

## **Mort Smith's interview of Kevan Baker on 11-22-04**

Note: investigator Mort Smith reports that when he arrived at Kevan Baker's door in rural Jackson, Michigan without warning and identified himself as a private investigator, Baker said right up front, "this is about that case in Corpus Christi, isn't it?" Mort's impression is that Baker was not contacted by anyone about the case recently and instead that the case had simply been on Baker's mind for a long time.

Kevan Baker's opening summary of what he remembers:

00:02

I left the dealership, had to make a right and go up to get over the underpass, and go back up to go west on SPID. I went up to the gas station where I normally get gas at. I was working as a car salesman, seven to seven. It was late. I pulled into the gas station, and I got out of my car, basically got the gas nozzle off the pump, and went to insert it, and heard a bang on the window [NOTE: this is consistent with Stange saying there were the victim's bloody prints on the inside of the south window behind the counter as if Wanda had banged on it trying to get help]. I went, "Aw shit," you know, "I got to go in and pay first," which never had happened. I tried it and nothing came out.

I looked up and I seen this Hispanic gentleman pulling on the girl's hair. Basically, I saw it and I thought, "oh fuck." I don't know, to me it seemed that the right thing to do was go walk towards the door. I walked to the door and he met me face to face. [He] came out the door. Threw her down. Come out. We met face to face. The man said, "I got a gun." We were basically about four feet apart. He said, "I got a gun."

1:05

We just stood looking at each other. He took off running to the east, towards the Island [South Padre Island]. I watched him run away, make sure he got a good distance away. And by that time, she had come to the door and was coming out, and I saw blood on her left side. I was in the Navy, had training. I said, got to get them down and get them not be moving around and stuff. And I got her to the concrete in front of the store, so I could get something to stop the blood.

I opened the door up, walked inside 3 or 4 steps. It was a mess; stuff all over the place. Grabbed a few car white window towels, and I come back out and I pull up her sweater and I was gonna help her and she was stabbed right through the bra or whatever. [Here and below, Baker makes clear that Wanda Lopez was stabbed directly in the breast, suggesting the possibility of a sexual motive.] No blood coming out.

2:00

About that time, the cops just started flying in. So I just stopped what I was doing. Basically, that's about what went down. Of course, everything was taped up. My car was there maybe a half hour, forty five minutes.

2:14

They brought a gentleman back in the back seat of a car without a shirt on. "Is this the guy you seen?" And it was really tough, you know. I said this in court. It was really tough saying yes and no, but it seemed like the right guy. And in court of course, he was in a nice suit and tie, and "is that the gentleman?" It was still tough as an eyewitness, 'cause I didn't catch his height. But he was Hispanic. Whether I was right or wrong, . . . . But it just seemed right. That's kind of the way I went as my instincts told me, I guess.

3:00

Mort: That night when they brought him back in the car-

Kevan: Right.

Mort: Are you saying that even that night you were sort of . . . . Were you more or less -- how certain were you on a scale of 100%?

Kevan: Probably 70%. It wasn't 50-50. It was more. We looked at each other about that long- (he demonstrated a second or less) or a little longer.

Mort: So, the night of the incident, February in '83, you were 70% sure that was the guy that came out of the store.

Kevan: Yes.

Mort: Ok. And can you describe how the guy looked in the car?

Kevan: Basically, he had his shirt off. Of course, Hispanic, dark hair, dark complexion, I don't really remember. He looked "distracted," like "I'm in the back of the police car, I'm fucked" --- one of those situations. Whether it [Baker's identification] was right or wrong . . . .

4:00

Mort: When you saw the two of them inside the store, how would you describe what was going on?

Kevan: It was all glass; and she was behind the counter and so was he. The store -- you walk in and the counter was to the left and then the cashiers are behind them and there was like a door to the back and he was sitting there. She was bent over at the waist. He has his two hands in her hair he was just jerking her as hard as he could jerk her. And when I looked, glanced up from pumping gas, or trying to, I looked up and that's the first thing I saw. And my thought was, I should do the right thing. And I started walking towards the store.

Mort: When you testified you mentioned that it appeared they were horsing around or wrestling or struggling?

Kevan: Oh, no, it was a struggle. He definitely was just going . . . . He was probably pulling

her hair out, because he was just jerking her trying to hide her in my opinion of it.  
[NOTE: Perp should've had hair underneath his fingernails ...?]

