

Judge, prosecutor, Schroeder, in chambers:

39

1 VERY SIGNIFICANT.

2 I /

3 OFFER O

4 MRS. ALL

5 DIRE IF

6 DEEMED I

7 INFORMA'

8 SEE THA'

9 COULD BE

ADDED COMMENTARY

IN SECRET PROCEEDINGS UNKNOWN TO LAZOR OR JURY: JUSTIFYING THE UNINVOLVED CRIME-PETRATOR'S MOTHER TESTIFYING AS A TRIAL WITNESS, BASED ON POLICE ILLEGALLY GIVING HER CRIME SCENE EVIDENCE; IN EFFECT MAKING HER AN AFTER-THE-FACT UNOFFICIAL DEPUTY POLICE EVIDENCE COLLECTOR

11 THE COURT: MR. HAMES, DO YOU WISH TO RESPOND?

12 MR. HAMES: YES, YOUR HONOR, I CAN MAKE A RESPONSE
13 AT THIS TIME.

14 I BELIEVE I HAD STATED TO THE COURT TODAY AS WELL AS
15 YESTERDAY AFTERNOON THAT THE PURPOSE OF MRS. ALLRED AS A
16 WITNESS WAS MANY-FOLD. ONE CRITICAL ISSUE IN THIS CASE
17 CONCERNS WHAT THE PEOPLE ARE GOING TO BE REFERRING TO AS A
18 THROW DOWN GUN WHICH TURNED OUT TO BE AN UNLOADED DAISY PUMP
19 BB GUN. MRS. ALLRED WAS DIRECTLY RESPONSIBLE FOR THE REMOVAL
20 AND OVERSEEING OF THE DECEDENT'S PERSONAL EFFECTS. AS A
21 MATTER OF FACT, SHE WAS THE PRIMARY PERSON, BEING THE VICTIM'S
22 MOTHER.

24 OF BB'S OR ANYTHING CONNECTED WITH GUNS AND MORE PARTICULARLY
25 BB GUNS. ALSO, SHE IS QUITE AWARE OF HER SON'S TENDENCY FOR
26 AGGRESSIVENESS OR VIOLENCE. SHE'S ALSO QUITE AWARE OF HIS
27 FAMILIARITY WITH GUNS, WHETHER HE EVER OWNED A GUN, WHETHER HE
28 EVER USED A GUN, WHETHER HE HAD ANY FASCINATION WITH

EXHIBIT

MM

5 PAGES

tabbler

Judge, prosecutor, Schroeder, in chambers:

40

1 THINGS THAT ARE CIRCUMSTANTIALLY VERY PROBATIVE ON THE ISSUES
2 BEFORE THE COURT.

3 ALSO, PART OF THE EVIDENCE IN THIS PARTICULAR CASE;
4 NAMELY, A PORTION OF THE DECEDENT'S KEYS THAT WERE FOUND ON
5 THE KITCHEN FLOOR, WERE TURNED OVER TO HER, RELEASED TO HER;
6 NAMELY, HIS CAR KEYS. NOW, I THINK IT'S IMPORTANT TO BRING
7 THAT OUT SO THE JURY HAS A FULL PICTURE AS TO WHERE ALL OF THE
8 EVIDENCE HAD BEEN.

9 THOSE ARE THE HIGHLIGHTS, YOUR HONOR, OF THE PROBATIVE

11 MR. SCHROEDER: YOUR HONOR, VIRTUALLY EVERYTHING
12 THAT MR. HAMES INDICATED -- I HAVE NO PROBLEM AT ALL, FOR
13 EXAMPLE, STIPULATING THAT THE PERSONAL EFFECTS THAT SHE
14 RECOVERED FROM THE POLICE CONTAINED NO BB'S OR INDICIA OF ANY
15 TYPE OF WEAPON.

