

Judge, prosecutor, Schroeder, in chambers:

1 ASK A QUESTION ON VOIR DIRE AND I WOULDN'T HAVE THE FAINTEST
2 IDEA WHETHER IT PERTAINED TO THIS WITNESS'S TESTIMONY OR NOT.

3 MR. SCHROEDER: I --

4 THE COURT: YOU WOULD HAVE TO ALERT ME TO THAT.

5 I JUST
6 ALLOWED
7 IT WAS
8
9 I JUST

ADDED COMMENTARY
*IN SECRET PROCEEDINGS UNKNOWN TO LAZOR:
INFERRING "MURDER" BASED ON HOMOSEXUAL
PASSION, WHILE BOTH SCHROEDER AND THE
PROSECUTOR KNEW THAT LAZOR WAS STRICTLY
HETEROSEXUAL AND HAD NO IDEA THAT ALLRED
WAS HOMOSEXUAL*

11
12 MR. HAMES: I SHOULD ADVISE THE COURT, YOUR HONOR,
13 RELATIONSHIP TO MR. RAY, THAT I HAD PREVIOUSLY ADVISED
14 COUNSEL OF THE PROBLEMS THAT WE WERE HAVING IN SERVING
15 MR. RAY.

16 YOUR HONOR, AT THIS TIME I BELIEVE WE COULD PROBABLY
17 STATE THE 352 PORTION OF THE MOTIONS, AND I BELIEVE BY
18 STIPULATION OF COUNSEL, THAT ONE OF THE 352 MATTERS HAS BEEN
19 JO

20 BASED UPON OUR DISCUSSIONS YESTERDAY AFTERNOON, THAT THERE
21 BE NO REFERENCE TO THE DECEDENT-VICTIM IN THIS CASE NOR TO THE
22 DEFENDANT IN THIS CASE AS A HOMOSEXUAL OR ANY IMPLICATIONS
23 THEREIN THAT WOULD CAUSE THE JURY TO FORM A BASIS FOR SUCH A
24 BELIEF.

25 MR. SCHROEDER: I WOULD JOIN IN THAT. THAT IS
26 CORRECT THAT WE DID HAVE THAT DISCUSSION, YOUR HONOR.

27 THE COURT: ALL RIGHT. THE RECORD WILL SHOW THE
28 STIPULATION.

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8 PAGES

(Lazor was not present, so had no idea this was said and could not object)

Judge, prosecutor, Schroeder, in chambers:

65

1 MR. SCHROEDER: YES, YOUR HONOR.

2 THE COURT: ALL RIGHT. WE ARE WORKING AT SOMEWHAT
3 OF DISADVANTAGE. DURING THE TIME YOU WERE GOING OVER THE
4 LUNCH COUNTER TO GET A BITE TO EAT, I ASKED MRS. PAXTON TO

5 V LF
6 GA .L

7 HAVE HE
8 352
9
10 THE 'O
11 VARI IE
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ADDED COMMENTARY
SCHROEDER AGAIN GOES OUT OF HIS WAY TO REINFORCE THIS DELIBERATE DEGRADING INSULT AND LIE WITH PASSION-MURDER IMPLICATIONS, EVEN AFTER THE JUDGE QUESTIONED ITS PROPRIETY. AGAIN, LAZOR WAS ABSENT AND NEVER KNEW

12 STIPULATION RELATIVE TO THE EXTENSIVE MUSICAL BACKGROUND OF
13 THE DEFENDANT, THE BIBLE, WE RESERVED FOR HEARING THE QUESTION
14 OF MARTINO RAY, AS TO WHETHER THE PEOPLE COULD MAKE A
15 SUFFI

16 AND THEN THERE WAS A STIPULATION OF NO REFERENCE
17 TO THE DECEDENT AS A HOMOSEXUAL, AND I DON'T KNOW WHETHER THE
18 STIPULATION WENT BEYOND THE DECEDENT.

19 DID IT GO FURTHER THAN THAT?

20 MR. HAMES: I BELIEVE, YOUR HONOR, THE STIPULATION
21 AS IT RELATES TO HOMOSEXUALITY INCLUDED THE DEFENDANT AS WELL.

22 THE COURT: THE DEFENDANT AS WELL?

23 MR. HAMES: CORRECT.

24 MR. SCHROEDER: YES.

25
26 WAS MR. ALLRED WAS ON A STRETCHER BEING HAULED TO THE HOSPITAL
27 AND HE UTTERED THE WORDS, "HELP ME, HELP ME". THE QUESTION IS
28 AS TO WHETHER OR NOT THOSE WOULD BE EXCLUDED UNDER 352; IS

ZZ-2

Schroeder & judge in chambers with prosecutor present:

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ADDED COMMENTARY
JUDGE DECIDING VERBAL MOTION BY PROSECUTOR:
SHOWS THE EXTREME IMPORTANCE OF THE IMPACT
ON THE TRIAL CONTENT AND VERDICT OF THE
FALSE "EVIDENCE" THAT LAZOR AND ALLRED
WERE (ALLEGEDLY) CLOSE

9 MR. SCHROEDER: I THINK IT GOES TO CHARACTER, YOUR
10 HONOR. I MEAN THAT'S ESSENTIALLY WHAT HE'S ASKING TO BE ABLE
11 TO BRING IN.