5:07

Mort: You mentioned that he dropped her.

Kevan: Yeah, I didn't really see him throw her down. But as I approached the store he met me at the door. So, he had to push her down, or done whatever to get rid of her to meet me so I didn't catch him inside the store.

Mort: During the time that they were together in the store and he was doing whatever, were they close together?

Kevan: Oh, no. Oh, no. Like I said, she was bent over and it was two hands full of hair and he was just jerking as hard as he could jerk, basically to hide her.

Mort: And were the bodies against each other?

Kevan: Oh no. it was a 90 degree bend on her part bent over at the waist; and he was just pulling, just pulling.

6:00

Mort: This took place behind the counter or in front of the counter?

Kevan: Behind the counter

Mort: Her shoes, did you notice that she had any shoes on?

Kevan: I have no idea; maybe when she came out. Like I said, my main -- I watched him run away. My main concern was -- I turned around to see how she was doing. She was coming out the door, and my main concern at that point was to get her down, cause I saw blood on her left side, to get her down in a prone position and stop moving.

Mort: After the Hispanic fellow left the store, can you describe how the scene looked then, in terms of mess . . . .

6:55

Kevan: It was a mess; not so much blood; I didn't really notice that; stuff on the counter was knocked out in front of the counter. And my main thought was to stop the blood for her. So, I opened the door walked in maybe 2 steps -- stuff all over the place that came off the counter. And I grab a handful of windshield towels from the windshield-cleaner rack. And I grab some of them and come back out. And I pull up her sweater and I was gonna try to stop the blood but there was no external bleeding at that point it was all internal.

Mort: So you didn't see blood around on the floor or anything like that?

Kevan: I didn't really notice it; no.

Mort: Could it have been?

Kevan: Maybe; I won't say that because she was bleeding internally. Of course, later that night, before I even got out of the Corpus Christi Police Department, we had already got the report that she died.

Mort: This fellow that ran out of the store did you see anything in his hands? Money or anything like that?

Kevan: I saw nothing.

Mort: Was there money on the floor around?

Kevan: Yes, I believe there was. I believe there was but I can't, won't positively say so at this point, so many years later; I just don't remember.

8:02

Mort: That money, was it coin money? Paper money?

Kevan: It could have been both; I would guess paper; but I just don't remember.

Mort: And the contact that he was making with her? Are you saying there was more distance between them? Or were they closer?

Kevan: Full arms distance; he was doing this number and she was fighting, bent over 90 degrees.

Mort: Did she appear to have banged up against him at any point?

Kevan: No, 'cause it's just the impression . . . . He's trying to get her in the back room, and he's trying to jerk her there, and I just started walking towards the store, you know.

Mort: You described somewhere that he looked like a derelict, the person who ran out. Does that ring a bell?

8:59

Kevan: No it doesn't really. No, not really. I don't think I would have said that cause I don't judge people personally; your ok and I'm ok; that's the way I look at people.

Mort: The fellow that ran out of the store, versus the fellow the police brought back: Do you remember what that person had on? Can you describe that person?

Kevan: No I can't; because when he left I don't remember what he was actually wearing. I've never been a store clerk -- "look at the sign, he was over five-foot-eight" or whatever, tall like that. Looking back I don't really remember what he had on for a shirt; but when he came back in the police car he had no shirt on, so it had to be all facial recognition. Whether he had a mustache or not I don't remember; Might have been -- well he's got a mustache and his hair is about so long. It was very tough.

*10:07*

Mort: Do you remember about how fast the fellow was running, the one that ran out of the store?

Kevan: Once he left – he basically -- I can't exactly remember. He threw her down and met me at the door, because I'm walking and its all glass and walking in and we met at the door, and he came out the door and its like 4 or 5 feet away; and he said, "I got a gun." And I just stood there and didn't say nothing; and he ran to the east and I just watched him run away. Fast? A jog. It wasn't like full sprint like freaking out like if someone's after you with a gun --- like I should have (laughs).

Mort: Do you remember facial hair?

Kevan: I don't at this point; I really don't; I'm saying probably didn't have any but I really don't remember. It wasn't, definitely, probably not a beard.

*11:09*

Mort: Just looking at a couple of notes here. You don't remember shirt or clothing?

