

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

[Notes:

- This and other bracketed entries have been added by the authors for explanatory purposes.
- 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.
- This transcription is made off of a copy of a copy of a segment of the Corpus Christi Police Dep't Master Tape. The first copy was retained by then Dispatcher Jesse Escochea when he moved to Los Angeles shortly after these events. Escochea provided us with a copy of his copy of the tape in February 2005.
- The bracketed ALL CAPS notes below based on the "Police 2/10/83 transcription" refer to a transcript of the Master Tape itself that was made by the Corpus Christi Police Department on Feb. 10, 1983, before the relevant portions of the Master Tape were recorded over and lost. The Feb. 10, 1983 police transcription is probably the most accurate rendition of the tape, because it was made off of a more audible, original, tape.
- Officer Robert Mayorga provided information about the meaning of numeric codes used on the tape.]

DeLuna Police Dispatch Tape

[THE CALL CARD IN THE D.A. FILE HAS THIS CALL COMING IN AT
8:09 p.m., 2/4/83.]

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

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 adds: "(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?

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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.

00:01:12

Disp: Is he a white male?

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.

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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!!!

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.

F: Are you through with your call?

M: 151 to base [?]

00:01:48

(brief dial tone)

?: [?]

M: [?]

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 [?]

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00:02:01

M: 2602 South Padre. Armed robbery in progress.

00:02:02

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

00:02:08

M: 55 [?]

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. HE IS REFERRED TO AS "BACK-UP" WHEN THE ORIGINAL CALL GOES OUT TO MYLETT, WHO DOESN'T RESPOND UNTIL 4:08 BELOW.]

00:02:15

M: [?]

00:02:16

M: 270

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

M: [?]

00:02:44

M: 106.

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M: 106.

00:02:47

M: [?] 151 please follow.

00:02:53

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

00:02:59

M: 10-4.

00:03:00

M: 140.

[140 IS OFFICER THOMAS MYLETT'S CAR. ACCORDING TO MAYORGA,
140 IS THE PATROL CAR THAT HAD THE CASINO CLUB BEAT]

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.

M: You know the direction you're traveling?

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

M: [?]

00:03:22

M: 46.

F: 46.

M: 47.

F: 10-4.

00:03:27

M: 37.

M: 2-7.

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M: 47.

M: 10-4. 2-7.

00:03:34

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

F: 10-4.

00:03:47

M: [?]

00:03:52

M: [?] We got a 27.

00:03:56

F: 10-4.

00:04:00

M: 27.

M: [?]

00:04:02

M: [?]

00:04:07

F: We had a [?]

00:04:08

M: 140. Ok.

[IS THIS MYLETT FINALLY CHECKING IN?]

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.

00:04:38

M: [?]

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00:04:40

M: [?] 53.

M: 140.

00:04:42

M: 140.

M: [?]

M: 10-4.

00:04:46

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

00:05:01

M: 27-A.

M: 27-A.

00:05:03

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

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.

M: 140.

00:05:30

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.

00:05:48

M: 311.

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00:05:49

F: 10-8.

00:05:50

M: 10 [?]

00:05:51

M: 49.

00:54:52

M: 49.

00:05:53

M: [?]

00:05:56

M: 10-4.

00:05:57

M: [?]

00:05:59

M: 34.

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: [?]

00:06:15

M: 26.

M: 26.

00:06:17

M: [?]

00:06:19

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

00:06:22

M: They're going north on [?]

00:06:24

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

00:06:33

M: 140.

M: 140.

00:06:36

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

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.

00:06:52

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

00:06:55

M: 10-4, 103.

00:07:15

M: 55.

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.

[4900 DODD IS 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

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M: Ok. Who's at Dodd and McArdle?
00:07:45
M: 53.
00:07:46
M: Ok, advise- What did you say?
00:07:49
M: [?] Dodd and McArdle.
00:07:51
M: Ok, 51's at the [?]
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.
00:08:04
M: 10-4.
00:08:21
53: 53.
Disp: 53.
00:08:23
53: My partner will be on foot on Dodd, I'll [?] in the area.
00:08:28
140: 140.
00:08:29
Disp: 10-4.
00:08:30
?: [?]
00:08:32
?: 126.
00:08:32
Disp: 26.
00:08:35
26: Do you know if [?]
00:08:35

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31: 31.

