TO THAT, DID YOU COMPARE THAT
18 TO ITEMS OF CLOTHING THAT WERE TAKEN FROM THE DEFENDANT?

19 A YES, I DID.

20 Q DID YOU, IN FACT, PREPARE AN ANALYZED
21 EVIDENCE REPORT IN CONNECTION WITH THAT ANALYSES?

22 A I DID.

23 MS. DELGADILLO: AT THIS TIME, I WOULD LIKE TO
24 HAVE PEOPLE'S MARKED AS NEXT IN ORDER NUMBER 32, WHAT
25 APPEARS TO BE A TWO-PAGE, ACTUALLY NOT A TWO-PAGE,
26 THREE-PAGE ANALYZED EVIDENCE REPORT.

27 AND IT HAS A NUMBER IN THE UPPER RIGHT HAND
28 CORNER. I'M GOING TO MARK WHERE IT SAYS SIX EIGHT ZERO

14 1 EIGHT.

2 THE COURT: NUMBER 32, ANALYSIS OF BLOOD
3 REPORT.

4 MS. DELGADILLO: I WOULD LIKE TO HAVE MARKED AS
5 PEOPLE'S 33 WHAT APPEARS TO BE A HAND-DRAWN DIAGRAM. I
6 I WOULD LIKE TO HAVE THAT MARKED AS PEOPLE'S 33.

7 I'M JUST SHOWING THAT TO COUNSEL RIGHT NOW.

8 Q BY MS. DELGADILLO: AT THIS TIME, MR.
9 KLANN, I WOULD LIKE TO GIVE YOU WHAT I HAVE MARKED AS
10 PEOPLE'S 32. I BELIEVE IT MIGHT BE A COPY OF YOUR
11 ORIGINAL REPORT, AND ALSO A DIAGRAM, A SCHEMATIC THAT
12 WAS ON THE BACK OF YOUR ORIGINAL.

13 LET ME SHOW YOU PEOPLE'S 33. WHAT IS THAT?

14 A THESE ARE MY PERSONAL SKETCHES OF THE
15 CLOTHING ITEMS. AND I DEPICTED THE GENERAL SHAPE OF THE
16 CLOTHING, AND THE LOCATION WHERE IT SHOWS BLOODSTAINS.

17 Q AND COULD YOU DESCRIBE THOSE FOR US?

18 A OKAY. ON ITEM 20, WHICH WAS DESCRIBED AS A
19 BLACK, GREEN, PURPLE, DESIGNED JACKET, I HAVE A STAIN
20 MARKED 20A AS IN ADAM, LOCATED ON THE BACK OF THE JACKET
21 ON THE SHELL.

22 THEN I HAVE ANOTHER SKETCH DEPICTING THE
23 JACKET OPENED, SHOWING THE LINING OF THE JACKET. AND
24 THERE IS A STAIN THERE, MARKED 20B AS IN BOY.

25 ITEM 21 IS A SHIRT, WHICH I BELIEVE WAS
26 DESCRIBED AS A RUST-COLORED SHIRT. AND THAT SHIRT HAD
27 THREE STAINS, EACH MARKED 21A AS IN ADAM, 21B AS IN BOY,
28 AND 21 CONTROL, FROM THE BACK OF THE SHIRT.

15 1 THE LAST ITEM WAS ITEM NUMBER 22, JEANS.
2 THESE JEANS YIELDED THREE STAINS FROM THE FRONT OF THE
3 LEFT LEG. SORRY TWO STAINS FROM THE FRONT OF THE LEFT
4 LEG, ONE STAIN FROM THE LEFT POCKET LINER.

5 AND I ALSO COLLECTED ONE STAIN FROM THE
6 BACK OF THE LEFT LEG.

7 Q ON ITEM NUMBER 22 --

8 MR. ROTHMAN: MAY THE RECORD REFLECT THAT THE
9 DEFENDANT IS READING FROM HIS REPORT?

10 THE COURT: YOU MEAN THE WITNESS.

11 MR. ROTHMAN: I MEAN THE WITNESS IS READING FROM
12 THE REPORT?

13 THE COURT: YES.
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1 MS. DELGADILLO: I MIGHT INDICATE YOU ARE
2 READING FROM YOUR DIAGRAM WHICH YOU ACTUALLY MADE.

3 THE WITNESS: YEAH. I'M READING FROM THAT.

4 Q BY MS. DELGADILLO: NOW WITH RESPECT TO
5 THOSE BLOODSTAINS, WERE THESE BIG BLOODSTAINS? DESCRIBE
6 THEM FOR US?

7 A THEY WERE VERY SMALL BLOODSTAINS.

8 I WOULD HAVE TO LOOK AT MY NOTES TO GIVE
9 YOU AN IDEA OF HOW SMALL. BUT THEY WERE LESS THAN HALF
10 A CENTIMETER SQUARE.