12 THE COURT: I THINK IF YOU HAVE READ PEOPLE VERSUS
13 ANDERSON LATELY, AND I AM SURE YOU HAVE READ IT A HUNDRED
14 TIMES IN THE PAST, BUT THIS COMES UNDER THE SECOND CATEGORY
15 EXPLICITLY IN ANDERSON, FACTS ABOUT THE DEFENDANT'S PRIOR
16 RELATIONSHIP AND/OR CONDUCT WITH THE VICTIM FROM WHICH THE
17 JURY COULD REASONABLY INFER A MOTIVE TO KILL THE VICTIM WITH
18 REFERENCE TOGETHER WITH THE FACTS THAT TYPE 1 OR 3 WOULD
19 SUPPORT AN INFERENCE THE KILLING IS A RESULT OF PRE-EXISTING
20 REFLECTION AND CAREFUL THOUGHT.

21 NOW, I THINK THE PEOPLE ARE ENTITLED TO SHOW THE
22 INFORMATION IN THE FIRST PART OF THIS NOT PARTICULARLY AS A
23 STATE OF MIND BUT AS IT PERTAINS TO THEIR RELATIONSHIP AS IT
24 WAS DEVELOPING UP TO THE TIME THAT THE KILLING OCCURRED.

25
26 AND THAT'S WHY I DID NOT HAVE ANY OPPOSITION TO REFERENCE TO
27 THE OTHER ENTRY THAT I READ ABOUT ALLRED AND PROBLEMS THERE ON
28 PAYMENTS. THERE IS NOTHING THERE WHATSOEVER TO REFER IN THIS

ZZ-3

Secret proceedings unknown to Lazor, with prosecutor, Schroeder and judge deciding which instructions jury will get to know of:

1519

1 FLANNEL IS REALLY APPROPRIATE IN THIS CASE BECAUSE AS I SEE
2 THE EVIDENCE, EVEN FROM THE DEFENDANT'S SIDE, I SEE NO ISSUE
3 OF FLANNEL.

4 THE COURT: WELL, I DO.

5
6 THE COURT: IF YOU TAKE THE FESTERING QUARREL, THE
7 HEAT OF PASSION THAT HAS BEEN FESTERING AND SMOLDERING VIS-A-
8 VIS THE INCIDENTS THAT HAVE EXISTED OVER A LONG PERIOD OF
9 TIME, THE PRESENCE OF THE DEFENDANT IN THE PREMISES AND THE
10 FACT THAT THERE IS THE KICKING IN OF THE DOOR, I CAN SEE A
11 CULMINATION OF HEAT OF PASSION; PERHAPS NOT A SUDDEN QUARREL
12 BUT A CULMINATION OF HEAT OF PASSION.

13
14 GIVEN US COULD BE THAT IF -- IT COULD GIVE RISE TO FIRST
15 DEGREE MURDER, BUT IF YOU HAVE THE DEFENDANT THERE UNDER THE
16 CIRCUMSTANCES WE FIND HIM, I THINK YOU CAN HAVE EITHER A
17 SUDI

18 AN
19 HIM
20
21 GUN

ADDED COMMENTARY

PROVES THAT THE JUDGE FULLY BELIEVED THE WHOLLY FABRICATED "EVIDENCE" CLAIMS BY BOTH ATTORNEYS, OF THE LONG-TERM, "FESTERING" RELATIONSHIP OF LAZOR AND ALLRED. IT SIMPLY NEVER EXISTED -- AND THEY KNEW IT. BUT THE JURY NEVER HAD A CLUE, EITHER

FIND
FEND

22
23 NOT
24 WITHSTANDING THE BB GUN.

25 THE COURT: WELL, IF THE VICTIM HAS GOT THE BB GUN
26 IN HIS HAND, DOESN'T THAT GIVE YOU HONEST BUT UNREASONABLE
27 BELIEF IF HE'S GOT IT IN HIS HAND?