17 I DON'T BELIEVE THAT I -- I BELIEVE THAT I AM
18 ATTEMPTING TO PRODUCE ANY KIND OF CHARACTER EVIDENCE THAT
19 SHOWS TH.

20 DOCUMENT

21 I DON'T

22 THERE IS

23 THERE

24 OF JANUAR

25 PART, BU

26 THAT HE'S MY SON AND HE'S NEVER BEEN A VIOLENT BOY IS
27 PARTICULARLY PROBATIVE IN LIGHT OF INDEPENDENT PIECES OF
28 EVIDENCE THAT WE HAVE ON TWO SPECIFIC OCCASIONS, AND WE WILL

ADDED COMMENTARY

**SCHROEDER SECRETLY AGREES TO STIPULATE
THAT THERE WAS NO INDICATION THAT ALLRED
HAD A WEAPON, WHILE KNOWING THE MEAT
CLEAVER HE HAD WAS KEPT CONCEALED BY THE
PROSECUTION (GIVEN TO ATTACKER'S MOTHER?)**

MM-2

Police Detective McCarty (prosecutor's assigned investigator)

examined by prosecutor:

795

1 Q AT SOME POINT, WERE THE PERSONAL BELONGINGS OF MR. ALLRED
2 TURNED OVER TO THE FAMILY? A YES.

3 Q AND WAS THE FAMILY ALLOWED TO GO INTO THE RESIDENCE FOR
4 THAT PURPOSE? A YES.

5
6 ALLOWED TO GO INTO THE HOUSE FOR THAT PURPOSE?

7 A I DON'T KNOW THE EXACT DAY. IT WAS AFTER THE 18TH.

8 Q AND

9 HAVING B

10 SHELL W/

11 PANTRY A

12 LOCATED

13 FOUND, D

14 A ON

15 Q ON

16 A I SEIZED THE -- THERE WAS A PORTION -- WHERE THE FIFTH
17 SLUG WAS LOCATED IN THE CUBBY, WE SEIZED THE PANEL OF WALL
18 SURROUNDING THE SLUG, APPROXIMATELY 1 1/2 FEET BY 3 1/2 FEET
19 OF WALL. WE SEIZED THAT.

20 Q WAS THAT CUT OUT OF THE WALL?

21 A YES, WITH A SKILL SAW.

22 Q AND IS THAT DEPICTED IN THE PHOTOGRAPHS THAT PREVIOUSLY
23 HAVE BEEN INTRODUCED? A YES.

24 Q ANYTHING ELSE THAT WAS SEIZED ON THAT PARTICULAR DAY?

25 A I DON'T RECALL AT THIS POINT.

26 Q DID YOU LOCATE WITHIN THE HOUSE ANY SORT OF PARAPHERNALIA
27 THAT WOULD BE ASSOCIATED WITH A BB OR PELLET GUN SUCH AS A BOX
28 OR SUCH AS BB GUN INSTRUCTIONS PARTICULARLY TO A DAISY MODEL

ADDED COMMENTARY

THESE "PERSONAL BELONGINGS" GIVEN TO MRS. ALLRED BY POLICE, FROM THE CRIME SCENE, INCLUDED EVIDENCE PROVING ALLRED MADE A VOLITILE, MEATCLEAVER-ARMED ATTACK ON LAZOR, AND OTHER EVIDENCE FAVORABLE TO LAZOR'S DEFENSE -- BUT THE JURY HAD NO CLUE OF ANY OF IT

MM-3

Mrs. Allred, mother of attacker, as a state witness, examined by prosecutor:

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1090

ADDED COMMENTARY

POLICE EVIDENTLY GAVE THE ATTACKER'S MOTHER HIS DEADLY WEAPON (THE MEATCLEAVER); YET SHE SWORE TO THE JURY THERE WERE NO WEAPONS & NO WEAPON INDICIA IN WHAT SHE RECEIVED

FOUR
VERY

Q AND DID YOU GO THROUGH THE PERSONAL EFFECTS OF EACH OF THOSE CHESTS?