11 I DESCRIBED THEM HERE AS FOUR AND FIVE
12 MILLIMETERS SQUARE, VERY SMALL.

13 Q THE END OF FELT-TIP PEN, OR HOW LARGE?

14 A MAYBE LIKE A DIME, SIZE OF A DIME, VERY
15 TINY, VERY SUPERFICIAL STAINS TOO. THEY WERE ONLY ON
16 THE EXTREME OUTER LAYER OF THE FABRIC. THEY DIDN'T SOAK
17 THROUGH.

Q WITH RESPECT TO THE BLOODSTAINS YOU WERE ABLE TO COLLECT, DID
YOU DO A COMPARISON WITH RESPECT TO THE DEFENDANT AND THE VICTIM?

A. YES

Q WHAT WERE YOUR FINDINGS?

23 A I WOULD HAVE TO LOOK AT MY NOTES AGAIN TO
24 RECALL THIS. BUT THE BLOOD ON ITEM NUMBER 19, WHICH WAS
25 A JACKET, A LEATHER JACKET, ITEM NUMBER 20, A
26 WINDBREAKER, 21, A RUST-COLORED SHIRT, AND 22, THE

JEANS, THE BLOOD THAT I DEPICTED (sic) ON THOSE ITEMS COULD HAVE COME
FROM EITHER BRENDA KAYE OR ALLAN DEVON, WITH

15 1 THE EXCEPTION OF ITEM NUMBER 22, JEANS.

2 THE BLOOD ON THESE JEANS WHICH WAS FROM THE
3 LEFT POCKET LINER, COULD ONLY HAVE COME FROM ALLAN
4 DEVON.

5 Q WHY IS THAT?

6 A WE DID APPROXIMATELY, I DID SIX DIFFERENT
7 ENZYME TESTS, INCLUDING A B O TYPE. ONE OF THOSE ENZYME
8 TESTS WAS CALLED E A P. AND E A P HAS SEVERAL TYPES.

9 THE TYPE ON THE LEFT POCKET JEAN LINER WAS
10 TYPE B. AND ALLAN DEVON IS TYPE B. BRENDA KAYE IS TYPE B A, BOY,
11 ADAM.

12 THE BLOOD COULD NOT HAVE COME FROM BRENDA,
13 BRENDA KAYE.

14 Q NOW WHEN YOU SAY THE POCKET LINER, THAT'S
15 LIKE IN YOUR POCKET?

16 A WHERE YOU PUT YOUR CHANGE, AND KEYS, AND
17 THINGS LIKE THAT.

18 Q AND THAT'S THE LINER WE ARE TALKING ABOUT?

19 A THAT'S WHAT I'M CALLING IT. YEAH.

20 MS. DELGADILLO: I HAVE NO FURTHER QUESTIONS.

21 THE COURT: CROSS-EXAMINATION, MR. ROTHMAN.

22 MR. ROTHMAN: YES.

23
24
25 CROSS EXAMINATION +

26
27 BY MR. ROTHMAN:

28 Q MR. KLANN, YOU JUST SAID THAT THE BLOOD ON

15 1 22, THE JEANS, COULD ONLY HAVE COME FROM ALLAN DEVON.

2 THAT ISN'T REALLY WHAT YOU MEANT?

3 A NO. WHAT I EXACTLY MEANT TO SAY IS THAT
4 THE BLOOD ON THE LINING OF THE JEANS, LEFT POCKET, COULD
5 HAVE COME FROM ALLAN DEVON, OR ANY OTHER INDIVIDUAL WITH
6 THE SAME COMBINATION OF GENETIC MARK TYPES.

7 Q BUT IT COULD NOT HAVE COME FROM BRENDA
8 KAYE?

9 A SHE'S EXCLUDED AS BEING THE SOURCE OF THAT
10 BLOOD.

11 Q DID YOU HAVE ANY OTHER INFORMATION OR DATA
12 GIVEN TO YOU OTHER THAN THE SAMPLES AND THE SCHEMATIC
13 REGARDING THE INCIDENTS OF THIS CASE?

14 A MOST OF WHAT I WAS GIVEN, I HAD IN MY
15 POSSESSION, I BROUGHT WITH ME FROM THE LABORATORY.

16 Q YOU WEREN'T PRIVY TO ANY CONVERSATION OR
17 ANY STATEMENTS THAT WERE MADE AS TO ANY OF HOW THAT
18 BLOOD GOT ON THE OTHER CLOTHES?

19 A I RARELY KNOW THAT.

20 MR. ROTHMAN: THANK YOU.

21 I HAVE NOTHING FURTHER.

22 THE COURT: THANK YOU VERY MUCH FOR TAKING YOUR
23 TIME AND TROUBLE TO BE HERE TODAY?

24 THE WITNESS: YES, SIR. MY PLEASURE.

25 THE COURT: THAT'S VERY APPRECIATED.

26 THE WITNESS: MAY I BE EXCUSED?

27 THE COURT: THE WITNESS MAY BE EXCUSED. BUT
28 LEAVE THESE RECORDS, THOUGH, THE ONES THAT HAVE BEEN