

APPENDIX B-2

ANNOTATED Transcript of CCPD Dispatch Tape

from Jesse Escochea

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DeLuna Police Dispatch Tape

I. **Tape Transcription of Channel 1 dispatch tape, Jesse Escochea, Dispatcher.**

Transcriber's notes:

Times are in hours:minutes:seconds.

[?] indicates words or phrases that are inaudible or indistinguishable;

? : indicates an unknown speaker;

M : indicates an unknown male speaker;

F : indicates an unknown female speaker

CCPD Units That Appear to Have Taken Part in the 2/4/83 Shamrock Investigation and Manhunt [need to fill in times]

Car/Unit involved in Shamrock incident (in order of arrival)	Name of officer where known	Responded to Shamrock station	Took part in search near Dodd & McArdle	Took part in search near McArdle & Kostory	Took part in search near Franklin & Nemec
134	<u>Fowler</u> ; became primary officer at scene	X (assisted victim; interviewed witnesses)			
127A	<u>Mejia</u>	X (interviewed witnesses)			
270		X			
146		X			X
143		X	X	X	
140			X	X	X
279	<u>Ruben Rivera/ Carolyn Vargas</u> (arresting officer)		X		X
153			X (on foot)		X

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311 ("in service at 8:14:29 p.m.; arrives at 8:21:21 or 8:21:34 p.m.)	<u>Escobedo</u>	X			
149			X		X
126			X (on foot)	X	X
103 ("in area at 8:15:30 p.m.)	<u>Capt. Glorfield</u>	X (also takes part in stop of vehicle on McArdle and Cosner)			
303	<u>Lt. McConley</u>	X			
155			X (on foot)	X (on foot)	X
151			X (on foot)		X
131			X		X
121			X (on foot)	X	X
152			X		
135	<u>Officer Schauer</u> (arresting officer)		X		X
157			X		
120			X		X
119			X		
115			X		
113			X	X	
141			X	X	
403 (vice)			X	X (on foot)	
443 (vice)			X		
513 (arrives at 8:25 p.m.)	<u>Infante</u>	X			
125					
123				X (on foot)	X

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139				X (on foot)	X
425 (vice)					
116				X	X
415				X (on foot)	
145				X	
408 (vice)				X	
219				X	
158					X
185					X
110					X
154					X

[In transcribing the first portion of this tape --- the phone call from Wanda Lopez --- we also used the audio tape of that call that was submitted as an exhibit in the Vargas v. Shamrock civil suit. That tape was somewhat clearer than the police dispatch tape we received from Jesse Escochea, which contained Wanda Lopez's call and the remaining radio traffic that is transcribed below.]

[THE CALL CARD IN THE D.A. FILE HAS THIS CALL COMING IN AT **8:09 p.m., 2/4/83**. THIS CALL CARD IS MARKED "SUPP" IN DARK INK, AND THE WORD "SUPPLEMENTARY" (AS OPPOSED TO "OFFENSE", "MISC", "NO REPORT", "VEH IMPOUND", "ARREST ONLY" AND "ACCIDENTAL") IS CIRCLED IN THE SAME DARK INK. THIS INDICATES THERE WAS AN EARLIER CALL.]

00:00:19

Dispatcher: Police Department.

Wanda Jean Lopez: Yes, can you have an officer come to 2602 South Padre Island Drive? I have suspect with a knife inside the store.

Dispatcher: What place is this?

00:00:30

WJL: Uh, Sigmor.

00:00:33

Disp: OK, what's he doing with the knife?

00:00:35

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WJL: I don't know. He was outside, bumming a ride off of this guy, and he just told me right now, he just came inside the store.

00:00:43

Disp: Has he threatened you in any way?

[Police 2/10/83 transcription: "Has he threatened you any yet?"]

WJL: Not yet! Give [?] just a minute.

[Police 2/10/83 transcription: "(Conversation with someone other than the dispatcher). OK! What, the money? What's that?"]

00:00:48

Disp: What does he look like?

WJL: [What's that?] or [Okay?]

Disp: What does he look like?

00:00:54

WJL: I can't see him, standing behind the counter.

[Police 2/10/83 transcription: "He's a Mexican, standing right here at the counter."]

Disp: Huh?

00:00:58

WJL: Can't talk. Thank you.

Disp: Ma'am?

WJL: What?

00:01:01

Disp: Don't hang up, ok?

WJL: Ok.

00:01:03

WJL: [?]

00:01:05

Male voice: [?]

WJL: [?] eighty-five.

00:01:09

Disp: Where is he at now?

WJL: Right here.

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00:01:12

Disp: Is he a white male?

[She already said he was a Mexican!]

WJL: No.

Disp: Black?

WJL: No.

Disp: Hispanic?

WJL: Yes!

00:01:17

Disp: Tall? Short?

WJL: Uh-huh.

Disp: Tall?

WJL: Tall.

00:01:23

WJL: Thank you.

00:01:24

Disp: Does he have the knife pulled out?

WJL: Not yet!

00:01:27

Disp: Is it in his pocket?

WJL: Uh-huh.

00:01:30

Disp: All right. We'll get someone over there.

00:01:31

WJL: You want it? I'll give it to you. [?]

[Police 2/10/83 transcription adds at the end of this: "I'll give it to you, I'm not gonna do nothing to you, Please!!!! (A lot of commotion is over heard in the background, followed by screams, you can hear the phone dropping, victim moaning."]

00:01:36

Disp: Get a unit on 17 [emergency run] to the Shamrock, 2602 South Padre, got an armed robbery going down right now!!!

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M: [?] see what you can get out of him.

00:01:42

(screaming)

00:01:44

M: Ok, hold on.

**[THE TAPE PLAYED AT THE CRIMINAL AND CIVIL TRIALS ENDS HERE.
JESSE ESCOCHEA'S TAPE CONTINUES FROM HERE TO THE END.]**

00:01:46

M: 165.

[OFFICER ROBERT MAYORGA TRANSLATED THESE CODES FOR US.
HE HAS BEEN ON THE FORCE SINCE THE EARLY 1980S; KNEW
THE SHAMROCK AREA AS A PATROLMAN; DATED WANDA LOPEZ
RIGHT AROUND THE TIME SHE WAS KILLED. HE TRANSLATES
THIS AS A REFERENCE TO UNIT/BEAT CAR 165. PROBABLY A
CALL-IN UNRELATED TO SHAMROCK ROBBERY]

F: Are you through with your call?

M: 151 to base [?]

00:01:48

(brief dial tone)

?: [?]

M: [?]

[THE TAPE PLAYED AT THE CRIMINAL AND CIVIL TRIALS ENDS
HERE. JESSE ESCOCHEA'S TAPE CONTINUES FROM HERE TO THE
END.]

00:01:49

F: Armed robbery in progress.

00:01:51

M: [?]

00:01:54

M: [?]

00:01:56

F: 10-4. [?]

00:02:00

F: 17 by [?]

00:02:01

M: 2602 South Padre. Armed robbery in progress.

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00:02:02

F: 2602 S.P.I.D. at the Shamrock station. An armed robbery in progress.

00:02:08

M: 55 [?]

[MAYORGA: THIS IS A REFERENCE TO BEAT CAR 155]

00:02:10

M: 55. We're making 17.

00:02:12

F: -at this time. [?] back-up to 134.

[134 IS FOWLER'S CAR. 55 IS TOLD TO SERVE AS "BACK-UP" TO 134, WHICH IS THE PRIMARY PATROL UNIT AT THIS POINT, AFTER MYLETT DIDN'T ANSWER UNTIL 3:00 OR 4:08 BELOW, ASSUMING CAR 140 IS MYLETT. FIRST UNIT TO HIT THE SCENE PRESUMPTIVELY IS IN CHARGE THEREAFTER, AND 134 DOES SEEM TO ASSUME THAT ROLE.]

00:02:15

M: [?]

00:02:16

M: 270

[MAYORGA: 270 IS A BEAT CAR]

00:02:19

M: Ok. 42 under Cambridge.

00:02:22

M: [?]

00:02:24

M: 10-4. It's going to be a Hispanic male with a knife. I had the chick on the phone. There's going to be an assault in progress, also.

00:02:33

M: [?] Shamrock?

M: Yeah.

00:02:35

F: -realize there will be an assault in progress, also.

00:02:38

M: [?]

00:02:42

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M: [?]

00:02:44

M: 106.

[MAYORGA: THIS REFERS TO BEAT CAR 106]

M: 106.

00:02:47

M: [?] 151 please follow.

00:02:53

M: Ok. 17, can you bring those in?

[MAYORGA: WONDERS IF "THOSE" REFERS TO WITNESSES??]

00:02:59

M: 10-4.

00:03:00

M: 140.

[MAYORGA: 140 IS THE PATROL CAR THAT HAD THE CASINO CLUB BEAT --- PERHAPS MYLETT? WE KNOW HE ARRESTED CDL AT THE CASINO CLUB TWO WEEK EARLIER. THERE ARE MANY REFERENCES BELOW TO 140 THAT ALSO SUGGEST 140 IS MYLETT'S CAR. AT TRIAL ESCOCHEA SAID THE FIRST CALL WENT OUT TO MYLETT, BUT HE DIDN'T RESPOND SO THEY DISPATCHED FOWLER INSTEAD --- WHICH IS CONSISTENT WITH THIS --- THE "17" GOES OUT AT 1:16, BUT 140 DOESN'T CALL UNTIL NOW (3:00), AND SEE 4:08 BELOW.]

F: 140.

00:03:04

M: [?]

00:03:05

M: [?]

00:03:08

F: 10-4.

M: 10-4.

00:03:12

M: [?]

00:03:14

M: 279.

[MAYORGA: THIS IS ANOTHER UNIT/CAR, BUT MAY BE FROM ANOTHER AGENCY, POSSIBLY A CONSTABLE UNIT --- MAYBE

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RUBEN RIVERA AND CAROLYN VARGAS? THIS IS ABOUT WHEN THEY SAID THEY ARRIVED.]

M: You know the direction you're traveling?

Disp: No, it was going on when I was on the phone with her.

M: [?]

00:03:22

M: 46.

[MAYORGA: 46 IS PROBABLY A BEAT CAR 146]

F: 46.

M: 47.

[MAYORGA: 47 MEANS "HAVE MADE THE SCENE", SO THIS INDICATES THAT UNIT 146 ARRIVED AT THE SCENE]

F: 10-4.

00:03:27

M: 27.

[MAYORGA: THIS IS PATROL/BEAT UNIT #127, ANOTHER BEAT OR PATROL UNIT. I BELIEVE THIS IS MAYORGA, WHO WAS THE SECOND CAR AT THE SCENE, AND TALKED TO THE WITNESSES]

M: 2-7.

[MAYORGA: PATROL/BEAT UNIT 127]

M: 47.

[MAYORGA: UNIT 127 ARRIVES AT THE SCEN]

M: 10-4. 2-7.

00:03:34

F: 43, we're 47 at the Shamrock.

[MAYORGA: PATROL/BEAT UNIT 143 ARRIVES AT THE SCENE]

F: 10-4.

00:03:47

M: [?]

00:03:52

M: [?] We got a 27.