Kevan: No; I'm gonna guess a shirt; being in Corpus. But was it a t-shirt or button shirt, I just don't remember anymore.

Mort: Did you see any blood on the fellow that ran out of the store?

Kevan: Don't remember that either. It was eye to eye contact: I was on 110 hype; I was watching the gentleman's eyes to see what was going to happen: he had already told me "gun" --- surprising. I didn't see one though.

*12:00*

Mort: When this fellow ran out of the store and he said something to you, "I have a gun," or whatever, were you able to detect any alcohol on his breath?

Kevan: No, we were too far away; far enough away...

Mort: That you couldn't smell him.

Kevan: Right, exactly.

Mort: Did you see a weapon?

Kevan: No.

*12:26*

Mort: And the money you're just not clear about that, right?

Kevan: No. Yeah, maybe there was. But I just don't remember anymore. I guess maybe even in court I might have said there was money all over the place. But the only thing I went for was the paper towels to help her out.

Mort: When this fellow ran out of the store, you are facing the store, correct?

Kevan: Right.

Mort: You are on your way in.

Kevan: Right.

Mort: Which way did he turn?

Kevan: He went left.

Mort: His left or your left?

Kevan: His left.

Mort: Which would have been?

Kevan: Towards the east.

Mort: Toward your right.

Kevan: It would have been my right.

Mort: And then where did he go?

Kevan: I don't remember what was next to it, maybe other stores. There was not an alley but gaps between stores; and then there were more buildings; and I watched him run far enough maybe even watched him turn between some other buildings; but it wasn't right round the corner; he went down a ways.

Mort: And was he running fast?

Kevan: It wasn't a full sprint but he was leaving; it wasn't walking; he didn't walk away casually; he took off.

Mort: Did he appear in control of himself? Or out of control

Kevan: He didn't seem like drugs or anything or like drunk; he knew what he was doing.

13:55

*(phone call, they listen through the answering machine message)*

Mort: Did he appear to be trying to scare you?

Kevan: The gun statement was.

Mort: Do you remember about how old this gentleman was, the fellow who ran out of the store?

Kevan: Hispanic again. It's like, how old are you? I'm gonna guess 35.

Mort: Thank you. I'm 41.

Kevan: I'm 54 personally; it's something with other nationalities; I would guess young 30's probably maybe late 20's.

Mort: When you tried to help her, describe that. You went and got some paper towels?

Kevan: Right. That were laying on the floor.

Mort: Talk again about the bleeding.

14:56

Kevan: Basically when she come out the door --- I watched him run away. She come the door and she was hysterical. I can't remember anything she said, but I saw blood. I put her back against the wall first; told her you gotta lay down, get calm; as I helped her down and I helped her lay on the concrete in front; there was still blood that she left on the window and stuff like that. And I go, "oh my god," so I went in. I took 2 steps in and there was towels there; I grabbed them and come back out. I was gonna help her, and it was all internal. At that point there was no help, that I could do for her. At the same time the cops come flying in. Because another gentleman had saw him put a knife in his pocket and went up the street to call. *[Note: Baker doesn't appear to know that Wanda Lopez called the police.]*

Mort: And how much bleeding would you describe coming from the victim?

16:02

Kevan: There was enough that it streaked down the window as I was getting her down cause she was back against the window. Then once I got her on the concrete and I instantly got the paper towels. Came back; there was no more external bleeding.

Mort: Did you notice blood on her clothes?

Kevan: Oh yeah, by all means, on her left side.

Mort: Was there a lot of blood?

Kevan: It was obvious. And it left blood on the window and going on down.

Mort: As far as the blood, you said there was blood on the floor or just mostly on the window?

Kevan: No I won't. On the window. When I went for paper towels, I saw I think maybe money; I didn't really pay attention. I grabbed paper towels because I wanted to help her; and I didn't really notice much else other than a mess. And then I come back out and the blood on the window I saw, from helping her down. That's that's why I went for the paper towels. But even as the cops flew in she didn't really leave like a puddle of blood; because apparently a women has an artery that goes to the breast; and that's what he sliced and then all the blood went into her lungs at that point, the way I understand it now. Of course she had the initial blood.

*17:17*

Mort: When the police arrived did they arrive in time to see this fellow running away, any parts of it?