A YES, I DID.

Q AND DID YOU SEE ANYTHING WITHIN THE CHEST THAT WOULD RELATE TO ANY OWNERSHIP OF ANY SORT OF GUN OR WEAPON?

A NO, SIR, I DID NOT.

ADDED COMMENTARY

SCHROEDER REFUSED TO CROSS-EXAMINE THE ATTACKER'S MOTHER; SAYING SHE'S SUFFERED ENOUGH ALREADY FROM LAZOR'S ACT -- AS IF TO PUNISH LAZOR FOR CRIMINAL WRONGDOING

A NO.

Q OR ANY I

A BB OR PELLE

MR. HAMES: THOSE ARE ALL THE QUESTIONS I HAVE, YOUR HONOR.

MR. SCHROEDER: NO QUESTIONS, YOUR HONOR.

THE COURT: STIPULATE SHE MAY BE EXCUSED?

MR. SCHROEDER: YES, YOUR HONOR.

ADDED COMMENTARY

THIS ENDED THE STATE'S CASE PRESENTATION

EXCUSED.

MR. HAMES: AT THIS TIME, YOUR HONOR, THE PEOPLE DO REST.

THE COURT: THE RECORD WILL SHOW THAT THE PEOPLE

Prosecutor arguing to jury against Lazor:

1617

1 CAPABLE OF HAVING ADDITIONAL GUNS AND WE KNOW AS A MATTER OF
2 FACT DID HAVE THAT ADDITIONAL GUN, THE .45?

3 AND THE OTHER THINGS TO CONSIDER, TOO, LADIES AND
4 GENTLEMEN: ACCEPTING THE DEFENDANT'S TESTIMONY, NO ONE BUT NO
5 ONE EVER SAW THE BB GUN IN THE NON-PANTRY PART OF THE HOUSE,
6 NOR IN THE GARAGE. NO ONE BUT NO ONE SAW THE GUN, THE BB GUN
7 IN THE N

8 THE DEFE
9 MR. WALL
10 TIME. A
11 GUN OR A
12 UNTIL HI:

ADDED COMMENTARY

*THE PROSECUTOR CAPITALIZES ON ALLRED'S
MOTHER'S PRESENCE IN ARGUMENTS TO THE JURY
-- RE-EMPHASIZING THE KNOWN LIE, THAT
ALLRED HAD NO WEAPON AT ALL*

13 ALSO, NO ONE BUT NO ONE EVER SAW ANY INDICATION OR
14 INDICIA OF BB GUN OR ANY GUN OWNERSHIP BY MR. ALLRED IN THE
15 NON-PANTRY PART OF THE HOUSE, NO BB'S, NO BULLETS, NO PELLETS,
16 NO LITERATURE

17 EVEN THE PERSONAL EFFECTS OF MR. ALLRED WERE
18 EXAMINED BY HIS MOTHER -- AND I THINK YOU HAVE TO GIVE HER
19 CREDIT FOR BEING A VERY BRAVE WOMAN ON THE STAND -- AND SHE
20 WENT THROUGH HIS PERSONAL EFFECTS, AND I AM SURE THAT WAS A
21 GOD AWFUL JOB, AND SHE TESTIFIED THAT THERE WAS NOTHING IN HIS
22 PERSONAL EFFECTS -- AND SHE WENT THROUGH THEM ALL -- THAT
23 WOULD INDICATE ANY SORT OF BB GUN POSSESSION, ANY GUN USAGE,
24 ANYTHING AT ALL DEALING WITH A WEAPON.

25
26 KEYS. REMEMBER THE KEYS? I BELIEVE THAT WAS NO. 2 ON THE
27 DIAGRAM THAT WERE FOUND ON THE FLOOR, MR. ALLRED'S KEYS THAT
28 WERE DROPPED, FOUND ON THE FLOOR OF THE KITCHEN. IT'S

MM-5