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[MAYORGA: 27 IS A SHOOTING. THE FIRST UNIT AT SCENE REPORTS A SHOOTING.]

00:03:56

F: 10-4.

00:04:00

M: 27.

[MAYORGA: 27 = SHOOTING]

M: [?]

00:04:02

M: [?]

00:04:07

F: We had a [?]

00:04:08

M: 140. Ok.

[MAYORGA: PATROL/BEAT UNIT 140. IS THIS MYLETT FINALLY CHECKING IN? FINALLY ARRIVING?]

00:04:09

F: 140. [?]

00:04:12

F: I'm getting the ambulance for you.

00:04:14

M: [?] We've got a Hispanic male, wearing a gray sweatshirt, northbound on foot beside the building.

00:04:25

M: [?]

00:04:28

M: [?] have an armed robbery, 27, just occurred. 2602 S.P.I.D. The Hispanic male, gray sweatshirt, northbound on foot, to the rear. All units in the area.

[MAYORGA: AGAIN, 27 MEANS SHOOTING]

00:04:38

M: [?]

00:04:40

M: [?] 53.

[MAYORGA: PATROL/BEAT UNIT 153]

M: 140.

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00:04:42

M: 140.

M: [?]

M: 10-4.

00:04:46

M: Code 3. 2602 South Padre for a 27.

[MAYORGA: CODE 3 = EMERGENCY RUN (SAME AS "17"); 27 = SHOOTING]

00:05:01

M: 27-A.

M: 27-A.

[MAYORGA: 27-A MEANS THAT 127 IS THE PRIMARY OFFICER OR LEAD OFFICER IN A TWO-MAN PATROL CAR. "A" DENOTES PRIMARY OFFICER. THIS LOOKS LIKE IT IS BRUNO MEJIA, BECAUSE HE IS THE OFFICER WHO TALKED TO THE WITNESSES]

00:05:03

M: Additional information: Hispanic man, about 5 foot 9, he's got a flannel shirt on.

[THIS INFO JIBES WITH WRITTEN STATEMENT GIVEN TO POLICE, AND PRETRIAL/TRIAL TESTIMONY BY KEVAN BAKER; SEE THE "DESCRIPTION CHRONOLOGY" BELOW.]

00:05:10

M: [?] about 5-9, should have a flannel shirt and gray sweatshirt, northbound on foot.

00:05:18

M: 27-A, where's that ambulance coming from?

00:05:21

M: Ok. It's on 4600 Kostoryz.

00:05:25

M: 10-4.

00:05:28

M: 140.

[AGAIN, PATROL UNIT 140 --- MYLETT?]

M: 140.

00:05:30

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M: [?] uniformed officers on the scene [?]

00:05:37

M: [?] 2600 South Padre. Stay away from the scene, just maintain [?]

00:05:46

F: 311.

[MAYORGA: THIS IS THE DETECTIVE UNIT ASSIGNED TO THIS CALL-OUT. FEMALE VOICE; OLIVIA ESCOBEDO]

00:05:48

M: 311.

00:05:49

F: 10-8.

[MAYORGA: UNIT 311 (OLIVIA ESCOBEDO) IS "IN SERVICE" MEANING ENROUTE TO CRIME SCENE]

00:05:50

M: 10 [?]

00:05:51

M: 49.

[MAYORGA: PATROL/BEAT UNIT 149]

00:54:52

M: 49.

00:05:53

M: [?]

00:05:56

M: 10-4.

00:05:57

M: [?]

00:05:59

M: 34.

[MAYORGA: PATROL/BEAT UNIT 134]

00:06:00

M: Got to be in the area, about in -- what is that -- Sunnybrook? Correction, [?] block North of S.P.I.D. I'm going to be out on foot on 4900 [?]

00:06:13

M: [?]

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00:06:15

M: 26.

[MAYORGA: PATROL/BEAT UNIT 126]

M: 26.

00:06:17

M: [?]

00:06:19

M: Are you still going to that 27 we just got?

[THEY ARE STILL THINKING IT IS A SHOOTING, #27]

00:06:22

M: They're going north on [?]

00:06:24

M: They're going to Memorial [Hospital?].

00:06:33

M: 140.

[PATROL UNIT 140 AGAIN]

M: 140.

00:06:36

M: [?] and 103 [?] and also the number 303 [?] investigator [?]

[MAYORGA: 103 is PATROL CAPTAIN; PROBABLY GLORFIELD.
303 = SOMEONE WITH CRIMINAL INVESTIGATION DIVISION,
C.I.D. REFERS TO "LT./SUPERVISOR." THIS PROBABLY
REFERS TO LT. MCCONLEY.]

00:06:45

M: [?] and out, sir.

M: 10-4.

00:06:48

M: [?]

00:06:49

M: [?] I'm in the area.

00:06:51

M: [?] 103.

[MAYORGA: 103 = PATROL CAPTAIN. THIS PROBABLY REFERS
TO CAPTAIN GLORFIELD.]

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00:06:52

M: I'm a couple minutes away [?]

00:06:55

M: 10-4, 103.

00:07:15

M: 55.

[MAYORGA: THIS IS PATROL/BEAT UNIT 155]

00:07:16

M: 55.

00:07:18

M: [?]

00:07:20

M: 55, repeat.

00:07:22

M: [?] where it is, at 4900 Dodd that the subject just ran by.

[POINT 2 ON MAP IS 4900 DODD, THE CORNER OF DODD AND MCARDLE ROAD. THIS LOCATION IS TWO BLOCKS NORTH AND JUST SLIGHTLY WEST OF THE SHAMROCK STATION, UP DODD STREET].

00:07:29

M: [?]

00:07:33

M: 155 advised the witness just saw the suspect in the 4900 block of Dodd.

00:07:39

M: [?] Dodd and McArdle.

00:07:43

M: Ok. Who's at Dodd and McArdle?

00:07:45

M: 53.

[MAYORGA: PATROL/BEAT CAR 153 IS AT DODD & MCCARDLE]

00:07:46

M: Ok, advise- What did you say?

00:07:49

M: [?] Dodd and McArdle.

00:07:51

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M: Ok, 51's at the [?]

[MAYORGA: PATROL/BEAT CAR 151]

00:07:53

M: 27-A.

M: 27-A.

00:07:55

M: Also, witnesses are saying he had a white, untucked T-shirt. **I don't know if it's another suspect** or the same one. Long-sleeved shirt, untucked.

[THIS IS PROBABLY INFO TO MEJIA (127A) FROM THE ARSUAGAS - NOTE THE USE OF THE PLURAL "WITNESSES." JOHN AND JULIE ARSUAGA GAVE WRITTEN STATEMENTS AND TESTIFIED PRETRIAL AND AT TRIAL THAT THEY ENCOUNTERED SOMEONE IN A WHITE LONG SLEEVE UNTUCKED SHIRT NEAR THE PHASE IIII NIGHT CLUB, ABOUT ONE AND ONE-HALF TO TWO CITY BLOCKS IN DISTANCE DUE EAST OF THE SHAMROCK STATION ALONG THE SPID SERVICE ROAD. THEY TRIED TO FLAG DOWN POLICE ON THEIR WAY TO THE SHAMROCK STATION, FAILED, THEN DROVE OVER TO THE GAS STATION THEMSELVES. IN STATEMENTS TO POLICE AND IN PRETRIAL AND TRIAL TESTIMONY, THE ARSUAGAS SAID THE SHIRT WAS A BUTTON-UP WHITE DRESS SHIRT, NOT THE T-SHIRT NOTED HERE. ON THE MAP, POINT 6 IS THE APPROXIMATE LOCATION WHERE THE ARSUAGAS ENCOUNTERED THE RUNNING MAN. SEE "DESCRIPTION CHRONOLOGY" BELOW.]

00:08:04

M: 10-4.

00:08:21

53: 53.

[MAYORGA: PATROL/BEAT CAR 153]

Disp: 53.

00:08:23

53: My partner will be on foot on Dodd, I'll [?] in the area.

00:08:28

140: 140.

[PATROL/BEAT CAR 140, AGAIN]

00:08:29

Disp: 10-4.

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00:08:30

? : [?]

00:08:32

? : 126.

[MAYORGA: PATROL/BEAT CAR 126]

00:08:32

Disp: 26.

00:08:35

26: Do you know if [?]

00:08:35

31: 31.

[MAYORGA: PATROL/BEAT UNIT 131]

00:08:36

? : [?] no, you might go to [?]

00:08:38

? : [?]

00:08:40

? : [?]

00:08:41

53: 53 to 55.

[MAYORGA: PATROL/BEAT CAR 153 IS CALLING UNIT 155]

00:08:50

? : 37 [?]

00:08:54

? : 31-A.

00:08:56

? : Yeah, 21 is in the area [?]

[MAYORGA: PATROL/BEAT CAR 121; GOES ON FOOT; SEE NEXT ENTRY]

00:08:59

? : He'll be on foot in the area of Dodd and McArdle.

00:09:01

? : [?]

00:09:03

? : 10-4, 2-6.

00:09:27

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? : [?] that description again, please?

00:09:29

? : Hispanic male, 5-9, gray sweatshirt, flannel shirt. No other information.

00:09:35

? : [?]

00:09:37

103: 103.

[MAYORGA: 103 = PATROL CAPTAIN]

Disp: 103.

00:09:39

103: [?]

Disp: 10-4.

00:09:43

? : [?]

00:09:44

? : [?]

00:09:46

? : 52.

[MAYORGA: PATROL/BEAT CAR 152]

00:09:47

? : [?] You copy the armed robbery?

00:09:51

? : 10-4.

00:09:52

? : Ok, go to the area.

00:10:14

? : 143.

[MAYORGA: PATROL/BEAT CAR 143]

? : 26.

[MAYORGA: PATROL/BEAT CAR 126]

00:10:16

? : 26.

? : 43.

00:10:18

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[two voices overlapping]

00:10:23

?: 10-4.

00:10:24

?: [?]

00:10:25

?: 10-4.

00:10:26

?: 35, 27.

[MAYORGA: PATROL/BEAT CAR 135 IS CALLING UNIT 127]

00:10:28

?: 10-4.

00:10:49

?: [?]

00:10:51

?: 57.

[MAYORGA: PATROL/BEAT CAR 157]

00:10:53

?: [?]

00:10:56

?: 10-4.

00:10:59

?: 120.

[MAYORGA: PATROL/BEAT CAR 120]

00:11:00

?: 120.

00:11:01

?: That 38 going there at the Circle-K [?] S.P.I.D.

[THE CIRCLE K WAS LOCATED AT MCARDLE AND KOSTORYZ,
POINT 4A ON MAP. WE NEED TO FIND OUT WHAT A "38" IS.]

00:11:04

?: No, it's a Shamrock, 2602 South Padre.

[overlapping voice in background]

00:11:09

?: 10-4.

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00:11:10

? : 10-4.

00:11:13

? : 19 and 15.

[MAYORGA: PATROL/BEAT CARS 119, 115]

00:11:26

? : Car 13.

00:11:28

? : 13.

[MAYORGA: PATROL/BEAT CAR 113 --- A UNIT NORMALLY
ASSIGNED TO COVER DOWNTOWN AREA]

00:11:29

? : [?]

00:11:31

? : 10-4. 19-A.