00:08:36

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

00:08:38

?: [?]

00:08:40

?: [?]

00:08:41

53: 53 to 55.

00:08:50

?: 37 [?]

00:08:54

?: 31-A.

00:08:56

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

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

?: [?] 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.

Disp: 103.

00:09:39

103: [?]

Disp: 10-4.

00:09:43

?: [?]

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00:09:44

? : [?]

00:09:46

? : 52.

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.

? : 26.

00:10:16

? : 26.

? : 43.

00:10:18

[two voices overlapping]

00:10:23

? : 10-4.

00:10:24

? : [?]

00:10:25

? : 10-4.

00:10:26

? : 35, 27.

00:10:28

? : 10-4.

00:10:49

? : [?]

00:10:51

? : 57.

00:10:53

? : [?]

00:10:56

? : 10-4.

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00:10:59

? : 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,
TWO BLOCKS NORTH AND 14 BLOCKS EAST OF SHAMROCK STATION.]

00:11:04

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

[overlapping voice in background]

00:11:09

? : 10-4.

00:11:10

? : 10-4.

00:11:13

? : 19 and 15.

00:11:26

? : Car 13.

00:11:28

? : 13.

00:11:29

? : [?]

00:11:31

? : 10-4. 19-A.

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.

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Judy's complaint.

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

00:11:55

?: Ok.

00:11:57

?: 115.

00:11:59

?: [?]

00:12:03

?: Gray sweatshirt and a flannel shirt.

00:12:08

?: 10-4.

00:12:27

?: 141.

00:12:34

?: 141.

00:12:40

?: 311.

00:12:43

?: 311.

00:12:44

?: 37, have you heard about 303?

00:12:49

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

00:12:53

?: 311 to 47, over.

00:12:55

?: 17.

00:12:58

?: 53 to 153.

00:13:27

?: 43, channel 4.

00:13:34

?: Description, again?

00:13:36

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

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00:13:45

? : 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.

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.

00:14:37

? : 34.

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?

00:14:48

? : I've got several units out there sir, I don't know if

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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 -- 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 [?]

[MCARDLE AND KOSTORYZ IS TWO BLOCKS NORTH AND 14 BLOCKS EAST OF SHAMROCK STATION.]

00:15:35

?: 119-A, go to 19.

00:15:38

?: [?]

00:15:41

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

00:15:44

?: 1-31.

00:15:46

31: 31.

00:15:48

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? : [?]
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.
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.
00:16:53
? : [?]
? : 10-4.
00:16:54
? : [?]

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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

? : [?]

00:17:05

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

[THIS LOCATION IS TWO BLOCKS EAST OF KOSTORYZ ON MCARDLE. THAT IS, TWO BLOCKS NORTH AND 16 BLOCKS EAST OF THE SHAMROCK STATION.]

00:17:15

? : [?]

00:17:16

? : 10-4.

00:17:22

? : [?]

00:17:23

? : 26.

00:17:24

26: 26.

00:17:25

? : [?]

00:17:28

Disp: 10-4. 134 [FOWLER].

00:17:30

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? : 131.
00:17:33
? : 131.
00:17:34
? : [?]
00:17:35
? : [?] at Cosner and McArdle.
00:17:38
? : [?]
00:17:40
? : 10-4. 134, channel 1.
00:17:50
? : [?]
00:17:58
? : 25.
00:17:59
? : 25.
00:18:00
? : [?]
00:18:01
? : 270.
00:18:03
? : 10-4. [?]
00:18:06
? : To channel 4.
00:18:08
? : Ok, I'm clear.
00:18:09
? : 219.
00:18:10
? : [?]
00:18:12
? : 31.
00:18:14
? : [?]
00:18:15
? : 219.

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00:18:17

? : [?]

00:18:20

Disp: 219 or 223.

00:18:22

? : [?]