Kevan: No, no. Cause he already made --- 'cause I watched him go and turn. And when I turned back to see what was going on. I turned back, I wanted to make sure he was gone. I turned back; she was at the door; coming out; I can't even remember what she was saying; but I saw the blood. She went back against the window outside the door. I was insistent on "stop moving, lay down, you are gonna be ok;" and like that. And I went in the store, got the paper towels, come back out, which was just 2 seconds. I pull up her sweater and I was gonna try and pack it on there cause that's what I was taught in the service; and there was no bleeding. Then I'm down here like this; helping her or trying to help her. Then the cops --- that's when the sirens are going there, and here comes 5 or 6 cops' cars. I don't remember the number of cars that flew in; but they were just right there instantly at that point.

*18:25*

Mort: Did you notice any police officers take off behind this perpetrator?

Kevan: I don't remember, but basically I said "he went that way," and I just sat back and let them do their job.

Mort: And when you said he went that way did you notice any of the police officers respond to that?

Kevan: I really don't remember.

Mort: So you don't know if they went in the direction that you indicated?

Kevan: I just don't remember.

Mort: Can you go back, I know you were trying to help her. And there was all this confusion. What do you remember telling the police right there on the scene?

Kevan: Basically it was that, "he went that way." I was more concerned about her, of course. Looking back at the police; I don't know. I don't really remember if they were that concerned about her or not; but I'm sure there was enough of them that one of them went to her aid. But I just don't remember if they chased him or what went down. From that point on, that's where I get foggy.

Mort: The police somewhere noted, that, not that you were being judgmental, I guess to describe, to get some sort a reference, that the guy may have looked like a derelict, based on the mustache...

Kevan: I don't really remember because I'm not judgmental like that; whether he had really torn clothes you know what I'm trying to say.

20:00

Mort: As the guy was leaving the store, do you remember what type of shirt he had on?

Kevan: I really don't anymore; at that point I think I did. I could have went, "it was blue or red," whether it was button or a t-shirt, at that point, yes. But now, 20 years ago...

Mort: You don't remember seeing blood on him? Or money in his hand?

Kevan: I don't really remember.

Mort: And the crowd, did you notice the crowd gathering at some point?

Kevan: No. Not really. The police cars and ambulance. And the one guy -- I had learned this -- there was one guy that actually called the police. I had learned this that night at the police statement. I had to go to the police statement to give my eyewitness statement. The one guy that actually called the police, because he was getting gas supposedly, he saw the guy put a knife in his pocket, paid for his gas, and he told the girl, that there is a guy out in front of your store that just put a knife in his pocket and he went up the street to another pay phone and called. He come back. I remember him coming back and was there. I don't remember how many of us went down to the police station after all that went down. I know there was at least 2 of us, maybe a third one. [Note: Is it possible Aguirre came back and told everyone he had called the police? At trial he testified that he tried to get the security guard at Gulf Bowl to call the police, but the guard refused, and Aguirre never, then, found a way to do so himself. Aguirre's testimony about seeing a struggle from the Freeway is almost surely pure embellishment, given the poor visibility ....]

21:37

Mort: But at the scene? About how many people? Just a wild guess, about how many people would you say?

Kevan: I really can't remember. Basically it was police and ambulance personnel and stuff like that.

Mort: Do you remember roughly how many police and medical personnel?

Kevan: My main thought was cops came flying in. There had to be 3 or 4 police cars and what are there 2 cops to every car or 1. So I can't really put a number on it anymore.

22:15

Mort: And the emergency personnel who showed up?

Kevan: Probably one ambulance I guess.

Mort: Describe what they did to help this girl.

Kevan: That's a tough one. Probably normal procedure. They basically, once the cops come in, I figure, "ok my job's done," and I saw no bleeding so I couldn't help her there. And they were right on top of her, and they got her on the gurney and got her in the ambulance and took off.

22:52

Mort: Do you remember what they were saying?

Kevan: I have no idea anymore.

Mort: Do you remember what the police were saying?

Kevan: Nope.

Mort: It's been awhile.

Kevan: I can't.

23:00

Mort: Did you know any of the other people? The other person, you mentioned he saw it. Did you know any of those people?

Kevan: No.

Mort: And that's only because you had to stop to get gas?

Kevan: That's the only reason I stopped. I had done it a few times and I was on my way home.