[MAYORGA: PRIMARY OFFICER IN PATROL/BEAT CAR 119]

00:11:37

? : 19.

00:11:38

? : [?]

00:11:40

? : Unh-unh.

00:11:41

? : 10-4. 119.

00:11:43

? : 119.

00:11:45

? : I've got a signal two in progress, 2701 Countess.
Judy's complaint.

[THIS APPARENTLY IS A DIFFERENT INCIDENT SEVERAL MILES
TO THE NORTH AND WEST.]

00:11:55

? : Ok.

00:11:57

? : 115.

[MAYORGA: PATROL/BEAT CAR 115]

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00:11:59

? : [?]

00:12:03

? : Gray sweatshirt and a flannel shirt.

00:12:08

? : 10-4.

00:12:27

? : 141.

[MAYORGA: PATROL/BEAT CAR 141]

00:12:34

? : 141.

00:12:40

? : 311.

[MAYORGA: DETECTIVE 311 - PROBABLY ESCOBEDO]

00:12:43

? : 311.

00:12:44

? : 37, have you heard about 303?

[MAYORGA: 303 IS CID LT./SUPERVISOR - PROBABLY LT. MCCONLEY]

00:12:49

? : We're still in the process [?]

00:12:53

? : 311 to 47, over.

[DOES THIS INDICATE THAT THIS IS WHEN 311 (ESCOBEDO) ARRIVED AT THE SCENE (47) - AT 8:21:34 P.M.]

00:12:55

? : 17.

00:12:58

? : 53 to 153.

[MAYORGA: PATROL/BEAT CAR 153'S PRIMARY OFFICER CALLING SECONDARY OFFICER]

00:13:27

? : 43, channel 4.

[MAYORGA: PATROL/BEAT CAR 143 IS REFERRING TO INFORMATION CHANNEL]

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00:13:34

?: Description, again?

00:13:36

?: Hispanic male, 5-9, let me broadcast this, over.

00:13:45

?: 403.

[MAYORGA: VICE UNIT CAR 403]

00:13:46

?: 403.

00:13:47

?: In the car.

00:13:48

?: 10-4.

00:13:51

Disp: This is broadcast of armed robbery 27, just occurred 2602 South Padre, the Shamrock. Hispanic male, 5-9, wearing a flannel shirt and gray sweatshirt. Suspect last seen heading northbound on foot to the rear of the Shamrock. May possibly be wearing a white, long-sleeved T-shirt. That's may possibly be. Said he was last seen by a witness in the 4900 block of Dodd, running through the yards. K.O. 761 at 8:22.

00:14:22

53: 53.

[MAYORGA: PATROL/BEAT CAR 153]

00:14:24

Disp: 53.

00:14:25

53: Did the suspect have a cap on, do you know?

00:14:28

Disp: Stand by, let me check.

00:14:29

?: 4-4-3.

00:14:31

443: 443.

[MAYORGA: VICE UNIT CAR 443]

00:14:37

DeLuna Police Dispatch Tape

? : 34.

[DISPATCHER CALLING 134, FOWLER, FOR MORE INFO ABOUT SUSPECT]

00:14:38

? : 34, did the suspect have a cap on?

00:14:41

? : Not known to me, ma'am. Do you have any units in the area of Kostoryz and McArdle?

[KOSTORYZ AND MCARDLE IS POINT 4 ON MAP.]

00:14:48

? : I've got several units out there sir, I don't know if anybody's at Kostoryz and McArdle.

00:14:52

? : Ok. We have a [?] over blue, very dark blue Mercury L.T.D. or Marquis, 2 Hispanic males, they're eastbound on McArdle. They should be just getting to Kostoryz now. The same people were [?] up by Circle K at Kostoryz and McArdle before.

00:15:12

? : Eastbound on McArdle towards Kostoryz.

00:15:13

? : [?] Eastbound on McArdle. Let me get a description.

00:15:16

? : 37.

00:15:20

? : This is [?] again.

00:15:21

? : [?] Gabriel and McArdle

[THIS INTERSECTION -- POINT 3 ON THE MAP -- IS TWO BLOCKS NORTH AND ABOUT TWO BLOCKS EAST OF THE SHAMROCK STATION; IT IS ABOUT 10 BLOCKS WEST OF KOSTORYZ ON MCARDLE].

00:15:23

? : Ok, we've got dark Mercury, it's eastbound on McArdle, just approaching Kostoryz, occupied by two Hispanic males. 34 [?]

[AGAIN, MCARDLE AND KOSTORYZ IS POINT 4 ON THE MAP; TWO BLOCKS NORTH AND 14 BLOCKS EAST OF SHAMROCK STATION.]

DeLuna Police Dispatch Tape

00:15:35

? : 119-A, go to 19.

[MAYORGA: 119A = PRIMARY OFFICER IN PATROL/BEAT CAR 119; "19" COULD MEAN TO GIVE ASSISTANCE.]

00:15:38

? : [?]

00:15:41

? : No, he was on foot. We need somebody to try and stop him, I.D.

[THIS SEEMS TO BE RESPONSE TO OFFICERS FUSSING WITH THE MERCURY CAR TO FOCUS INSTEAD ON THE MAN ON FOOT.]

00:15:44

? : 1-31.

00:15:46

31: 31.

[MAYORGA: PATROL/BEAT CAR 131]

00:15:48

? : [?]

00:15:50

? : 10-4.

00:15:50

31: 10-4.

00:16:30

Disp: 134 [FOWLER].

00:16:35

Disp: 134.

00:16:35

? : [?]

00:16:38

? : [?]

00:16:42

? : [?]

00:16:43

? : 52.

[MAYORGA: PATROL/BEAT CAR 152]

DeLuna Police Dispatch Tape

00:16:44

? : [?] go home.

00:16:45

? : [?]

00:16:47

? : [?]

00:16:48

? : [?]

00:16:49

? : [?]

00:16:50

? : 10-4.

00:16:51

513: 513.

[MAYORGA: 513 IS I.D. TECH UNIT. THIS IS PROBABLY
INFANTE ARRIVING, AT 8:25:32 P.M.]

00:16:53

? : [?]

? : 10-4.

00:16:54

? : [?]

00:16:55

? : [?]

00:16:56

? : [?]

00:16:57

? : [?]

00:16:58

? : 10-4.

00:17:00

? : [?]

00:17:01

? : [?]

00:17:02

? : 21

00:17:03

DeLuna Police Dispatch Tape

? : [?]

00:17:05

? : Ok, 103 is going 48 on this vehicle. [?] 137's at Cosner and McArdle, Exo Victor Lincoln 110.

[THIS LOCATION IS MARKED AS POINT 5 ON MAP. IT IS TWO BLOCKS EAST OF KOSTORYZ ON MCARDLE. THAT IS, TWO BLOCKS NORTH AND 16 BLOCKS EAST OF THE SHAMROCK STATION. WHAT WE HAVE FOUND OUT ABOUT THE CAR DOESN'T SUGGEST A CONNECTION TO THE CASE, BUT WE HAVEN'T FULLY CHECKED IT OUT.¹]

[MAYORGA: 103 IS CAPTAIN (PROABLY GLORFIELD); "GOING 48" = TRAFFIC STOP; PATROL UNIT 137 PROVIDES BACK-UP FOR 103.]

00:17:15

? : [?]

00:17:16

? : 10-4.

00:17:22

? : [?]

00:17:23

? : 26.

[MAYORGA: BEAT/PATROL UNIT 126]

00:17:24

26: 26.

00:17:25

? : [?]

00:17:28

Disp: 10-4. 134 [FOWLER].

00:17:30

? : 131.

[MAYORGA: PATROL/BEAT UNIT CAR 131]

00:17:33

? : 131.

¹1978 Mercury, 2-door, XVL 110. Owner: Benacio HERRERA, 4938 Cosner, Corpus Christi, Tx, 78415; VIN: 8H93H535138; Title#: 92804687; Lien holder: 04/25/81 Corpus Christi National Bank, Po Box 301, Corpus Christi, Tx, 78403. Car went to a salvage in April 1985 --- Texas Wrecking Company, Po Box 525, Gregory, Texas (near Corpus Christi). The city of Gregory confirmed that the yard closed 15-20 years ago and the site was re-developed.

DeLuna Police Dispatch Tape

00:17:34

? : [?]

00:17:35

? : [?] at Cosner and McArdle.

00:17:38

? : [?]

00:17:40

? : 10-4. 134, channel 1.

[MAYORGA: CHANNEL 1 IS THE PRIMARY PATROL CHANNEL.]

00:17:50

? : [?]

00:17:58

? : 25.

[MAYORGA: PATROL/BEAT CAR 125]

00:17:59

? : 25.

00:18:00

? : [?]

00:18:01

? : 270.

[MAYORGA: CAR 270]

00:18:03

? : 10-4. [?]

00:18:06

? : To channel 4.

00:18:08

? : Ok, I'm clear.

00:18:09

? : 219.

[MAYORGA: DISPATCHER CALLING CAR 219]

00:18:10

? : [?]

[MAYORGA: CAR 219 DOES NOT RESPOND]

00:18:12

? : 31.

DeLuna Police Dispatch Tape

[MAYORGA: DISPATCHER CALLING CAR 33]
00:18:14
?: [?]
[MAYORGA: CAR 31 DOES NOT RESPOND]

00:18:15
?: 219.

00:18:17
?: [?]

00:18:20
Disp: 219 or 223.
[MAYORGA: DISPATCHER CALLING CARS 219, 223]

00:18:22
?: [?]
[MAYORGA: DISPATCHER NO RESPONSE FROM 219, 223]

00:18:23
?: [?]

00:18:24
?: [?] 682 [?]

00:18:29
Disp: 10-4. 134.

00:18:35
?: [?]

00:18:36
?: 26
[MAYORGA: PATROL/BEAT CAR 126]

00:18:38
?: [?] on foot on walkie-talkie around 48?? [?] of Dodd
[THIS LOCATION IS ONE OR TWO BLOCKS NORTH OF THE
GAS STATION ALONG DODD STREET, NEAR POINT 2].

00:18:45
?: 10-4, 26. 113.

00:18:54
?: 23.
[MAYORGA: PATROL/BEAT CAR 123]

DeLuna Police Dispatch Tape

00:18:55

? : 23.

00:18:56

? : [?]

00:18:57

? : 39.

[MAYORGA: PATROL/BEAT CAR 139]

00:18:58

? : 113.

[MAYORGA: PATROL/BEAT CAR 113]

00:19:01

? : [?]

00:19:04

? : Need you to come on in, take it around. 3131 McArdle.
[?]

[THIS LOCATION IS IN BETWEEN THE NURSING HOME AT 3115
MCARDLE (POINT 4C ON THE MAP; SEE BELOW RE: NURSING
HOME) AND DOMINO'S PIZZA (POINT 4B ON MAP; SEE BELOW
RE: DOMINO'S). THIS LOCATION IS TWO BLOCKS NORTH AND
ABOUT 13 BLOCKS EAST OF THE SHAMROCK STATION.]

00:19:06

? : 113.

00:19:07

? : 223, 113's got the subject. Taylor and North [?] copy
downtown

[THIS LOCATION IS SEVERAL MILES FROM THE GAS STATION,
DOWNTOWN].