28 MR. SCHROEDER: IF HE DOESN'T HAVE IT IN HIS HAND, I

ZZ-4

Secret proceedings unknown to Lazor, with prosecutor, Schroeder and judge deciding which instructions jury will get to know of:

1521

1 THE COURT: I THINK IT COULD BE A VOLUNTARY ON
2 EITHER BASIS.

3 MR. SCHROEDER: I DO, TOO.

4 HEAT

ADDED COMMENTARY

SCHROEDER AND THE JUDGE REITERATE THE FAB-
RICATED "FESTERING RELATIONSHIP" -- WHICH
ENDS IN REMOVING NOT ONLY SELF-DEFENSE,
BUT ALSO MANSLAUGHTER JURY INSTRUCTIONS,
SO THE JURY WAS VIRTUALLY FORCED TO
CONVICT LAZOR OF MURDER

5 NOTI

6 WHA

7 FLA

8 I
9 THINK FLANNEL IS APPROPRIATE BUT I DON'T SEE A HEAT OF PASSION
10 SITUATION. I DON'T THINK THERE IS ANY EVIDENCE OF THAT. I
11 THINK WHAT HE'S INDICATING IS THAT HE FELT THAT HE ACTED UPON

12
13
14
15 MR. SCHROEDER: WELL, I AGREE WITH THAT. THAT IS
16 WHAT HE IS SAYING, BUT WE DON'T KNOW WHAT THE -- I THINK THERE
17 IS AN ARGUMENT ALONG THE LINES OF WHAT THE COURT WAS SAYING:
18 THAT GIVEN, AS THE COURT WAS SAYING, THE FESTERING NATURE OF
19 THIS RELATIONSHIP, --

20 MR. HAMES: I THINK THAT GOES MORE TOWARDS THE
21 HONEST BELIEF AS OPPOSED TO ANYTHING ELSE. I DON'T SEE THIS
22 AS A CLASSIC HEAT OF PASSION CASE.

23 THE COURT: YOU MAY BE RIGHT ABOUT THAT THINKING
24 MORE ABOUT IT. IN OTHER WORDS, WHERE THE SUDDEN -- IN OTHER
25 WORDS, WHAT YOU HAVE IS ONE GUY BUSTING INTO A ROOM. THERE
26 HAS BEEN A FESTERING QUARREL, BUT IS THERE ANY -- AS WE LOOK
27 AT IT, AS WE LOOK AT IT IN THESE HOMICIDE CASES OVER THE
28 YEARS, IS THERE ANY SUDDEN QUARREL OR HEAT OF PASSION HERE?

CONTINUED

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CONTINUATION

Secret proceedings unknown to Lazor, with prosecutor, Schroeder and judge deciding which instructions jury will get to know of:

1522

1 THERE IS THE SMOLDERING RESENTMENT PROBABLY ON BOTH SIDES,
2 BUT --

3
4 PLANNING ON MAKING AN ARGUMENT IN HEAT OF PASSION.

5 THE COURT: I THINK WE WILL JUST LIMIT IT TO -- I
6 THINK WE WILL LIMIT IT TO 5.1

7
8 **ADDED COMMENTARY**

9 BET THE FABRICATIONS OF SMOLDERING AND RESENT-
10 WHI MENT FROM A LONG-TERM RELATIONSHIP OF
11 PAR LAZOR AND ALLRED -- WITH NO CLUE THAT IT
12 WAS 100% FABRICATED. THE JURY WAS IMPRES-
13 SED WITH THIS SAME FABRICATED INFORMATION
14

15 YOU, MR. SCHROEDER?

16 MR. SCHROEDER: I AM JUST CHECKING ON ONE THING.

17 MR. HAMES: I WAS GOING TO MAKE A STATEMENT TO THE
18 COURT THAT IT SEEMS TO ME THAT IF THERE IS ISSUES OF
19 PROVOCATION, IT'S NOT ON THE VOLUNTARY LINES BUT MORE OF
20 MAKING IT A SECOND AS OPPOSED TO A FIRST.

21 THE COURT: WELL, I THINK I HAVE TO GET PARAGRAPH 2.

22 MR. SCHROEDER: THAT IS WHAT I WAS READING OVER.

23 THE COURT: SO I WILL HAVE TO HAVE THAT RETYPED. I
24 WILL THEN GIVE 5.17. THAT'S THE FLANNEL INSTRUCTION. WE WILL
25 STRIKE "INVOLUNTARY MANSLAUGHTER" FROM THERE.

