

Lazor testifying under examination of Schroeder:

1213

1 A AT THAT POINT, HE HAD PLAYED HIS MUSIC THERE, BUT I DON'T  
2 BELIEVE HE EVER STAYED A NIGHT THERE, AND THE REASON I FAIL TO  
3 RECALL IS BECAUSE HE ACTUALLY LIVED AT HIS PARENTS' HOUSE AND  
4 JUST USED THE ROOM AND PRACTICED MUSIC THERE ONCE IN AWHILE.

5 Q NOW, DO YOU RECALL THE CIRCUMSTANCES OF YOUR FIRST  
6 CONTACT WITH MR. GARNIER? BY THAT, I MEAN HOW YOU ACTUALLY  
7 CAME IN?

8 A YES

ADDED COMMENTARY

*THIS "CONSISTENTLY" -- HAD BEEN GOING  
ON THROUGHOUT MR. LAZOR'S ENTIRE  
ATTEMPT TO TESTIFY FOR TWO DAYS*

9 Q OKAY

10 A PA

11 AND ASK

12 WAS, AND I TOLD HIM GOOD, I WAS, YOU KNOW, TRYING TO FIND OUT  
13 HOW TO GET AHOLD OF THE NEW OWNER AND WHO THEY WERE. HE SAID

14  
15 Q OKAY. NOW, DID YOU AT THAT TIME TELL HIM THAT SCOTT RUPP  
16 HAD GIVEN YOU PERMISSION TO LIVE THERE AND IN FACT, THAT YOU  
17 COULD HAVE THE HOUSE IF IT WAS EVER GOING TO BE DESTROYED OR  
18 TAKEN OFF THE PROPERTY IN SOME WAY?

19 MR. HAMES: YOUR HONOR, EXCUSE ME. I REALLY HATE TO  
20 OBJECT AT TIMES, BUT COUNSEL HAS BEEN CONSISTENTLY LEADING HIS  
21 WITNESS AND THIS IS A CLASSIC EXAMPLE OF A LEADING QUESTION.  
22 I WOULD OBJECT ON THAT GROUNDS.

23 THE COURT: DON'T LEAD AND SUGGEST. PROCEED.

24  
25 DISCUSSION WITH MR. GARNIER ABOUT SCOTT RUPP?

26 A IN THE JANUARY TIME?

27 Q RIGHT.

A NO, SIR.

28 Q WAS THERE ANY REFERENCE TO SCOTT RUPP BY MR. GARNIER?

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**EXHIBIT**  
**UU**  
4 PAGES

Lazor testifying under examination of Schroeder (all coerced):

1333

1 Q WHY DID YOU TRY -- WHY WERE YOU TRYING TO GET IT BACK?

2 A BECAUSE IN DOING SOME CHECKING, I FELT IT WAS COM

3 FROM

4 WHAT INFORMATION I COULD GATHER, THEY HAD NO LEGAL RIGHT AND I  
5 WANTED TO GET THAT RESOLVED AND DETERMINED IF IN FACT WHETHER  
6 OR NOT THAT WAS TRUE, AND THAT WOULD --

7 Q DIDN'T YOU REALLY WANT TO GET IT BACK BECAUSE YOU WERE  
8 REALLY ANGRY AT JOHN ALLRED AND YOU WANTED TO HAVE A GUN AT  
9 BOTH RESIDENCES? A NO.

10 Q DIDN'T YOU WANT TO GET IT BACK BECAUSE YOU WERE AFRAID OF  
11 JOHN ALLRED AND YOU FELT YOU REALLY NEEDED TO HAVE A WEAPON AT  
12 BOTH RESIDENCES, ONE TO COVER YOURSELF WHEN YOU WERE UP IN  
13 FREMONT AND ONE WHEN YOU WERE DOWN IN LOS GATOS?

14 MR. HAMES: YOUR HONOR, I HATE TO INTERRUPT AGAIN  
15 BUT COUNSEL AGAIN IS CONSISTENTLY LEADING HIS WITNESS.

16 THE COURT: THAT'S CORRECT.

17 MR. HAMES: AND I HAVE GIVEN HIM A LOT OF LEEWAY.

18  
19 TIME,

20  
21 THE FC

22  
23 PRESE

24 F

25 Q (BY MR. SCHROEDER) NOW, YOU SAID THAT YOU WERE KEEPING --  
26 AS I UNDERSTAND IT, YOU KEPT THE .45 AT ROBERTS ROAD, IS THAT  
27 RIGHT, AFTER THE .22 WAS TAKEN? A YES.