00:19:14

? : Yeah, I got a 2

00:19:15

? : 47.

00:19:16

? : 702 North Shepherd, is that all the same thing?

[THIS LOCATION ALSO SEVERAL MILES AWAY, DOWNTOWN.
MAYORGA SAYS IT IS IN THE CHAPARRAL/DOWNTOWN AREA;
MAYBE A CIRCLE K THERE.]

00:19:18

? : 10-4.

DeLuna Police Dispatch Tape

00:19:19

?: 10-4. Ruthy, could [?] 48 [?]

00:19:23

?: [?] Still on 47, this deal.

00:19:27

?: 415.

[MAYORGA: VICE UNIT 415]

00:19:29

?: 415.

00:19:31

?: 405, we can take that 43 if you want us to. We're close.

[MAYORGA: 43 IS A BUSINESS BURGLAR ALARM. CAR 405 IS RESPONDING TO IT. I WONDER IF THIS WAS IN THE MCARDLE/KOSTORYZ AREA?]

00:19:35

?: Ok. [?] 47.

[MAYORGA: 47 = ARRIVED]

00:19:38

?: [?]

00:19:50

?: 34, channel 1.

[MAYORGA: PATROL/BEAT CAR 134 ON PRIMARY CHANNEL]

00:19:55

?: 34 on 1.

00:19:57

?: 34, suspect, did you, said there was at the Circle K, waiting for a taxi. What was his description?

00:20:04

?: Hispanic male, about 5 foot 9, white T-shirt or heavy T-shirt, almost a sweatshirt-type. White pants. Beard and mustache.

00:20:19

?: Ok, sounds like the description the chick was trying to give me on the phone. She said he was out there trying to bum a ride, armed with a knife. Possibly could be the same one.

DeLuna Police Dispatch Tape

00:20:31

?: [?] I didn't [?] He advised me he had [?] and he was waiting for a taxi for the ride home.

00:20:41

?: Stand by, 34. 27-A.

[THIS APPEARS TO REFER TO FOWLER (134) AND MEJIA (127A), AT THE GAS STATION TALKING TO WITNESSES]

00:20:43

27A: 27-A. [?]

00:20:47

?: [overlapping] [?] has a hat on, clean shaven or what?

00:20:50

?: To the Casino?

[MAYORGA: REFERS TO CASINO CLUB NIGHTCLUB ON S. PORT AVE. THIS APPARENTLY IS THE FIRST INDICATION OF INFORMATION FROM GEORGE AGUIRRE, WHO SAID THE MAN HE SAW OUTSIDE THE SHAMROCK STATION HAD ASKED FOR A RIDE TO THE CASINO CLUB.]

00:20:52

?: 10-4.

00:20:53

?: Do you have a better description? Can you give us a better description?

00:20:56

?: Negative. We got some people down at [?] a white shirt, possibly a white shirt

[THIS AGAIN SOUNDS LIKE MORE INFO FROM JOHN AND JULIE ARSUAGA. THERE APPEARS TO BE THE SOUND OF A FEMALE VOICE TALKING TO THE OFFICER IN THE BACKGROUND].

00:21:03

Disp: Ok, sounds like the same guy that 34 was looking at earlier. Do you have a description of his face?

00:21:16

?: Clean-shaven.

00:21:18

Disp: You got that he's clean-shaven?

00:21:19

?: [?]

DeLuna Police Dispatch Tape

00:21:21

Disp: 10-4. Long, short hair, anything else?

00:21:23

?: How about a hat?

00:21:24

?: Medium-length curly hair, about 25 years of age.

00:21:28

?: [overlapping] Suspect has medium-length curly hair [?]

00:21:30

Disp: Ok, anything about a hat or a cap or anything?

00:21:32

?: Negative.

00:21:34

Disp: Ok.

00:21:37

?: [?] stationary, 4900 McArdle

[THIS LOCATION, AGAIN, IS POINT 2 ON THE MAP, TWO BLOCKS DUE NORTH AND SLIGHTLY WEST OF THE SHAMROCK STATION, ALONG DODD].

00:21:41

Disp: 21, 21 on McArdle?

[MAYORGA: PATROL/BEAT UNIT 121]

00:21:45

?: Stationary.

00:21:46

?: [?]

00:21:47

?: 10-4.

00:21:48

?: 10-4.

00:21:49

?: [?]

00:21:50

?: [?]

00:21:51

?: What's going on at the Casino?

00:21:54

DeLuna Police Dispatch Tape

?: We don't have anything going on at the Casino right now.
123?

00:21:57

?: [overlapping] [?] the area by Domino's Pizza -- just ran
behind Domino's Pizza as we pulled up.

[DOMINO'S PIZZA WAS LOCATED AT MCARDLE AND KOSTORYZ,
POINT 4B ON THE MAP].

00:22:01

Disp: 123.

[MAYORGA: PATROL/BEAT UNIT 154]

00:22:04

?: 10-4.

00:22:05

?: 43.

00:22:06

43: 43.

[MAYORGA: PATROL/BEAT CAR 143]

00:22:07

?: They're giving you [?] in the area of Domino's Pizza,
possibly in that area.

00:22:12

?: [?] medium-length curly.

00:22:15

?: Ok, it's going to be a slightly wavy [?] just a tiny
bit, it's not going to be real curly.

00:22:26

?: [?]

00:22:30

?: [?]

00:22:34

?: 403.

[MAYORGA: CAR 403]

00:22:35

?: [?] time is 10:33. 143.

00:22:37

?: 10-4.

00:22:41

DeLuna Police Dispatch Tape

? : [?]

00:22:43

? : 43, this is [?]

00:22:54

Disp: Anyone near Kostoryz and McArdle?

[AGAIN THIS LOCATION IS POINT 4 ON MAP.]

00:22:57

? : [?]

00:23:03

Disp: Anyone near Kostoryz and McArdle?

00:23:05

? : I'm going up behind Domino's Pizza.

00:23:08

Disp: Are you right there, 21-A?

00:23:10

? : [?] 21.

[MAYORGA: PATROL/BEAT CAR 121]

00:23:12

? : Ok, 21, we just needed somebody else out there with 39

[MAYORGA: PATROL/BEAT CAR 139].

00:23:18

? : 123. 16.

[MAYORGA: PATROL/BEAT CARS 123, 116]

00:23:20

? : 23, did you copy the information on the armed robbery we had a minute ago?

00:23:25

23: Negative.

00:23:28

? : We had an armed robbery, 27, go down 2600 South Padre Island Drive. A Hispanic male, 5-9, with flannel shirt, possibly a gray sweatshirt. It may possibly be a white T-shirt, also, long-sleeves. Clean-shaven, medium, wavy, ear-length hair. He was out there earlier looking for a ride to the Casino. You might want to [?] to the Casino, see if someone's giving him a ride out there.

DeLuna Police Dispatch Tape

00:23:55

? : 10-4.

00:23:57

? : 8:32 p.m., [?] 7-6-1.

00:24:04

? : 415.

00:24:05

? : 415.

[MAYORGA: VICE CAR 415]

00:24:07

? : [?]

00:24:08

? : 1558.

00:24:10

? : 715.

00:24:21

? : 414

00:24:23

14: 14.

00:24:25

? : [?] Last call, 58.

[MAYORGA: THIS IS UNRELATED. 58 = MADE OFFENSE REPORT;
UNRELATED FROM HERE THROUGHT THE NOTATION AT 25:59]

00:24:28

? : 10-4.

[long silence]

00:25:39

? : [?]

00:25:45

? : 115.

00:25:51

? : 15.

00:25:52

? : Take a 43 out of 1106 Concho [spelling ???], 1106 Concho

[THIS IS ANOTHER LOCATION SEVERAL MILES AWAY. MAYORGA
SAYS 43 IS AN ALARM CALL].

DeLuna Police Dispatch Tape

00:25:56

? : 15.

00:25:59

? : 415. 10-4.

00:26:00

? : [?] just left the nursing home here, just south of McArdle, heading north.

[MAYORGA: BACK AT THE SHAMROCK ROBBERY; THIS IS IN THE IMMEDIATE AREA OF THAT SEARCH]

[THIS IS POINT 4C ON THE MAP, A NURSING HOME TWO BLOCKS NORTH AND 13 BLOCKS EAST OF SHAMROCK STATION, ON MCARDLE; ONE TO TWO BLOCKS WEST OF KOSTORYZ. THE 1983 CITY DIRECTORY IDENTIFIES THIS AS THE SOUTH PARK MANOR NURSING HOME, 3115 MCARDLE. In regard to the nursing home search see]

00:26:10

? : Northbound on McArdle?

00:26:14

? : Negative. He jumped the fence heading towards McArdle.

00:26:17

? : 10-4.

00:26:18

? : [?] on Kostoryz and McArdle, near the nursing home, got a suspect just jumped the fence to the rear, with an officer on foot.

00:26:20

? : [overlapping] [?] Kostoryz and McArdle by the nursing home [?] northbound [?] going towards McArdle.

00:26:29

? : [?]

00:26:34

? : 26 [?].

[MAYORGA: PATROL/BEAT CAR 126]

00:26:35

? : 10-4.

00:26:37

? : 140.

DeLuna Police Dispatch Tape

[MAYORGA: PATROL/BEAT CAR 140 --- MYLETT, AGAIN?]

00:26:38

? : 140.

00:26:40

? : 145 and 141 [?]

[MAYORGA: PATROL/BEAT UNITS 145, 141]

00:26:43

? : Ok. I'll get what all is on 2 out there and Zone 5 there, all out there.

[MAYORGA: ZONE 5 MEANS PATROL OFFICERS ON THE 5 p.m. TO 3 a.m. SHIFT. THIS INDICATES THAT THE SEARCH AROUND DOMINOS AND THE NURSING HOME WAS IMPORTANT ENOUGH TO CALL ALL AVAILABLE UNITS]

00:26:48

? : 408.

[MAYORGA: VICE UNIT 408]

00:26:49

? : [?]

00:26:51

? : That was 415.

[MAYORGA: VICE UNIT 415]

00:26:53

? : [?]

00:26:54

? : 126, 47 [?]

[MAYORGA: PATROL/BEAT CAR 126 ARRIVING IN THE MCARDLE/KOSTORY AREA]

00:26:56

? : [?] in uniforms. You've got two plain-clothes officers out there.

00:27:00

? : 53 [?]

00:27:02

DeLuna Police Dispatch Tape

? : 10-4. They were out there with 139.

[MAYORGA: PATROL/BEAT CAR 139 --- THE UNIT THAT
ORIGINALLY RESPONDED TO THE MAY RUNNING BEHIND
DOMINOS]

00:27:05

Disp: All officers in the area of Kostoryz and McArdle, be
advised we do have several vice units in the area, plain-
clothes. 415, [?]

00:27:25

? : [?]

00:27:26

? : 19.

[MAYORGA: 19 IS A CALL FOR EMERGENCY ASSISTANCE]

00:27:27

? : [?]

00:27:29

? : [?] 10-33.

[MAYORGA: 10-33 REFERS TO EMERGENCY RADIO TRAFFIC]

00:27:31

? : Too far, we got to go away.