26 AND THEN 9. -- IS THAT 9. -- I CAN'T SEE THAT. 8.40, I
27 GUESS.

28 MR. HAMES: YES.

THE COURT: SO I HAVE TO STRIKE "UPON A SUDDEN

ZZ-6

Defense Attorney Schroeder arguing to jury, supposedly for Lazor:

1653

1 THE REASON HE DIDN'T IS BECAUSE THERE WAS ANOTHER EVENT THAT
2 OCCURRED WHICH MR. LAZOR TESTIFIED ABOUT ON DECEMBER 2ND, AND
3 THAT EVENT WAS THE THREAT BY MR. ALLRED TO MR. LAZOR, AND
4 MR. LAZOR TESTIFIED TO YOU THAT MR. ALLRED HAD TOLD HIM THAT
5 THE NEXT TIME HE CALLED HIM SOME NAMES, HE WILL BE ON THE
6 OTI

7 YOL
8 NO1
9 TH/
10 MR.

ADDED COMMENTARY

SCHROEDER EMPHASIZES DIRECTLY TO THE JURY
THE DAMAGING LIE THAT THERE WAS A LONG-TERM
"FESTERING" RELATIONSHIP BETWEEN LAZOR AND
ALLRED -- WHILE IT COULD ONLY HARM THE
CHANCES OF A SELF-DEFENSE ACQUITTAL

11
12 MR.

13 OCCURRED OVER THE TELEPHONE IN HIS YEARLY ASSESSMENT. I
14 SUBMIT TO YOU THAT MR. LAZOR HAS TOLD YOU THAT THE ASSESSMENT
15 IS SOMETHING THAT HE DID IN RETROSPECT AND HE DIDN'T ENTER IT
16 INTO HIS LOG. I DON'T THINK THE FACT THAT HE FAIL

17

18 MR. GARNIER
19 TESTIFIED THAT THERE WERE SUBSEQUENT HASSLES BETWEEN
20 MR. ALLRED AND MR. LAZOR. THE POINT IS THAT THERE WAS A
21 FESTERING, THERE WAS A FESTERING BETWEEN THESE TWO PEOPLE, AND
22 I SUBMIT TO YOU THAT IN FACT MR. ALLRED WAS PROBABLY THE MORE
23 DIRECTLY UPSET IN A VERY SPECIFIC WAY WITH MR. LAZOR

24

25 ON THE
26 22ND OF NOVEMBER AND IN FACT ON THE 10TH OF JANUARY MANIFESTED
27 IT IN AN EVEN MORE VIOLENT WAY BY BREAKING DOWN THE DOOR TO
28 THE ROOM THAT MR. LAZOR WAS IN.

29

30 ONE FINAL POINT WITH REGARD TO THE 22ND OF NOVEMBER,
31 PIECE OF EVIDENCE, AND THAT IS THE DOOR BEING KICKED OR

ZZ-7

Judge reading jury instructions to jury:

1714

1
2 THE RIGHT OF SELF-DEFENSE IS NOT AVAILABLE TO A PERSON
3 WHO SEEKS A QUARREL WITH THE INTENT TO CREATE A REAL OR
4 APPARENT NECESSITY OF EXERCISING SELF-DEFENSE.
5

6 AGREE UNANIMOUSLY NOT ONLY TO WHETHER THE DEFENDANT IS
7 GUILTY OR NOT GUILTY, BUT ALSO IF YOU SHOULD FIND HIM GUILTY
8 OF TO

9 WH

ADDED COMMENTARY

INSTRUCTION TO JURY:

10 IN
11 WITH STRONG ARGUMENTS BY BOTH ATTORNEYS
12 THAT LAZOR STIRRED UP THE SHOOTING "QUARREL"
13 BY ALLEGED LONG-TERM FESTERING AND PROVOCA- N
14 TIONS AGAINST ALLRED. THE JURY NEVER HAD A ..
15 CLUE THAT IT SIMPLY NEVER EXISTED; ALL OF O
16 IT WAS FABRICATED BY BOTH ATTORNEYS E

16 IT OR TO INTENTIONALLY STRIKE OR HIT A HUMAN BEING WITH IT.

17 IF YOU FIND THE DEFENDANT, P. F. LAZOR, GUILTY OF THE
18 CRIME CHARGED OR A LESSER INCLUDED OFFENSE, IT THEN WILL BE
19 YOUR DUTY TO FIND WHETHER THE DEFENDANT PERSONALLY USED A
20 FIREARM IN THE COMMISSION OF SUCH FELONY.

21 THE DEFENDANT, P. F. LAZOR, MAY BE FOUND TO HAVE
22 PERSONALLY USED A FIREARM DURING THE COMMISSION OF SUCH A
23 FELONY ONLY IF THE PROOF SHOWS BEYOND A REASONABLE DOUBT THAT
24 SUCH DEFENDANT PERSONALLY USED A FIREARM AT SUCH TIME. YOU
25 WILL INCLUDE SUCH A FINDING ON THAT QUESTION IN YOUR VERDICT
26 USING A FORM THAT WILL BE SUPPLIED FOR THAT PURPOSE.

27 LADIES AND GENTLEMEN, THIS NEXT INSTRUCTION IS SOMEWHAT
28 COMPLEX SO I AM GOING TO READ IT RATHER SLOWLY AND I AM GOING

ZZ-8