

Judge, prosecutor, Schroeder, in chambers:

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ADDED COMMENTARY
PROSECUTOR REQUESTS TO SEE KEN GARINO
INVESTIGATOR REPORT, PAGE 4. AND...

USEL FOR
FOLLOWING

THE DEI
PROCEEI

THE COURT: PLEASE REMAIN SEATED, LADIES AND GENTLEMEN. WE WILL RESUME TO CHAMBERS BRIEFLY, I HOPE.

(WHEREUPON, COURT AND COUNSEL CONVENED IN CHAMBERS, WHERE THE FOLLOWING PROCEEDINGS WERE HAD:)

THE COURT: THESE ARE PROCEEDINGS IN CHAMBERS.

YOUR MOTION?

MR. HAMES: YES, YOUR HONOR. THE MOTION WOULD BE UNDER 1102.5 OF THE PENAL CODE. THE WITNESS MR. FERNANDEZ HAS COMPLETED HIS DIRECT AND HAS COMPLETED THE PEOPLE'S CROSS, HAS JUST CONCLUDED REDIRECT BY COUNSEL FOR THE DEFENDANT. THE PEOPLE ARE NOW REQUESTING, PURSUANT TO 1102.5, TO REVIEW HIS WRITTEN STATEMENT SUBJECT TO THE RULES AND LIMITATIONS SET FORTH IN THAT STATUTE PRIOR TO RESUMING RECROSS.

THE COURT: 1102.5 RECENTLY ENACTED BY THE LEGISLATURE PROVIDES AS FOLLOWS: "A, UPON MOTION, THE PROSECUTION SHALL BE ENTITLED TO OBTAIN FROM THE DEFENDANT OR HIS OR HER COUNSEL ALL STATEMENTS, ORAL OR HOWEVER PRESERVED, BY ANY DEFENSE WITNESS OTHER THAN THE DEFENDANT AFTER THAT WITNESS HAS TESTIFIED ON DIRECT EXAMINATION AT TRIAL.

COURT

SHALL REVIEW THE STATEMENT IN-CAMERA AND LIMIT DISCOVERY TO THOSE MATTERS WITHIN THE SCOPE OF THE DIRECT TESTIMONY WITNESS. AS USED IN THIS SECTION, THE STATEMENT OF A

EXHIBIT
X
3 PAGES

Judge, prosecutor, Schroeder, in chambers:

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1 THAT I DON'T FEEL THAT IT IS APPROPRIATE.

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8 MR. LAZOR, AND THE IMPRESSION OF THE TESTIMONY IS THAT IT WAS

9 CONTINUOUSLY IN HIS POSSESSION THEREAFTER. THAT IS THE CLEAR

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11 THIS WOULD INDICATE THAT THE GUN WAS IN FACT RETURNED TO

12 MR. FERNANDEZ AND THEN WAS RETURNED TO MR. LAZOR AT A LATER

13 DATE, WHICH I CERTAINLY THINK IS WITHIN THE SCOPE OF THE

14 DIRECT EXAMINATION. BEYOND THAT, I SEE NOTHING FURTHER IN HIS

15 STATEMENT. I WILL ORDER THAT THE D.A. CAN CROSS-EXAMINE AS TO

16 THAT FACT.

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18 THE COURT: I THINK, GENTLEMEN, IN THE FUTURE, WHAT

19 YOU MIGHT WANT TO DO TO SAVE A LOT OF TIME IS ONCE YOU HAVE

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21 YOUR: AMES.

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26 MR. SCHROEDER: OKAY.

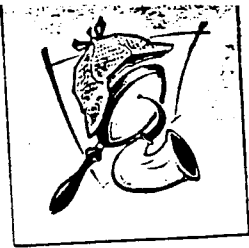
27 (WHEREUPON, COURT AND COUNSEL RETURNED TO THE

28 COURTROOM, WHERE THE FOLLOWING PROCEEDINGS WERE HAD IN THE

ADDED COMMENTARY
...JUDGE GRANTS PROSECUTOR'S REQUEST AND TURNED OVER TO HIM PAGE 4 OF THE GARINO REPORT, WHEREUPON HE CAREFULLY STUDIED THE PAGE IN ITS ENTIRETY. (SEE NEXT PAGE, HERE)

THIS WOULD INDICATE THAT THE GUN WAS IN FACT RETURNED TO MR. FERNANDEZ AND THEN WAS RETURNED TO MR. LAZOR AT A LATER DATE, WHICH I CERTAINLY THINK IS WITHIN THE SCOPE OF THE DIRECT EXAMINATION. BEYOND THAT, I SEE NOTHING FURTHER IN HIS STATEMENT. I WILL ORDER THAT THE D.A. CAN CROSS-EXAMINE AS TO THAT FACT.

ADDED COMMENTARY
NOTICE THE INFORMATION RECONFIRMING THE SPECIAL LOW-POWER GRAIN OF LAZOR'S BULLETS IS IMMEDIATELY ADJACENT TO THE INFORMATION THE PROSECUTOR REVIEWED FOR HIS CROSS-EXAMINATION (NEXT PAGE)



KEN GARINO
PRIVATE INVESTIGATOR

P.O. BOX 24769 • SAN JOSE, CALIFORNIA 95154 • (408) 559-8552 • CA. LIC. AA008288

May 3, 1983

Mr. Wes Schroeder
Attorney at Law
2007 West Hedding Street
San Jose, California 95128

Dear Wes:

RE: Client P. F. Lazor, Homicide (187 pc)
Victim, John Howard Allred, location 16935 Roberts Rd., Los Gatos, Ca.

~~points given were to disable and not kill.~~

Johnson stated that P. F. was a good student, but after the shooting the class was not continued. Address for Johnson is 5479 Fiesta Street, Fremont, California 94536.

I also had conversation with Ray Fernandez, phone 792-0504, 37064 Cabrillo Drive, Fremont, California 94536. Advised he sold the 45 caliber automatic to P. F. on 8-4-82, was picked up by Lazor 15 days later, about the 19th of August. The weapon was returned to him later by P. F. with a cracked bushing, extractor was damaged.

P. F. was shooting re-loads that were obtained from "Cast Bullets" in Newark, California. The bullet was 220 grain and not the standard 230 grain of powder. Stated the automatic 45 was returned to P. F. just prior to the shooting. Stated P. F. had no knowledge of weapons, required help in loading the weapon, that he also obtained the 22 caliber pistol at the same time.

I also called Brad Cakes, phone (415) 733-0107. Brad advised that he took P. F. to a shooting range sometime in August or September of 1982, it was one time only. P. F. was a very poor shot, did not have any knowledge of weapons. At 15 yards he was offered

ADDED COMMENTARY

DEFENSE INVESTIGATIVE REPORT WHICH A NEW CALIFORNIA LAW FORCED THE JUDGE TO TURN OVER TO THE PROSECUTOR, EARLY IN TRIAL:

THE PROSECUTOR CAREFULLY READ ALL OF THE BOXED-STATEMENTS ABOVE, IN LAZOR'S PRESENCE, PROVING HE KNEW THE BULLETS WERE LOW-POWER, NON-STANDARD .45 BULLETS, WHILE LATER LYING TO THE JURY AND COURT ABOUT IT.

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