[COULD THIS BE: "TOO FAR, HE GOT AWAY"??]

00:27:34

? : 55.

[MAYORGA: PATROL/BEAT CAR 155]

00:27:50

? : [?]

00:27:53

? : Kostoryz and McArdle is all we know, that could be the
nursing home, Domino's.

00:28:06

? : [?]

00:28:08

? : 155.

[MAYORGA: PATROL/BEAT CAR 155]

DeLuna Police Dispatch Tape

00:28:17

?: Is 55 in pursuit of a suspect in that area, Kostoryz and McArdle? No other information. Possibly a female.

00:28:26

?: Which way?

00:28:28

?: I don't know, I can't raise them.

00:28:33

?: [?]

00:28:34

?: 219.

[MAYORGA: PATROL/BEAT CAR 219]

00:28:35

?: [?]

00:28:37

?: [?]

00:28:51

?: 116.

[MAYORGA: PATROL/BEAT CAR 116]

00:28:52

?: 16.

00:28:53

?: Clear.

00:28:54

?: 10-4.

00:29:15

?: See if you can raise that unit again.

00:29:20

?: 155.

00:29:26

?: [?]

00:29:28

?: [?]

00:29:30

?: 55.

[MAYORGA: PATROL/BEAT CAR 155 FINALLY CHECKS IN]

DeLuna Police Dispatch Tape

00:29:32

? : 55, go ahead.

00:29:34

? : [?]

00:29:41

? : You have a suspect in custody, or what?

00:29:43

? : [?]

00:29:46

? : 10-4.

00:29:52

? : 53 and 55 have female in custody, 4601 Nickolson. Foot pursuit's over at this time.

[NICHOLSON IS SIX OR SEVEN BLOCKS NORTH OF THE NURSING HOME/DOMINO'S PIZZA AREA. IT IS ABOUT SIX BLOCKS NORTH AND 12 BLOCKS EAST OF THE SHAMROCK STATION. IT IS MARKED POINT 13 ON MAP.]

00:30:00

? : 149.

[MAYORGA: FROM HERE THROUGH ENTRY AT 31:26 IS UNRELATED INCIDENT IN FLOUR BLUFF AREA TO EAST]

00:30:03

? : 49.

00:30:05

? : 10-20.

00:30:08

? : Ten thousand, five hundred S.P.I.D.

00:30:10

? : [?] and an automobile at 911 Recreation in the driveway. 613, [?].

00:30:23

? : Signal 17 by 149, from 10,500 S.P.I.D., 9-11 recreation for possible O.D. 838. Come in, 149-A.

00:30:34

? : [?]

00:30:40

? : 311, channel 3.

DeLuna Police Dispatch Tape

00:30:50

?: 311.

00:30:54

?: Do you have the condition of the victim?

00:30:59

?: 10-4, thank you.

00:31:02

?: 49 to 46.

00:31:04

?: 10-4.

00:31:11

?: 16, 43.

00:31:13

?: 10-4.

00:31:25

?: 46

00:31:26

?: [?]

[MAYORGA: UNRELATED INCIDENT ENDS HERE]

00:31:28

(a click, then an empty space on the tape without even background static)

00:31:36

[background static returns. Is this because they clicked the incoming call from Barrera onto the tape?]

00:31:40

?: [?]

00:31:41

Teresa Barrera: Hey, there's a guy, there's police going up and down Nemec and Easter Street, you know what I'm talking about?

00:31:47

?: Yes ma'am, we had an armed robbery in the area.

00:31:49

TB: Huh?

00:31:50

?: We had an armed robbery in the area, they're checking for the armed robber.

DeLuna Police Dispatch Tape

00:31:52

TB: Yeah, there's a guy hiding under my truck.

00:31:55

?: [?] ma'am?

00:31:56

TB: I live on Easter Street, 4-9-4-9 Easter Street.

[THIS LOCATION, POINT 7 ON MAP, IS ONE AND ONE-HALF BLOCKS NORTH AND ONE BLOCK EAST OF THE SHAMROCK STATION.]

00:31:59

?: 49, 49.

00:32:00

TB: Get that [?], get it on 49 Easter. He's hiding under the [?] truck. He just got up and ran on 4949 Easter Street.

00:32:08

?: Which way did he run, ma'am?

00:32:10

TB: He ran down Nemec Street [east] toward Gabriel and Franklin.

[THIS LOCATION, POINT 8 ON MAP, IS ONE BLOCK NORTH AND TWO BLOCKS EAST OF THE SHAMROCK STATION.]

00:32:14

?: [?]

00:32:15

TB: The other way?

00:32:16

?: [?]

00:32:18

TB: Yeah, he ran down. He got over here, he'd go behind [?]
]

00:32:23

?: Ok, he was running which direction, ma'am?

00:32:25

TB: I think he ran down Nemec Street, toward [?]

00:32:30

?: 10-33. We have [?]

[MAYORGA: EMERGENCY RADIO TRAFFIC]

DeLuna Police Dispatch Tape

00:32:32

? : [?]

00:32:33

? : [?]

00:32:34

TB: Down Franklin Street

[FRANKLIN IS ONE BLOCK EAST OF EASTER. TWO BLOCKS EAST AND ONE AND ONE-HALF BLOCKS NORTH OF THE SHAMROCK STATION.]

00:32:36

? : Ok. Can you give me any kind of description of him at all? Any kind of clothing description?

00:32:40

TB: [?] I don't know, I [?]. I went outside to see the cops going up and down our street. My little boy and I walked outside, I turned the light on and there's this guy down underneath my truck. Oh, my God.

00:32:53

? : And he ran down Nemec Street?

00:32:55

TB: Yeah.

00:32:56

? : [?] direction, down there?

00:32:57

TB: I think he ran down Nemec, away from Easter, toward Gabriel. Ok? You get it?

00:33:04

? : Yeah, ok. You're at 4949 Easter?

00:33:06

TB: Away from Ayers, right.

00:33:08

? : Right, ok. And what is your name, please, ma'am?

00:33:10

TB: Barrera, Teresa Barrera.

00:33:12

? : Ok, ma'am.

00:33:13

TB: [?]

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00:33:14

?: Ok. I imagine the officers are going to make contact with you too, later, ma'am, if you don't mind standing by at that location.

00:33:19

TB: No, no, no, no, no. It just scared me real bad.

00:33:21

?: Right.

00:33:23

F: 'Cause I walked out there with my little boy.

00:33:24

?: Right. Ok, ma'am, we will have the officer contact you. [?] they're going to be there, check the area real carefully.

00:33:29

TB: Yeah, get them all.

00:33:31

?: Ok, ma'am.

00:33:34

[click, brief silence - again, probably called by switching off the incoming call from Barrera]

00:33:35

?: 15-33.

00:33:36

?: 10-4.

00:33:48

?: 46

[MAYORGA: PATROL/BEAT UNIT 146]

00:33:49

?: Go ahead.

00:33:51

?: [?] 51 for the evidence?

00:33:54

?: [?] 51, there were more?

[MORE WHAT? MORE SUSPECTS?]

00:33:56

?: [?]

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00:34:03

? : 17, code 3 to Memorial on 2600 Padre.

[MAYORGA: "17" AND "CODE 3" BOTH REFER TO AN EMERGENCY RUN. THIS MAY BE A REFERENCE INDICATING THAT THE AMBULANCE LEFT THIS SHAMROCK STATION AT THIS POINT AND WENT UP SPID TO MEMORIAL HOSPITAL, WHICH IS LOCATED RIGHT OFF OF SPID.]

00:34:22

? : 31-A.

[MAYORGA: PATROL/BEAT CAR 131; PRIMARY OFFICER]

00:34:29

? : [?] 49-49 Easter. 4-9-4-9 Easter. Suspect's running.
[?]

00:34:39

? : [?]

00:34:43

? : [?]

00:34:44

? : [?]

00:34:45

? : 34, also.

00:34:48

? : All units, standby on this 10-33. We have suspect Chris Webbey [?] on the line.

[MAYORGA: 10-33 IS EMERGENCY TRAFFIC]

00:34:54

? : Ok, suspect's 49-49 Easter, running towards Franklin.

00:35:08

? : Ok, suspect was laying underneath a truck.

00:35:20

? : Ok, suspect was possibly heading east on Nemec from Easter. Eastbound on Nemec from Easter.

00:35:28

? : [?] on 3.

00:35:33

? : [?]

00:35:34

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? : 34.

[MAYORGA: PATROL/BEAT CAR 134 --- FOWLER]

00:35:35

? : [?] east on Nemec [?]

00:35:42

? : Ok. Suspect was heading eastbound on Nemec, past Franklin.

00:35:51

? : [?] dead end on Nemec.

00:35:54

? : 279

[MAYORGA: UNIT 279]

00:35:55

? : [?] Eastbound on Nemec [?]

00:36:01

? : We have units setting up at the dead end.

00:36:11

? : 41[?] hundred Franklin.

00:36:14

? : 10-4.

00:36:18

? : Ok, I believe he's already past Franklin, according to 34.

00:36:56

? : 155.

[MAYORGA: PATROL/BEAT CAR 155]

00:36:58

? : 55.

00:36:59

? : [?] 67-2-2-1.

[MAYORGA: THIS MAKES NO SENSE TO HIM]

00:37:06

? : 10-4.

00:37:08

? : [?] on foot.

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00:37:10

? : [?] 2-7

00:37:25

? : [?] end of Nemec.

00:37:27

? : [?]

00:37:28

? : [?]

00:37:29

? : 10-4.

00:37:39

? : 55.

00:37:40

? : 55.

00:37:41

? : [?]

00:37:43

? : No, he's down at the station.

00:37:44

? : [?]

00:37:46

? : 713.

00:37:48

? : [?]

00:37:50

? : 10-4.

00:37:52

? : [?] for an alarm, 4722 Batey [or Datey; spelling??].

[MAYORGA: THIS IS UNRELATED; THIS LOCATION SEVERAL
MILES AWAY, DOWNTOWN.]

00:37:58

? : 53, 53.

00:38:02

? : 39, 139-A.

00:38:07

? : Need a unit for an alarm at 4722 Batey.

[MAYORGA: UNRELATED]

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00:38:10

? : 116, location?

00:38:15

? : 145 [?]

[MAYORGA: MAY BE UNRELATED]

00:38:23

? : 53, 53.

[MAYORGA: PATROL/BEAT CAR 153]

00:38:24

? : [?]

00:38:25

? : Ok, 16, I'm going to need you at 4741 Kostoryz, 4741 Kostoryz at [?]. I've got a signal 2 where there was a shoplifter.

[THIS IS PROBABLY A DIFFERENT INCIDENT. THE LOCATION IS POINT 14 ON MAP. THREE BLOCKS NORTH AND 14 BLOCKS EAST OF SHAMROCK STATION.]

00:38:34

? : [?]

00:38:35

? : [?] armed robbery right now.

00:38:37

? : [?] partner go to 3.

[MAYORGA: SOMEONE TELLING PARTNER TO SWITCH TO THE MOBILE (WALKIE-TALKIE) CHANNEL, WHICH IS NOT RECORDED]

00:38:38

? : 139 [?]

[MAYORGA: PATROL/BEAT CARS 139 AND, BELOW, 146, 151, 153, 158, 141A, 149]

00:38:39

? : 10-4.