00:18:23

? : [?]

00:18:24

? : [?] 682 [?]

00:18:29

Disp: 10-4. 134.

00:18:35

? : [?]

00:18:36

? : 26

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].

00:18:45

? : 10-4, 26. 113.

00:18:54

? : 23.

00:18:55

? : 23.

00:18:56

? : [?]

00:18:57

? : 39.

00:18:58

? : 113.

00:19:01

? : [?]

00:19:04

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

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[THIS LOCATION IS IN BETWEEN THE NURSING HOME AT 3115 MCARDLE AND DOMINO'S PIZZA AT THE CORNER OF MCARDLE AND KOSTORYZ. 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 CORPUS CHRISTI].

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.]

00:19:18

?: 10-4.

00:19:19

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

00:19:23

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

00:19:27

?: 415.

00:19:29

?: 415.

00:19:31

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

00:19:35

?: Ok. [?] 47.

00:19:38

?: [?]

00:19:50

?: 34, channel 1.

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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.

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.

00:20:43

27A: 27-A. [?]

00:20:47

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

00:20:50

?: To the Casino?

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 IS PROBABLY INFORMATION FROM JOHN AND JULIE ARSUAGA. THERE APPEARS TO BE 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?

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00:21:16

? : Clean-shaven.

00:21:18

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

00:21:19

? : [?]

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 IS TWO BLOCKS DUE NORTH AND SLIGHTLY WEST OF THE SHAMROCK STATION, ALONG DODD].

00:21:41

Disp: 21, 21 on McArdle?

00:21:45

? : Stationary.

00:21:46

? : [?]

00:21:47

? : 10-4.

00:21:48

? : 10-4.

00:21:49

? : [?]

00:21:50

DeLuna Police Dispatch Tape

? : [?]

00:21:51

? : What's going on at the Casino?

00:21:54

? : 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].

00:22:01

Disp: 123.

00:22:04

? : 10-4.

00:22:05

? : 43.

00:22:06

43: 43.

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.

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?
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.
00:23:12
? : Ok, 21, we just needed somebody else out there with 39
[could be 139].
00:23:18
? : 123. 16.
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.
00:23:55
? : 10-4.
00:23:57
? : 8:32 p.m., [?] 7-6-1.
00:24:04

DeLuna Police Dispatch Tape

? : 415.
00:24:05
? : 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.
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].
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.
[THIS NURSING HOME IS TWO BLOCKS NORTH AND 13 BLOCKS EAST
OF SHAMROCK STATION, ON MCARDLE AND ONE TO TWO BLOCKS WEST
OF KOSTORYZ. THE 1983 CITY DIRECTORY IDENTIFIES THIS AS THE

DeLuna Police Dispatch Tape

SOUTH PARK MANOR NURSING HOME, 3115 MCARDLE.]

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 [?].

00:26:35

?: 10-4.

00:26:37

?: 140.

00:26:38

?: 140.

00:26:40

?: 145 and 141 [?]

00:26:43

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

00:26:48

?: 408.

00:26:49

?: [?]

00:26:51

?: That was 415.

00:26:53

?: [?]

DeLuna Police Dispatch Tape

00:26:54

? : 126, 47 [?]

00:26:56

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

00:27:00

? : 53 [?]

00:27:02

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

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.

00:27:27

? : [?]

00:27:29

? : [?] 1033.

00:27:31

? : Too far, we got to go away.

00:27:34

? : 55.

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.

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

DeLuna Police Dispatch Tape

? : Which way?

00:28:28

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

00:28:33

? : [?]

00:28:34

? : 219.

00:28:35

? : [?]

00:28:37

? : [?]

00:28:51

? : 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.

00:29:32

? : 55, go ahead.

00:29:34

? : [?]

00:29:41

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

00:29:43

? : [?]

DeLuna Police Dispatch Tape

00:29:46

? : 10-4.

00:29:52

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

[THIS LOCATION ALSO IS WELL OUTSIDE THE SEARCH AREA.]

00:30:00

? : 149.

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.

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

DeLuna Police Dispatch Tape

? : 10-4.