28 Q DID YOU KEEP THE BED IN THE ROOM, PANTRY-OFFICE?

**ADDED COMMENTARY**  
*IT CAN BE SEEN HERE THAT SHCROEDER WAS "FIGHTING" LAZOR, TO BADGER HIM INTO TESTIFYING FALSE INFORMATION THAT WOULD SECURE A GUILTY VERDICT*

11CH

ARE

Lazor testifying under examination of Schroeder (all coerced):

1369

1 HAD FA

JUST

2 REMEMB

ADDED COMMENTARY

3 Q S

MORE ADVERSE LEADING AND INTERRUPTING  
BY SCHROEDER, AGAINST MR. LAZOR

4 IN THE

LOOK

5 FAMILI

6 A FROM THAT DAY, I COULDN'T TELL YOU IF THAT'S THE ONE OR  
7 NOT. I JUST RECALL IT AS BEING A WHITE RAG OR TOWEL. I

8  
9 Q NOW, WHEN YOU SAW HIM ON THE FLOOR AND YOU SAID HE WAS  
10 LIFTING UP HIS BODY, WHAT WAS HE DOING WHEN HE WAS LIFTING UP  
11 HIS BODY BESIDES JUST THE PHYSICAL ACT OF MOVING?

12 MR. HAMES: EXCUSE ME, YOUR HONOR. I DON'T BELIEVE  
13 THERE HAS BEEN ANY TESTIMONY HE WAS LIFTING UP HIS BODY. I  
14 RECALL THE WITNESS SAYING ROCKING.

15 MR. SCHROEDER: I UNDERSTAND THAT, JUST A ROCKING  
16 MOTION.

17 THE COURT: JUST STATE IT PROPERLY AND PROCEED.

18 Q (BY MR. SCHROEDER) WHEN YOU SAW THIS ROCKING MOTION,  
19 WHAT WAS HE DOING?

20 A IT APPEARED THAT HE WAS TRYING TO GET UP -- EXCUSE ME --  
21 APPEARED HE WAS TRYING TO GET UP OR SOMETHING OF THAT NATURE  
22 AND -- YOU WANT ME TO PROCEED WITH WHAT HAPPENED?

23 Q NO, THAT'S ALL RIGHT. YOU SAID IT APPEARED THAT HE WAS  
24 TRYING TO GET UP?

25 A YEAH, IT APPEARED THAT HE WAS AND HE WAS DEFINITELY  
26 DISABLED.

27 Q WAS HE PHYSICALLY --

28 THE COURT: PLEASE, MR. SCHROEDER. WE ARE STEPPING

CONTINUED

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CONTINUATION

Lazor testifying under examination of Schroeder (all coerced):

1370

1 ON EACH OTHER SO BADLY, SHE CAN'T GET IT, SO WAIT UNTIL HE  
2 ANSWERS AND THEN ASK THE NEXT QUESTION.

3 MR. HAMES: YOUR HONOR, WITH THE COURT'S PERMISSION,  
4 COULD I HAVE THE LAST ANSWER REREAD? I DIDN'T CATCH IT.

5 THE COURT: YES.

6 (WHEREUPON, THE RECORD WAS READ BY THE COURT  
7 REPORTER.)

9 MOV

10 IN

ADDED COMMENTARY

11 A LAZOR NEVER SAID "AND HE WAS DEFINITELY  
12 Q DISABLED" (LINE 25, PAGE 1369); IT WAS  
13 DID MIS-TRANSCRIBED BECAUSE OF SCHROEDER  
14 A TALKING OVER LAZOR. THE JUDGE ACKNOWLEDGED  
15 WAS THE LATTER, BUT NOT THE FORMER.

16 WEF THIS ONE MIS-TRANSCRIPTION BY ITSELF WAS  
17 AND ENOUGH TO CAUSE A GUILTY VERDICT (SEE RT 1609  
18 Q & 1713); AND REPRESENTS WHAT SCHROEDER  
19 A DID WITH ESSENTIALLY ALL OF LAZOR'S TESTI-  
20 MONY, TO MAKE IT CONFORM WITH HIS MONTHS  
21 OF COERCION FOR THE PROSECUTION

20 POINT, WAS SORT OF, AS BEST I CAN SEE AND RECALL, TRAPPED  
21 BETWEEN BOTH HANDS.

22 Q DID HE MAKE ANY MOVEMENT AT ALL WITH THE GUN?

23 A YES, HE DID.

24 Q AND WHAT WAS THAT?

25 A WELL, AT THAT POINT, HE HAD ACTUALLY RAISED THE GUN UP  
26 AND RAISED HIS BODY UP SOMEWHAT TO KIND OF A -- THIS SORT OF A  
27 MOTION (INDICATING) AS HE WAS --

28 Q WHERE WERE YOU IN RELATION TO HIM AT THAT POINT?

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