00:38:55

? : 53, 53.

00:39:07

? : [?]

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00:39:09

? : 46.

00:39:12

? : 46.

00:39:20

? : [?] 51.

00:39:22

? : [?]

00:39:24

? : 53.

00:39:25

? : 53.

00:39:26

? : 10-4.

00:39:26

? : [?] contacted 53?

00:39:29

? : [?] 53.

00:39:30

? : [?] 41-A.

00:39:31

? : 58.

00:39:33

? : I've got them all on foot on Nemec and everything there. Suspect was just [?] seen at 3 minutes ago, eastbound Nemec from Easter.

[BARRERA'S CALL DRAWS ALL UNITS, MANY LISTED ABOVE, TO THIS NEW AREA, BACK TOWARDS THE GAS STATION]

00:39:40

? : 141.

00:39:41

? : 10-4, [?]

00:39:44

? : 10-4, 141. We've got about 5 complaints on a live band, 2705 Milo.

[MAYORGA: UNRELATED INCIDENT; THIS LOCATION IS POINT 15 ON THE MAP.]

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00:39:52

?: [?]

00:39:54

?: 10-4. 141-A.

00:39:56

M: 49.

00:39:58

F: 49.

00:40:00

M: [?]

00:40:03

F: 10-4. 141-A.

00:40:06

M: 41-A.

00:40:08

F: Entry for 141 on a live band at 2705 Milo.

[MAYORGA: SAME UNRELATED INCIDENT]

00:40:12

M: [?]

00:40:14

M: [?]

00:40:17

F: 41-A, signal 18.

[IS THIS UNRELATED INCIDENT, THE ALARM MENTIONED
BELOW?]

00:40:19

M: [?]

00:40:20

M: 46.

[MAYORGA: PATROL/BEAT UNIT 146]

00:40:22

F: 46.

00:40:23

M: Did you get anybody for that alarm?

[MAYORGA: UNRELATED INCIDENT]

00:40:25

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F: I have gotten an 18 out in the meantime, thank you.

00:40:36

M: 134 [FOWLER].

00:40:37

F: 134.

00:40:41

M: 85.

[MAYORGA: PATROL/BEAT UNIT 185]

00:40:42

F: 85.

00:40:44

M: [?]

00:40:50

F: 10-4. Would that be the male subject?

[THIS APPEARS TO INDICATE THE ARREST OF CDL, WHICH OTHER DOCUMENTS LOCATE ON FRANKLIN ST. TWO HOUSES NORTH OF NEMEC, WHICH IS POINT 10 ON THE MAP.]

00:40:52

M: 10-4. Want him brought to you?

00:40:57

M: Anyone see the armed robbery?

00:40:58

M: 140.

00:40:59

F: 140.

00:41:00

M: 140 frequented [Casino Club?] suspect [?] S.P.I.D.

[MAYORGA: BEAT 140 COVERS AREA AROUND CASINO CLUB. THIS AND ANOTHER MENTION BELOW SEEM TO BE REFERENCES TO INFORMATION OFFICER MYLETT SAYS IN HIS WRITTEN REPORT HE PROVIDED TO OTHER OFFICERS, THAT HE HAD ARRESTED CDL TWO WEEKS EARLIER AT THE CASINO CLUB. THIS ALSO TENDS TO SUGGEST THAT "140" IS MYLETT.]

00:41:04

F: [?] 135.

[MAYORGA: PATROL/BEAT CAR 135; 135 IS OFFICER SCHAUER'S NUMBER.]

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00:41:07

M: [?]

00:41:09

M: Ok, we got one suspect in custody.

00:41:11

F: 10-4. [?]

00:41:13

M: [?] see if they want to do [?]

00:41:16

F: 140 advised bringing him back to the scene.

[IF 140 IS MYLETT, THEN THIS IS MORE EVIDENCE THAT HE MAY HAVE PARTICIPATED IN ROUGHING UP CDL --- HERE HE IS REPORTING THAT HE WILL TAKE PART IN BRING CDL BACK FROM POINT WHERE HE WAS APPREHENDED TO SHAMROCK STATION.]

00:41:18

M: Ok, [?] said go ahead and take him back to the scene.

00:41:30

M: 110.

[MAYORGA: PATROL/BEAT CAR 110]

00:41:31

M: 110.

00:41:32

M: [?] suspect [?] custody [?] shoplifter [?]

[MAYORGA: UNRELATED INCIDENT]

00:41:44

M: 615.

00:41:46

M: [?]

00:41:48

M: [?]

00:41:52

M: 40-15.

[MAYORGA: UNIT 140 (MYLETT) NEEDS ASSISTANCE, NO RUSH.]

00:41:53

M: 15.

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[MAYORGA: REITERATES, NO RUSH]

00:41:55

M: 54, [?] David.

[MAYORGA: PATROL/BEAT UNIT 154]

00:41:57

M: 10-4.

00:42:01

M: 23.

[MAYORGA: PATROL/BEAT UNIT 123]

00:42:02

M: 23.

00:42:04

M: [?] at the Casino.

00:42:05

M: 10-4.

00:42:15

M: [?]

00:42:18

M: 120.

[MAYORGA: PATROL/BEAT UNIT 120]

00:42:20

M: [?] suspect I have is [?]

00:42:22

M: Yes, sir.

00:42:23

M: 10-4.

00:42:26

M: 26.

[MAYORGA: PATROL/BEAT UNIT 126]

00:42:27

M: 26.

00:42:28

M: [?]

00:42:29

M: 10-4.

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00:42:34

F: I don't have a 29 on a Carlos DeLuna, I have a 28, though.

[MAYORGA: 29 = ACTIVE WARRANT, SO THERE IS NO ACTIVE WARRANT ON CDL; HE DOES HAVE A 28 = CRIMINAL HISTORY RECORD]

00:42:44

M: 21.

[MAYORGA: PATROL/BEAT UNIT 121]

00:42:45

M: 21.

00:42:47

M: [?] custody on Nemec?

00:42:50

M: Yes, sir, as of now we do.

DeLuna Police Dispatch Tape

II. Chronological list of descriptions in the dispatch tape of suspects, clothing, and the like:

[FORMAT: Minutes and seconds into the tape (source of info): description.]

1:12 (Wanda Lopez): "Hispanic" "male"

1:17 (Wanda Lopez): "Tall"

2:24 (by dispatcher): "Hispanic male with a knife"

3:34: [This is the time when the first squad car arrives on Scene. The descriptions after this point are based on statements to police by witnesses at the scene.]

4:14 (male CCPD employee): "Hispanic male, wearing a gray sweatshirt".

[Note: At trial Officer Bruno Mejia testified that, immediately up arriving at the station --- his was the second squad car to arrive, after Fowler's -- he received and broadcast this description from Kevan Baker: "Male, Hispanic, 24-25 yo, 5' 7" to 5'9". Mejia testified that he received 3 descriptions of the suspect's shirt, at different times: "the first description I can remember was a gray type of shirt, possibly a sweatshirt type of shirt -- Mr. Baker is the one who advised me of that". (T.T. 68-70.)]

4:28 (male CCPD employee): "Hispanic male, gray sweatshirt".

5:03 (male CCPD employee): "Additional information: Hispanic man, about 5 foot 9, he's got a flannel shirt On".

[Note: This info jibes with info known to have been provided by Kevan Baker:

Baker's written statement to police on 2/4/83: "5-8", 170 lbs, dark hair," "about 24 years old," "a mustache". "He had on what looked like a flannel shirt with some red in it."

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Baker's testimony at pretrial hearing describing what he told the police: "Hispanic male, middle --- you know, I don't know, young age"; "I thought he had a moustache"; "Q. You're sure about a moustache? A. Yes." "[A] gentleman who hadn't shaved in approximately . . . seven days and had whiskers all over his face and possibly a full moustache". "I described a shirt that had some red in it." "I felt that it was something with red in it"; "something long-sleeved"; "possibly a flannel shirt". The man he saw looked like "someone who had been on the street and was very hungry . . . maybe a transient"; "he looked like a transient".(pp. 39-41.)

Baker's trial testimony: "moustache" and unshaven (p. 272-73); his shirt was "something red with flannel or something flannel with red in it" (pp. 266-26); a "transient," meaning "somebody unshaven, I mentioned looking hungry, clothes weren't all, you know, really pressed or super neat and clean" (p. 286).

Officer Bruno Mejia's trial testimony: the "second description" of the shirt that he received was of a "flannel type of shirt, that also being light-colored." (pp. 68-70).

Officer Schauer's written police report: BOLO he heard was for "a Hispanic male, mid- or early-20s, around 5'9" with dark pants and a flannel shirt, dark wavy ear-length hair."]

5:10 (male CCPD employee): "about 5-9, should have a flannel shirt and gray sweatshirt"

7:55 (male CCPD employee): "Also, witnesses are saying he had a white, untucked T-shirt. **I don't know if it's another suspect or the same one.** Long-sleeved shirt, untucked"

[This jibes with info known to have been provided by John and Julie Arsuaga:

Officer Bruno Mejia testified at trial that the "third description" of a shirt that he received was of a "white long sleeve shirt, untucked"; this description was from "The Arsuagas, Mr. and Mrs. Arsuaga." (pp. 68-70)

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In his 2/4/83 written statement to police, John Arsuaga described the man he saw running east away from the Shamrock station was: 5'8", 170 lbs, wavy medium length dark hair; wearing a light colored shirt; dark colored slacks. At the pretrial hearing, John testified that he told the police the man he saw running "was wearing dark slacks like a uniform-type with a light colored shirt, long sleeve." (p. 68) See also John Arsuaga's trial testimony at 251, 256, 258 (quoting his statement to police: "'a Hispanic male about five-eight; approximately 170 pounds; having wavy, medium length dark hair; light colored shirt; dark colored slacks'").

At the same hearing, Julie Arsuaga gave this description: "dark pants like, you know, work pants"; "a white shirt that was open, you know, because I could see the side of it, kind of flapping back a little bit, might not have been completely unbuttoned, but close to the bottom it was"; "the sleeve was rolled up, it was white, you know, blouse-style shirt, you know, something like what you [the defense lawyer] have on"; "white dress shirt"; "that type of shirt" (p. 92; see also Julie Arsuaga's trial testimony at 347).]

9:29 (male CCPD employee): "Hispanic male, 5-9, gray sweatshirt, flannel shirt. No other information."

12:03 (CCPD employee): "Gray sweatshirt and a flannel shirt".

13:51 (dispatcher): "Hispanic male, 5-9, wearing a flannel shirt and gray sweatshirt. . . . May possibly be wearing a white, long-sleeved T-shirt. That's may possibly be."

14:38 (CCPD employee): "did the suspect have a cap on?"
[To which the answer is "not known to me, ma'am."]

19:57 to 20:19 (male CCPD employees, including dispatcher) [in reference to a man a CCPD officer saw earlier that evening "at the Circle K, waiting for a taxi"]: Hispanic male, about 5 foot 9, white T-shirt or heavy T-shirt, almost a sweatshirt-type. White pants. Beard and mustache. . . .". Response from dispatcher: "Sounds like the description the chick was trying to give me on the

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phone. . . . Possibly could be the same one."