00:31:25

? : 46

00:31:26

? : [?]

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.

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, 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.

DeLuna Police Dispatch Tape

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, 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

?: 1033. We have [?]

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.

DeLuna Police Dispatch Tape

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: [?]

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

DeLuna Police Dispatch Tape

? : 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

00:33:49

? : Go ahead.

00:33:51

? : [?] 51 for the evidence?

00:33:54

? : [?] 51, there were more?

00:33:56

? : [?]

00:34:03

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

[THIS APPEARS TO INDICATE THAT THE AMBULANCE LEFT THE SHAMROCK STATION AT THIS TIME AND WENT UP SPID TO MEMORIAL HOSPITAL, WHICH IS LOCATED RIGHT OFF OF SPID.]

00:34:22

? : 31-A.

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

DeLuna Police Dispatch Tape

?: All units, standby on this 1033. We have suspect Chris Webbey [?] on the line.

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

?: 34.

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

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.

DeLuna Police Dispatch Tape

00:36:58

? : 55.

00:36:59

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

00:37:06

? : 10-4.

00:37:08

? : [?] on foot.

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].

[THIS LOCATION IS SEVERAL MILES AWAY, DOWNTOWN.]

DeLuna Police Dispatch Tape

00:37:58

? : 53, 53.

00:38:02

? : 39, 139-A.

00:38:07

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

00:38:10

? : 116, location?

00:38:15

? : 145 [?]

00:38:23

? : 53, 53.

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 OUTSIDE THE SEARCH AREA.]

00:38:34

? : [?]

00:38:35

? : [?] armed robbery right now.

00:38:37

? : [?] partner go to 3.

00:38:38

? : 139 [?]

00:38:39

? : 10-4.

00:38:55

? : 53, 53.

00:39:07

? : [?]

00:39:09

? : 46.

00:39:12

DeLuna Police Dispatch Tape

? : 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.

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.

[ALSO OUTSIDE THE SEARCH AREA.]

00:39:52
? : [?]

00:39:54
? : 10-4. 141-A.

00:39:56
M: 49.

DeLuna Police Dispatch Tape

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.

00:40:12

M: [?]

00:40:14

M: [?]

00:40:17

F: 41-A, signal 18.

00:40:19

M: [?]

00:40:20

M: 46.

00:40:22

F: 46.

00:40:23

M: Did you get anybody for that alarm?

00:40:25

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.

00:40:42

F: 85.

00:40:44

M: [?]

00:40:50

DeLuna Police Dispatch Tape

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

[THIS INDICATES THE ARREST OF CARLOS DELUNA.]

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.

00:41:04

F: [?] 135.

[135 IS OFFICER SCHAUER'S CCPD NUMBER.]

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.

00:41:18

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

00:41:30

M: 110.

00:41:31

M: 110.

00:41:32

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

00:41:44

M: 615.

00:41:46

DeLuna Police Dispatch Tape

M: [?]
00:41:48
M: [?]
00:41:52
M: 40-15.
00:41:53
M: 15.
00:41:55
M: 54, [?] David.
00:41:57
M: 10-4.
00:42:01
M: 23.
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.
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.
00:42:27
M: 26.
00:42:28
M: [?]
00:42:29
M: 10-4.

DeLuna Police Dispatch Tape

00:42:34

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

00:42:44

M: 21.

00:42:45

M: 21.

00:42:47

M: [?] custody on Nemeč?

00:42:50

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

DeLuna Police Dispatch Tape

II. Incomplete 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".

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."

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

DeLuna Police Dispatch Tape

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: 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 coincides 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)

In his 2/4/83 written statement to police, John Arusuaga 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'").

DeLuna Police Dispatch Tape

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

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

[Note: this coincides with the information George Aguirre gave to the police in a written statement and testified about at a pretrial hearing and at trial.]

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

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[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."

[This coincides with information from Arsuagas. In these calls from the scene, there appears to be the voice of a woman - probably 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."

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"

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I. **Incomplete 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".

4:28 (male CCPD employee): "northbound on foot, to the rear".

[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).

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.