Mort: You had gone to that place a number of times.

Kevan: Right.

Mort: About how many times?

Kevan: Oh God! Don't ask me that? Um, I worked there probably about 8 months. I would guess maybe a couple times a month. Just if I was low on gas and I needed some to get home. And it was a cheap place to get it. And it was right off the freeway and back on again heading west. But no idea.

Mort: Ok. At the police station, did you see any of the other witnesses?

Kevan: Yea. I'm thinking there were 3 or 4 of us. Did we collaborate or whatever? Yes we were all together. [Odd that KB raises this point without prompting and keeps coming back to it.] No, not really, because I wasn't trying to go out to nail somebody. I was just, I think we were all in shock basically. Cause that's the way I felt from that point on. Kind of numb --- "man, I didn't wanna be here." Maybe it might have been Saturday night actually [Sic: Friday.]. You know, this is Saturday night, you know. You get out of the police station. It's Saturday 11:30, 12 o'clock at night. Back in '83 I was 33. So I wanted to go party you know. But that didn't happen.

Mort: Do you remember any of the names of any of the police officers who were with you?

Kevan: Oh no.

Mort: Do you remember the police officers talking to any of the other witnesses? Did you see any of that?

*24:54*

Kevan: Yea I did. I remember, it was like, one of the officers came up to me and asked me is this the gentleman in the back seat of the car, and like I said, I was about 70 percent positive. And then I stepped away and then they, the other people, the one guy that I mentioned had come back, whether it was more then that, I know there was one other person for sure.

Mort: So on a scale of 100%, you were 70% positive that the person that they brought back to you in the car was the same person who ran out the door?

Kevan: Right, right, yes, I don't think he actually went out. Well, that could be, you know. I will say this. One of the police officers did mention to me that we found this guy hiding underneath a car without a shirt on, two blocks north of us or three blocks north of us. Whether that steered me to say he was right or he was the one or not, I'd go back to the 70 percent. I think it was the gentleman I saw. I didn't try to get steered. "He's the one." "Oh, ok." I didn't do that by any means.

*26:08*

Mort: Ok, 70 percent is not a 100 percent right?

Kevan: Right. It's not.

Mort: Ok. The manager of that place, the Shamrock station, did you ever talk to him?

Kevan: Um. Oh shit! I actually, I don't have a memory that I did, if I did or not. He might have been working one day when I paid months before that, before I paid for gas or something you know I wouldn't know that.

Mort: Ok. The lead detective on this case was a women named Sergeant Escobedo. Do you remember seeing her arrive on scene?

Kevan: No, not at this point, no.

26:57

Mort: Come to talk to you at any point afterwards?

Kevan: No, I don't remember. The only thing that I can actually say that --- that the police did, that might have tinged my --- not tinged, but maybe tried to direct me that this is the guy or something --- was right there, was "we found him a couple blocks north." [Note: Eyewitness Julie Arsuaga confirms Baker's recollection in her affidavit.] Other than that . . . .

Mort: You were still at the store?

Kevan: Right there.

Mort: So it was at the store when --

Kevan: The girl had already been transported away and we were still trying to sort it out, here comes a cop: "we found him. Is this the gentleman? He was hiding underneath the car."

Mort: So, you heard this from a policeman's mouth not over the radio?

Kevan: Right ... basically ... right .... "We got him." It wasn't nothing like that.

28:00

Mort: Now, the police had told you they found this guy hiding under the car. Let's go back over that. You had mentioned that, by them saying that, tell me again how that made you feel?

Kevan: It did not . . . . Basically, in the back of my head, I was like, "ok," I was like "it ok, might be him; it might be not." That's why I'm still thinking I'm like 70 percent sure, you know. I can't, like I said, I didn't have a sticker that said he's 5-foot-7, oh yea he's 5-foot-7, or something like that. But yeah, I went visually, and he looked very much like the person I looked eye to eye and saw the facial features. But my main thing was eye to eye contact to make sure he didn't use the gun on me, if he actually had one that he said, you know. Or at least --- but basically when I walked to the store my first thought was, "Oh fuck I don't want to be here. Get in my car and leave." But I couldn't. It's not in me.

29:08

Mort: The fellow who was in the car other than not having a shirt, was there anything else that stood out about him? His physical condition.