20:50 (male CCPD employee): [first reference to "Casino Club" as perpetrator's likely destination.]

[Note: this jibes with the information George Aguirre gave to the police in a written statement and testified about at a pretrial hearing and at trial. This might suggest that Aguirre didn't get back to the gas station until this point.]

20:56 (male CCPD employee): "We got some people down at [inaudible] a white shirt, possibly a white shirt."

[Note: This info again jibes with the statements to police and testimony by the Arsuagas. See notes above.]

21:16 (male CCPD employee): "Clean-shaven."

[Again, jibes with info from Arsuagas. See above. In these calls from the scene, there may be the voice of a woman - Julie Arsuaga? - audible in the background responding to the officer's questions about clothing, grooming, hair and the like.]

21:24 (male CCPD employee): "Medium-length curly hair, about 25 years of age."

21:30 (male CCPD employees): "anything about a hat or a cap or anything?" to which answer is "negative."

22:12 to 22:15 (male CCPD employee; may be female voice in background giving info): "medium-length curly" and "it's going to be a slightly wavy [?] just a tiny bit, it's not going to be real curly."

23:28 (CCPD employee): "A Hispanic male, 5-9, with flannel shirt, possibly a gray sweatshirt. It may possibly be a white T-shirt, also, long-sleeves. Clean-shaven, medium, wavy, ear-length hair. He was out there earlier looking for a ride to the Casino."

[Note: This sounds like a composite of information from the

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Arsuagas and George Aguirre.]

32:36 to 32:40 (Dispatcher Q. and A. with Teresa Barrera, resident of 4949 Easter): "Can you give me any kind of description of him at all? Any kind of clothing description?" "I don't know, I [inaudible]. I went outside to see the cops going up and down our street. . . . and there's this guy down underneath my truck." [No other description given.]

42:34 to 42:44 (CCPD employees, after suspect is taken into custody at approx. 40:50): "I don't have a 29 on a Carlos DeLuna, I have a 28, though." [Then age is changed to] "21"

DeLuna Police Dispatch Tape

III. Chronological list of the descriptions on the tape of the locations of suspects and the direction in which they appeared to be fleeing:

[FORMAT: Minutes and seconds into the tape (source of info): description.]

4:14 (male CCPD employee): "northbound on foot beside the building". [Point 1 on map.]

4:28 (male CCPD employee): "northbound on foot, to the rear". [Point 1 on map.]

[Note:

Kevan Baker's 2/4/83 written statement to police: The suspect "ran off behind the station."

Baker's statements to police as summarized in Sgt. Escobedo's 2/5/05 summary of the witnesses' statements: "The man fled off behind the station."

Baker's trial testimony: "Q. Okay. Do you recall in your statement [to police that night] that you said that the person, after he got out the door and talked to you, that you said he ran off behind the station? A. Yes, sir." "Q. Did he go eastward and then turn around and go up the - behind the station. A. [] correct" (pp. 281-83). Dispatcher

Jesse Escochea's trial testimony: "It was a Hispanic male, five-eleven They said he was running to the rear of the store. Q. To the rear of the store? A. Right." "Q. You said that they said the person was running to the rear of the store. Who are you getting that information from? A. Several units in the field." (p. 34).

See also Constable Ruben Rivera's 2/8/83 written report, and by his trial testimony (p. 82-83, 93-95) that he was informed, when he pulled up to the Shamrock Station, that the suspect ran "immediately behind the station" "down Dodd"; and also confirmed in R. Rivera's videotaped statement to us.

See also Officer Schauer's 2/8/83 supplemental report ("sent to rear of store . . . to look for suspect. Went

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down Dodd from the station"), and Schauer's trial testimony that when he arrived at the scene, he was told by his commanders "to go to the back of the store and start patrolling the area looking for a suspect"; "the immediate area in back of the store"; "down Dodd Street" (pp. 112-14).]

5:10 (male CCPD employee): "northbound on foot."

7:22 (male CCPD employee): "4900 Dodd, that the subject just ran by" [Point 2 on map.]

7:33 (male CCPD employee): "155 advised the witness just saw the suspect in the 4900 block of Dodd" [Point 2 on map.]

7:39 (male CCPD employee): "Dodd and McArdle" [Point 2 on map.]

7:55 (male CCPD employee): [point where Mejia refers to "witnesses ... saying [perp] had a white, untucked" shirt, which may refer to the Arsuagas.]

[NOTE: Sgt. Fowler's offense report states that "Officer Mejia contacted the witnesses and placed a short BOLO out on the suspect, who was last seen running north from behind the Phase III club." This tape has no reference to any such BOLO. But the information to which Fowler refers clearly came from the Arsuagas, who were pulling into the Phase III club when they saw a man running by.]

[This jibes with info known to have been provided by John and Julie Arsuaga:

8:33 (male CCPD employee): "on Dodd" [Point 2 on map.]

8:59 (male CCPD employee): "in the area of Dodd and McArdle" [Point 2 on map.]

13:51 (dispatcher): "Suspect last seen heading northbound on foot to the rear of the Shamrock. . . . Said he was last seen by a witness in the 4900 block of Dodd, running through the yards." [Points 1 and 2 on map.]

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- 14:41 to 15:23 (CCPD employee(s)) [in ref. to 2 Hispanic males seen driving in a blue Mercury LTD or Marquis]: "in the area of Kostoryz and McArdle"; "they're eastbound on McArdle. They should be just getting to Kostoryz now. The same people were up by Circle K at Kostoryz and McArdle before"; "eastbound on McArdle towards Kostoryz"; "Gabriel and McArdle"; "just approaching Kostoryz" [Point 3 on map, moving towards Point 4.]
- 17:05 (male CCPD employee): [evidently, this same car, license plate "Exo Victor Lincoln 110," is stopped at "Cosner and McArdle"; but evidently nothing comes of it.] [Point 5 on map.]
- 17:35 (male CCPD employee): [evidently in reference to the stop of the same car] "Cosner and McArdle". [Point 5 on map.]
- 18:38 (male CCPD employee): [police officer reports his locations as "around 48?? [?] of Dodd" [Point 2 on map.]
- 19:04 (male CCPD employee): "3131 McArdle" [this location is between the nursing home (3115 McArdle, Point 4C on the map) and Domino's Pizza (Point 4B on map)].
- 19:57 to 20:19 (male CCPD employees) [in ref. to man an officer saw earlier that evening] "at the Circle K, waiting for a taxi." [Point 4A on map.]
- 21:57 (male CCPD employee): "the area by Domino's Pizza [located at the intersection of McArdle and Kostoyrz] -- just ran *behind Domino's Pizza as we pulled up*" [Point 4B on map.]
- 22:07 (male CCPD employee): "in the area of Domino's Pizza, possibly in that area" [Point 4 on map.]
- 22:54 to 23:05 (male CCPD employees): "near Kostoryz and McArdle?"; "I'm going up behind Domino's Pizza." [Points 4, 4B on map.]
- 26:00 to 27:53 (male CCPD voices): "just left the nursing home here, just south of McArdle, heading north"; "He jumped the fence heading towards McArdle"; "on

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Kostoryz and McArdle, near the nursing home, got a suspect just jumped the fence to the rear, with an officer on foot"; "Kostoryz and McArdle by the nursing home [inaudible] northbound '[inaudible] going towards McArdle"; "All officers in the area of Kostoryz and McArdle, be advised we do have several vice units in the area, plain-clothes"; "Kostoryz and McArdle is all we know, that could be the nursing home, Domino's"

[Note: The 1983 City Directory identifies this as the South Park Manor Nursing Home, 3115 McArdle. Point 4C on the map. Domino's Pizza is point 4B on the map.]

See Constable Ruben Rivera's trial testimony, confirmed in his taped statement to us: "there was a report that the subject had been seen in this nursing area next to the ballpark over here [on McCardle] and we took part in that little search there"; the "nursing home [is] way up towards Kostoryz". (Pp. 97-100.)

See also Officer Schauer's trial testimony: "during one part of the incident, one officer called out that he had seen something way over at McArdle and Kostoryz, there are a lot of units going over there". (P. 114)]

28:17 to 29:52: "55 in pursuit of a suspect . . . Possibly a female"; "53 and 55 have female in custody, 4601 Nickolson. Foot pursuit's over at this time" [Point 5 on map.]

[Location of this arrest and gender suggest it is not relevant to this investigation.]

31:41 to 32:00 (Teresa Barrera, 4949 Easter Street resident): "there's a guy hiding under my truck" at "4949 Easter". [Point 7 on map.]

32:00 to 32:57 (Teresa Barrera): "He just got up and ran on 4949 Easter Street"; "He ran down Nemec Street [east] toward Gabriel and Franklin"; "I think he ran down Nemec Street, toward [inaudible]"; "Down Franklin Street"; "I think he ran down Nemec, away from Easter, toward Gabriel." [Point 8 on map.]

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- 34:29 to 36:01: (male CCPD employees): "49-49 Easter. 4-9-4-9 Easter. Suspect's running"; "suspect's 49-49 Easter, running towards Franklin"; "suspect was laying underneath a truck"; "suspect was possibly heading east on Nemec from Easter. Eastbound on Nemec from Easter"; "east on Nemec [inaudible]"; "Suspect was heading eastbound on Nemec, past Franklin"; "dead end on Nemec"; "Eastbound on Nemec [inaudible]"; "We have units setting up at the dead End [on Nemec]." [Point 8 on map.]
- 36:11 (CCPD employees): "41[inaudible] hundred Franklin. [Point 10 on map.]
- 36:18 (CCPD employee): "I believe he's already past Franklin, according to 34." [Near Points 8, 9A, 9B, and 10 on map.]
- 37:25 (CCPD employee): "end of Nemec" [Point 8 on map.]
- 39:33 (CCPD employee): "I've got them all on foot on Nemec and everything there. Suspect was just [inaudible] seen at 3 minutes ago, eastbound Nemec from Easter." [Point 8 on map.]
- 40:50 (CCPD employees): [This is the first indication that CDL has been arrested; from other information, we know that he was arrested while lying under a truck parked on the west side of Franklin St. about two houses north of Nemec St.] [Point 10 on map.]
- 41:00 (CCPD employee): [possible reference to suspect "frequent[ing]" the Casino Club, which may be Officer Mylett informing other officers that he arrested CDL two weeks earlier at the Casino Club" --- as his written police report states that he did.]
- 41:16 to 41:18 (male and female CCPD employees): "140 [MYLETT?] advised bringing him back to the scene"; "Ok, [inaudible] said go ahead and take him back to the Scene." [Commanding officers at Shamrock Station order CDL

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moved from Point 10 to Point 1 on map.]

42:04 (CCPD employee): "at the Casino Club" [see note above re: Officer Mylett and Casino Club].

42:47 (CCPD employee): "custody on Nemec" [CDL was arrested under a truck on Franklin St., but then was moved to Nemec St. before being brought to the Shamrock Station] [CDL is moved from Point 10 to Point 8 on the map before he eventually is moved to Point 1 (the Shamrock Station). Point 8 is where all the police cars congregated during the last stages of the search.]