Officer Schauer's 2/8/83 supplemental report ("sent to rear of store . . . to look for suspect. Went down Dodd from the station"), and Schauer's trial testimony that when he

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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"

7:33 (male CCPD employee): "155 advised the witness just saw the suspect in the 4900 block of Dodd"

7:39 (male CCPD employee): "Dodd and McArdle"

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

[This coincided with info known to have been provided by John and Julie Arsuaga]

8:33 (male CCPD employee): "on Dodd".

8:59 (male CCPD employee): "in the area of Dodd and McArdle".

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."

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"

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.]

17:35 (male CCPD employee): [evidently in reference to the stop

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of the same car] "Cosner and McArdle"

- 18:38 (male CCPD employee): [police officer reports his locations as "around 48?? [?] of Dodd"
- 19:04 (male CCPD employee): "3131 McArdle" [this location is between the nursing home (3115 McArdle) and Domino's Pizza (McArdle and Kostoryz)
- 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"
- 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*"
- 22:07 (male CCPD employee): "in the area of Domino's Pizza, possibly in that area"
- 22:54 to 23:05 (male CCPD employees): "near Kostoryz and McArdle?"; "I'm going up behind Domino's Pizza."
- 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 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, near Domino's Pizza.

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

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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)]

- 31:41 to 32:00 (Teresa Barrera, 4949 Easter Street resident): "there's a guy hiding under my truck" at "4949 Easter".
- 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."
- 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]."
- 36:11 (CCPD employees): "41[inaudible] hundred Franklin."
- 36:18 (CCPD employee): "I believe he's already past Franklin, according to 34."
- 37:25 (CCPD employee): "end of Nemec"
- 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."
- 40:50 (CCPD employees): [This is the first indication that CDL has been arrested; from other information, we know that he

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was arrested while lying under a truck parked on the west side of Franklin St. about two houses north of Nemec St.]

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."

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

42:47 (CCPD employee): "custody on Nemec"

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IV. Route Carlos DeLuna may have taken after leaving Wolfy's, based on his trial testimony and other:

Carlos DeLuna (CDL) testified that he and Carlos Hernandez (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.

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

Tracking the route of the man the Arsuagas saw jogging, CDL moves east along the SPID Service Road away from the Shamrock Station (2602 SPID), past Ziebart's (2620 SPID), Brown's Harley Davidson (2626 SPID), and the Phase III Night Club (2632 SPID) (and their various parking lots) and turns north in the lot between Phase III and Lebowitz 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.

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.

Ester Barrera sees 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.

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 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.

Armando Garcia also finds a white dress shirt in the northeast corner of his backyard. This suggests that CDL next runs into

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and diagonally across the Garcia's back yard, shedding 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.

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 Nemec Street). This suggests that CDL runs 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 is arrested, shoeless and shirtless.

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V. Route Carlos Hernandez may have taken after leaving the gas station, based on information in police reports and dispatch tape:

Cutting north into the alley behind the Shamrock Station, Carlos Hernandez (CH) runs west a short distance to Dodd Street and turns north on Dodd Street. 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.

CH runs north up Dodd Street to 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." This cannot be 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 who, at Minute 7:55, upon hearing the Arsuaga's information, wonders whether "it's another suspect."

CH then runs east along McArdle Road towards Kostoryz, and is the man seen running near and in the alley way connecting the nursing home just west of Kostoryz and Domino's Pizza right at Kostoryz on McArdle. 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.

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VI. Points of interest:

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. Corner of McArdle and Kostoryz; approximate location of Circle K, Domino's Pizza, and Nursing Home at 3131 McArdle. 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, a little earlier that evening, Officer Fowler encountered a Hispanic man at the Circle K who matched the description of the assailant. 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 Hispanic man); 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)**.
4. 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 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 near the Phase III club was simultaneous or nearly so to the sighting of a man seen running at up Dodd Street toward McArle.]

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5. 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.**)
6. 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.**)
7. 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.
8. 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.**)
9. 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.
10. 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.
11. 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.**)

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12. 4741 Kostoryz, where shoplifting incident takes place.