Kevan: I'm thinking he's scarred up, maybe or maybe a few bloods, because he was crawling with whatever. I kinda remember that.

Mort: Did he appear to have been hit in the face, this guy?

Kevan: I really don't remember actually, I really don't.

Mort: And as for the way he looked, did he look like he had been beat up? Or just scratches?  
30:00

Kevan: Honestly I'd say more scratches maybe trying to hide or something versus getting pounded or something. It wasn't like a fat lip or blood running out of his mouth or ears or something like that.

Mort: The fellow sitting in the back of the car, did he appear to have been drinking or had been intoxicated?

Kevan: No, not that I could really tell. He looked dejected like, whether they are innocent or guilty, you know, "I'm fucked." You know?

Mort: Did you hear any talk over the radios?

Kevan: No I didn't hear much police talk over the radio. They kinda kept us, the two of us, maybe --- I keep thinking there were 3 or 4 of us --- separate.

30:58

Mort: Now as far as the statement at the police station, do you remember if it was like what we are doing, kind of open ended? Were they asking specific questions? How did that process go?

Kevan: Basically, they just asked me what you saw and what you did? Like I have explained to you right now from memory. You know of course, its been 20 years. But basically it's still vivid. At least the part up to eye-to-eye contact. He left; I tried to help her; and then basically, I just stepped back and let the emergency personnel take over and do what they have to do, you know.

Mort: Did you see if other witnesses were shown any lineups or brought to look at?

Kevan: I don't have any memory of that. Well actually, I guess I do, because I think at the station, at the gas station, they took us up there, and I didn't hear their answers but we were far enough away so that none of their answers influenced my thought on it

32:02

Mort: Did the police, either during your discussion with them or the prosecutor during your preparation for trial, did they say anything that led you to think that they actually had the right person that they --- were there any prompters?

Kevan: There was prompting from the prosecutor, basically it was like, you know, just be calm and basically tell it like you saw it, you know. That's basically all I really remember about that too you know.

32:35

Mort: Did they say anything like --

Kevan: "We know it's him?"

Mort: Yeah.

Kevan: No.

Mort: They never said anything like that?

Kevan: Not that I remember. I think they were very professional. I suppose, look back now, very well trained not to do something like that. You know.

Mort: Did they tell you they found blood on the kid who they arrested? Did they tell you anything like that?

Kevan: No, not really. Other than he come back with no shirt on. You know.

Mort: Did they say anything about his clothes, that they found blood on his clothes?

Kevan: No, not really.

Mort: How about money? Did they say they found money on him?

Kevan: Nope.

Mort: And how bout fingerprints, did they tell you they found any fingerprints on the scene?

Kevan: Nope.

Mort: Did they mention any evidence that had linked him to this crime?

Kevan: Nope; none that was shared with us.

33:32

Mort: Now as far as the other people who were there, had you had any conversation with them? The other witnesses, eyewitnesses?

Kevan: Before, in the sense of, we were standing around?

Mort: Let's go back to at the scene.

Kevan: Right at the gas station, the one guy had come back [who] made the phone call. He said, I made the phone call, cause he saw a guy put a knife in his pocket, opened it up and put it in his pocket.

Mort: Do you remember who that was?

Kevan: No I have no idea anymore

Mort: Aguirre? Arsuaga?

Kevan: No idea. Of course, the prosecutor talked to, I think, like 4 of us, maybe, and eyewitnesses, and basically said, "don't be nervous," and stuff like that. And at that point, which is, what, like a month or a few months later, we didn't really talk about much. The one comment I made about the night is the only thing I really heard from another witness.

34:30

Mort: Had the media contacted you about this?

Kevan: No, but there was a write-up in the paper, you know, lady was stabbed and died later on that night. And I remember cutting the clippings out and sending them to my family up here. Cause this is like, "thank god I didn't die." You know.

Mort: How 'bout, had any lawyers come to talk to you? Lawyer for the defense perhaps? Before trial? After trial?

Mort: No, nope.

Kevan: No one came to talk to you?

Kevan: Not at all, nope other than the prosecutors just before we walked into the trial --- "Just be calm. Don't be nervous and just tell it like you saw it."

Mort: Did the guy who --- I'm quite sure that at some point, you learned who was on [trial], when you testified, you saw him on trial. Did you ever see this kid before?

Kevan: Oh no.