Other points noted on map:

Point 6: This is the location on SPID Service Road east of the Shamrock Gas Station and near the Phase III Night Club where John and Julie Arsuaga saw a man running east, away from the Shamrock Station, then turn north and run through a parking lot towards the backyards of the houses facing on Nemec St.

Points 9A and 9B: These are the locations adjacent to the 4946 Easter Street home of Armando Garcia, where he found a pair of tennis shoes (between his home and 4950 Easter Street next door) and a white button down dress shirt (in the northeast corner of his backyard which backs onto the front yard of the home on Franklin St. in front of which was parked the pickup truck under which CDL was arrested). At trial, the shoes and white shirt were attributed to CDL.

Point 11: Wolfy's Club, located across Dodd from the Shamrock Station.

Point 12: This location --- the Gulf Skating Rink and Bowling Alley at the southwest corner of SPID and Kostoryz -- is where CDL says he first ran into CH; where CH may, then, have left his car; and where George Aguirre says he tried unsuccessfully to use the phone to call the police.

Points 13, 14, and 15: Locations of evidently unrelated incidents involving, respectively, the arrest of a female suspect (Nicholson St.); a shoplifting incident (4741 Kostoryz); and a live band creating a disturbance (Milo St.).

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IV. Route CDL may have taken after leaving Wolfy's, based on his trial testimony and other information (route shown in red on the blow-up map of the area immediately surrounding the Shamrock Station):

Begin at Point 11: CDL testified that he and CH went to Wolfy's at SPID and Dodd to get a beer. CDL went inside Wolfy's while CH went across Dodd Street to the Shamrock Station to buy cigarettes (Point 1).

Travel to Point 1: When CH didn't arrive at Wolfy's CDL walked across Dodd Street to the Shamrock Station looking for CH. CDL saw the struggle taking place inside the gas station; he heard sirens; he ran. (This would be at about **8:10 p.m., ca. Minute 1:30 on tape.**)

Travel to Point 6: Tracking the route of the man the Arsuagas saw running, CDL ran east along the SPID Service Road away from the Shamrock Station (2602 SPID), past Ziebarts (2620 SPID), Brownes Harley Davidson (2626 SPID), and the Phase III Night Club (2632 SPID²) (and their various parking lots) and turned north in the lot between Phase III and Lebowtiz Furniture (2650 SPID), towards the backyards of homes on Nemec Street near Easter and Franklin Streets. The man the Arsuagas saw was wearing black slacks and a white button-down shirt. CDL was arrested in black slacks. A white button-down shirt was found nearby at Armando Garcia's house (See Point 9B below).

Travel to Point 7: Ester Barrera sees a young Hispanic man wearing a white shirt and white tennis shoes in a pool of water under her pick-up truck at 4949 Easter Street. She screams to her husband that there is a man under their truck, flushing out CDL.

Travel to Point 8: Ester Barrera saw the man (wearing shoes and a shirt) heading south on Easter to Nemec, then turn left or east on Nemec in the direction of Franklin Street. This was the last sighting of anyone for about nine minutes, until CDL was arrested under another pick-up truck on Franklin Street, without a shirt or shoes.

Travel to Point 9A: Armando Garcia of 4946 Easter Street, finds a pair of white tennis shoes in the passage way between the house on the corner of Easter and Nemec Streets (4950 Easter) and his own home. This suggests that CDL, who was last seen by

² All locations from 1983 CC City Directory, except this one, which is listed there as "vacant" but is the only building between Brownes and Lebowitz.

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Ester Barrera on the south side of the home on 4950 Eastern --- wearing a shirt and shoes --- ran through the yard of that home into the passage way between it and the Garcia's home next door, and shed his shoes there.

Travel to Point 9B: Armado Garcia also found a white dress shirt in the northeast corner of his backyard. This suggests that CDL next ran into and diagonally across the Garcia's back yard, and shed his shirt there. The Garcia's yard backs onto the back yard of a home on Franklin Street that had an old pickup truck parked directly in front of it. Note that, even today, many of the front and back yards of the homes in this neighborhood are unfenced.

Travel to Point 10. CDL is arrested under the old pickup truck parked on the west side of Franklin Street directly in front of the house adjacent to, and east of, the Garcia's house (the second house north of Nemece Street). This suggests that CDL ran from Mr. Garcia's backyard into the immediately adjacent backyard of the home on Franklin Street, then through the front yard of that same home, and under the old pickup truck parked at the curb in front of that Franklin Street home --- where he was arrested, shoeless and shirtless.

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V. Route CH may have taken after leaving the gas station, based on information in police reports and dispatch tape (route shown in blue on the blow-up map of the area immediately surrounding the Shamrock Station):

Cutting north into the alley behind the Shamrock Station, CH runs west a short distance to Dodd Street and turns north on Dodd Street between Points 1 and 2. This is the route that was taken by a man in a gray sweatshirt and flannel jacket who ran away from the Shamrock Station just seconds before police arrived on the scene, according to several witnesses. See, e.g., **Minute 4:14**, "northbound on foot beside the [Shamrock Station] building"; **Minute 4:28**, "northbound on foot, to the rear"; **Minute 5:10**, "northbound on foot"; **Minute 13:51**, "Suspect last seen heading northbound on foot to the rear of the Shamrock"). This is also the route described by Kevan Baker in our taped interview with him, and by arresting officer Ruben Rivera based on radio calls he received and directions given him by witnesses when he arrived at the Shamrock Station soon after the first radio call went out. It is also the escape route described in the first written police reports from the scene.

Travel north up Dodd Street to Point 2, the corner of Dodd and McArdle, where police reported seeing a man running in a gray sweatshirt running through yards on Dodd Street near McArdle. See bulletins at **Minutes 7:22, 7:33, 7:39, 7:49, 8:59, 13:51**, e.g., at **Minute 13:51**, "he was last seen by a witness in the 4900 block of Dodd, running through the yards." It is clear that this is not the same man the Arsuaga's saw running east of the Shamrock Station, because this report and the Arsuaga's report are simultaneous (in the seventh minute) and describe events at locations four blocks apart. This point is not lost on Officer Mejia (I believe it's Mejia) who, at Minute 7:55, upon hearing the Arsuaga's information, wonders whether "it's another suspect."

CH may then have run east along McArdle Road towards Kostoryz, and is the man scene running near and in the alley way connecting the nursing home just west of Kostoryz (Point 4C) and Domino's Pizza right at Kostoryz on McArdle (Point 4B). See radio calls at **Minutes 19:04, 21:53, 22:07, 23:05, 26:00, 26:18, 26:20, 27:53**. This is consistent with CH running back towards the Skating Rink at Kostoryz and SPID (Point 12, where he may have left the car Janie Adrian saw him driving that night).

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VI. Points indicated on accompanying maps, in numeric order:

1. Sigmor Shamrock Station, 2602 SPID. Call comes in at **Minute 00:19** on the tape. This call comes in around **8:09 p.m.**
2. 4900 Dodd St. at McArdle. Location of suspect seen running ca. **Minutes 7:22-7:33**. See, e.g., **Minute 7:33**, "155 advised the witness just saw the suspect in the 4900 block of Dodd"; **Minute 7:39**, "Dodd and McArdle." (Police continue searching in this area until at least minute **21:37**.)
3. Gabriel and McArdle, location where 2 Hispanic males in blue Mercury are first seen driving east, towards Kostoryz, on McArdle. (**Minute 15:21**.)
4. Corner of McArdle and Kostoryz; approximate location of Circle K (Point 4A), Domino's Pizza (Point 4B), and Nursing Home at 3131 McArdle (Point 4C). A suspect or suspects are seen running in the alley way that ran behind, and connected, Domino's Pizza (where the first sighting was) and the Nursing Home (where the later sighting was, and the person ran from the alley towards the (McArdle) street. The Circle K is the one CDL described in his testimony as the location where he went to buy drinks and to phone home for a ride home, at which point his step-father told him to call a cab to take him home - an incident that may be corroborated by a police officer's report about his encounter with a Hispanic man at the Circle K who was waiting for a taxi cab. References to this location come at **Minutes 11:01 (Circle K); 14:52 (Circle K); 19:04 (3131 McArdle, nursing home); 19:52 (Circle K - referring to earlier in evening when officer stopped young Hispanic man waiting there for cab to take him home); 21:53 (Domino's); 22:07 (Domino's); 23:05 (Domino's); 26:00 (nursing home); 26:18 (nursing home); 26:20 (nursing home); 27:53 (nursing home and Domino's)**.
5. Corner of McArdle and Cosner. Sounds like police may a car (the blue Mercury?) at this location. License plate "Exo Victor Lincoln 110." (**Minutes 17:05, 17:35**.)
6. In reference to new description of a suspect that was provided at **Minute 7:55**, evidently by John and Julie Arsuaga, this is the approximate location of the Phase

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- III night club on the SPID service road where the Arsuagas saw man running east from direction of gas station, then cut diagonally across a parking area between two commercial establishments and disappear behind one of them, in an alley way connected to the back yards of homes that front on Nemec St. [Because, according to the Arsuagas, it took then some seconds or minutes to try, unsuccessfully, to flag down a police car, then to drive over to the Shamrock Station, their sighting of the man running at Point 3 was simultaneous or nearly so to the sighting of a man seen running at Point 2.]
7. 4949 Easter St. Home of Teresa Barrera, who sees man under her truck on Easter St., then sees him run south on Easter to Nemec, then east on Nemec towards Franklin and Gabriel. (**Minutes 31:56 to 33:12.**)
 8. Location on Nemec where Barrera sees man running from 4949 Easter south towards Nemec, then east towards Franklin and Gabriel. (**Minutes 31:56 to 33:12.**)
 9. Locations near Armando Garcia's home where he found a pair of white tennis shoes and a man's white dress shirt.
 - a. Passage way between 4950 Easter (on the northeast corner of Nemec and Easter) and the 4946 Easter, where two days later, on Sunday February 6, 1983, Armando Garcia (resident of 4946 Easter) found a pair of white tennis shoes.
 - b. Northeast corner of the backyard of Armando Garcia's home at 4946 Easter, where, where two days later, on Sunday February 6, 1983, Garcia found a white men's dress shirt.
 10. Location of pickup truck on the west side of Franklin Street two houses north of Nemec where CDL was found and arrested. This home is directly adjacent to Armando Garcia's home. (**Minute 40:50, estimated time is 8:49 p.m.**)
 11. Wolfy's bar and strip joint, across Dodd St. from the Shamrock Station, where CDL testified he had a beer (ca. **8:00 p.m.**) before leaving and walking across the street to the Shamrock Station where, he testified, CH had gone to purchase cigarettes.

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12. Location of Gulf Skating Rink and Bowling Alley, southwest corner of Kostoryz and SPID. This is where CDL and his step-father (Blas Avalos) testify that Blas Avalos and his wife (CDL's mother) Margarita Avalos let off CDL about **7:00 p.m.** that same evening. CDL testifies that this is where he first ran into CH.
13. Nicholson St. Officers 53 and 55 take a woman into custody at this location. Unclear if it is related to the Shamrock robbery. (**Minute 29:52.**)
14. 4741 Kostoryz, where shoplifting incident takes place.
15. 2705 Milo, where probably unrelated incident involving complaints about live music occurs. (**Minute 39:44.**)