Mort: You just seen him-

Kevan: Oh no, I did. Somebody told me, apparently one of the police officers, maybe the prosecuting attorney, like be calm and stuff. **Somewhere along the line, maybe in the newspaper, he had just gotten out of prison. That could have been, too, the newspaper.** Um, what? A couple weeks earlier, and uh that's the only other information I really have about the gentleman.

Mort: What about someone named Hernandez? Carlos Hernandez, does that name ring a bell?

Kevan: Oh no. "Julio" (laughs) I hate to say that, I'm not prejudiced by any means..

36:05

Mort: And as far as Corpus Christi, you had only been there 8 months?

Kevan: Yea about. This is '83 and I end up leaving in the summer of '85.

Mort: Are you from Corpus Christi? Or are you from someplace else?

Kevan: No. I'm from right here.

Mort: You're from right here. So you moved down there for . . . .?

Kevan: I was down there quite awhile, actually. '83. Maybe, no it wasn't 8 months, I think I was there longer. I just don't. I know I had lived in Houston for about a year. I was in Corpus, and I went to Houston and then I went back to Corpus because friends up here lived in both places, and I got in the car business about 8 months. '83 February. My mom died in '81. I'd been there probably a little over a year, I'm guessing, and I end up leaving, so I was there I'd say 5 years. But it was probably more like 4. But I was there for awhile afterwards.

37:01

Mort: When did you move back here?

Kevan: I wanna guess around August of '85 or '86. I'm gonna go '86. I was probably about 36 when I come back. And I've been here ever since. Basically.

Mort: Ok. You had mentioned at 33 you were planning to go out and do a little partying afterwards? What clubs did you go to down there?

Kevan: Oh god, don't ask me that. I don't remember any of the names of them. And I can't even remember where they are at now. But I was heading for, I was married in that time for about 3 months, and I don't know if I was heading to my place or if I was heading to her place, our place. I really just don't remember. And I don't remember if I was single or if I was going home to the wife. But she wasn't much of a wife. Married 3 months, you know. So I really don't remember. But I guess I was heading home to her house or our house at the point because otherwise I would probably a' gotten gas and went to the club.

38:33

Mort: The Casino Club?

Kevan: Oh, no.

Mort: Sound like someplace . . . . Or Wolfy's?

Kevan: Oh no. Oh Christ I don't remember. I know it was one of it had 2 bars in it. One in each end, that's all I remember.

Mort: I asked you if you knew Carlos DeLuna or anything about him?

Kevan: I don't remember any Hispanic names.

Mort: Carlos Hernandez? No. How about Javier Hernandez. . . . I'm going to just hit you with these names: Javier Hernandez?

Kevan: Just don't remember.

Mort: Frank Hernandez?

39:08

Kevan: Trying to think of an older Hispanic guy, worked at the car dealership. His name was Frank, and he was in his seventies at that point. I lived in Albuquerque since then for a stretch in the 90's in 94, and met a bunch of Hernandez's and, you know, its like, I'm not prejudice but it's like "Julio" again. I just don't remember Hispanic names real well.

Mort: I know, let me just hit you with these names. If you don't remember you don't remember. Gerardo Hernandez?

39:46

Kevan: No.

Mort: Paula Hernandez?

Kevan: No.

Mort: Freddie Schilling?

Kevan: No.

Mort: Dahlia Saucedo?

Kevan: No.

40:00

Mort: Michael Ortiz?

Kevan: I've known some Ortiz's but I don't know if it was New Mexico or there.

Mort: Ok, Maryann Perales?

Kevan: No.

Mort: Benavides, Maryann Benavides?

Kevan: No.

Mort: Linda, Linda Perales?

Kevan: I don't remember, I really don't, and I feel bad about that.

Mort: And how about any of the police officers in the case?

Kevan: No, don't remember any of them, just don't

Mort: Have you had to deal with the police officers other than this case?

Kevan: Trying to think. No, not really. Not like this, you know. Like I said, my first thought is, "I don't wanna be here." But I felt as an American, I should do the right thing.

Mort: You mentioned being 70% sure of this identification. Did you tell that to the police or the prosecutor?

Kevan: No, not really. They just said, "Is this the guy?", and you know I took my time, and you know, "yeah it is." Because, you know, no shirt. So that lost something recognizable at that point. So I had to focus on the hair, a mustache, a beard, and at this point I don't remember if there was no beard. I think a mustache, maybe, but don't hold me to that either. I just really don't remember now.

*41:45*

Mort: When they asked you if this is the guy, and you said "yeah, it is," even though you said, "yeah it is," in your mind, were you 100% sure?

Kevan: Oh no.

Mort: You weren't a 100% sure?

Kevan: No.

Mort: And you responded "yeah, it is," because...

Kevan: It wasn't because it seemed right. I went to facial features, basically eye-to-eye contact, I mentioned that already. And I was waiting for a gun to come out, or knife to come out. And I tried. I didn't really --- I'm not trained that way. I didn't really focus on, "he's got long sideburns," you know --- you know what I am trying to say?

Mort: Sure. Well, when you answered the officer's questions about, "Is this the guy?", did you immediately say, "yes that's him," or did you --- you took your time? About how much time lapsed between the end of their question and the beginning of your answer?

Kevan: I didn't wait 5 minutes, but I would guess 30 seconds. You know it wasn't instantly, "oh that's the guy, cause he's Hispanic." No it wasn't. I was trying to be positive, not burn somebody, you know, because I wouldn't want that to happen to me either. So I tried to make an adult judgment, like I noticed there was a little blood --- whether he'd run through the bushes, or because his girlfriend had been chasing him or whatever, but I tried to be positive I really did.

*43:10*

Mort: Ok. When the police asked you if this was the guy, did you notice anything that they were doing, any of their actions, were they sort of prompting you with their body language, or --

Kevan: No I didn't really notice that. I think I already made the comment --- that they said, "we found this guy a couple blocks north, up here underneath a car," --- and that's probably the only prompting, whether...

Mort: Did that comment help you in your identification?

Kevan: No . . . . That's probably why I'm 70% sure. It might have had an influence.

Mort: If they had not said that, would you be less than 70% sure?

43:58

Kevan: Yes [emphatic, here].

Mort: About where would you say you'd be if they hadn't said that?

Kevan: It would be a 50-50 I think.

Mort: 50-50? Ok.

Kevan: Cause you understand, it's just instant stuff, and you need tape measures on the door and...

Mort: You had just got off work right?

Kevan: Yeah.

Mort: Where you pretty tired at that point?

Kevan: 8, 12 hours or whatever it was. Not --- it was all mental, car salesman. It wasn't like it was all physical like my back was killing me,

Mort: So you were tired mentally?

Kevan: Right. And like I said, I tried to be really honest. "This is a human beings life" --- that's kinda the way I thought, and I tried to look for something that I remembered. But the main thing was eye-to -ye contact, and be honest about it as best I could. I couldn't say, "no that's not him," but at the same time I'm going, "god that looks like him, you know, it really does." But then again it goes back to, I'm a white guy. Is this white guy, to you, which one of these 5 blond short guys is it? [Note: Mort Smith is African American.]

45:10

Mort: Your talking about identifying someone cross cultures too, makes it difficult?

Kevan: Right, right. It really does. I've been --- I've traveled enough --- it's tough you know to identify cross cultures. I didn't wanna be, I didn't wanna screw anybody. But at the same time I tried to make an effort to recognize the things I did see, and try to connect the two together.

45:37

Mort: Ok. Well, I thank you. There's a chance I'll probably have further questions after I report back. What's a good number to reach you at?

Kevan: Ok, it's 517-849-2375.

Mort: And if I needed to get back in touch with you, is that ok with you?

Kevan: No problem, I have no problem with that. It's just, I wish this never happened, you know what I'm saying. It's just something, that I don't want to be there. And you know, if you've ever been a police officer to get to your point as a detective.

Mort: I've worked for the state, done prosecuting attorney investigations, yes.

Kevan: So it's just like, you don't want to be here either.

Mort: Right. (laughs) Right.

Kevan: Stuff you wish your kids don't have to see, either.

Mort: Sure.

Kevan: At 33 or so, I'd been in the oat fields a long time, then traveled in the Navy and been around enough, and I'm going, "God, this sucks, it really does." But I tried to do the right thing. I walked towards the store, and I tried to help her out. That's basically what it was about.

Mort: Ok. All right, well, thanks a lot. As I said, if I have any more questions, I'll certainly give you a call. I'll turn this off now.

END