

1 Q. What house are you---are you speaking of, or what house was he
2 speaking of at the time?

3 A. He was not sure of the exact location of the house, however, he---
4 he described it as---as a house on the corner.

5 Q. And then what did he say happened after he drove around and decided
6 to try to get into that house?

7 A. When we asked him---asked Mr. Lowery how he had gotten into the
8 house...

9 Q. What did he tell you?

10 A. He told us that he had ripped the back screen open and undid the
11 ---the hook on the door to gain entry.

12 Q. Did he say how he ripped the screen open?

13 A. He said he used his hand and just---just opened the screen. We
14 questioned him on that point, Investigator Malagani and I did be-
15 cause we were levering under the false impression at that time that
16 the screen had been cut, and that was one of the inconsistencies
17 that we thought we had found.

18 Q. O.K., did you do anything to determine whether that was an inconsis-
19 tency or not?

20 A. Yes, I went to the evidence officer and collected the polaroid pic-
21 tures of the point of entry of the rear screen there and in fact it
22 had been pulled---the screen had been pulled from where it's attach-
23 ed to the door at the molding and not cut.

24 Q. O.K. So at that point he was telling you the truth, you believe?

25 A. That, yes.

Q. O.K. , and then---then what happened?

- 1 A. Mr. Lowery indicated that he had entered the house, and as he
2 entered he picked up a kitchen knife, stainless steel silver in
3 color kitchen knife. He indicated that he rumbled around in the
4 house for a minute and then was---attention was drawn to the bed
5 where someone was stirring or starting to wake up.
- 6 Q. O.K., did he indicate what happened then?
- 7 A. Mr. Lowery said he was scared at that time, that whoever the person
8 was would wake up and see him inside the residence, he jumped on
9 the bed and Mr. Lowery said he placed a pillow over the victim's
10 face.
- 11 Q. O.K., did he say what happened then?
- 12 A. At that time he said the victim was struggling and he struck at her,
13 she continued...
- 14 Q. With what? Did he say what he struck at her with?
- 15 A. The handle of the knife.
- 16 Q. O.K. Did he say whether he hit her or not?
- 17 A. Yes, he indicated that he struck her.
- 18 Q. O.K., did he say where he struck her?
- 19 A. In the head.
- 20 Q. O.K. Did he indicate what happened then?
- 21 A. He said that at that point as she continued to struggle he undid
22 his pants, slid them down around his knees, lifted up her gown and
23 in his words he screwed her. He said...
- 24 Q. Did he say what happened after that?
- 25 A. After that he said he discarded the knife, threw the knife down in-
side the residence, left the same way he had entered and drove away
from the area.

1 Q. O.K. What happened after he made that statement to you?

2 A. After he made that statement to us, Mr. Lowery asked to take about
3 a---to take a break, yes, to take about a 15 minute break, yeah.

4 Q. And what'd you do?

5 A. We agreed to take the break and Investigator Malagani got Mr. Lowery
6 a cup of coffee. We came---After---after the break we came back in
7 and we---prior to the break we told Mr. Lowery we wanted him to re-
8 duce that to writing---his confession, we wanted to get it---get it
9 written in written form. We came back into the interrogation room
10 or the interview room after the break and I again advised Mr. Lowery
11 of his rights under the Miranda Warning. I read them to him from
12 my card. At that time Mr. Lowery indicated that he did not wish
13 to make a written statement and he wanted to see a lawyer.

14 Q. Did you continue to question him after that?

15 A. No, sir, we did not. We did take Mr. Lowery---he had agreed to
16 give us the shirt that he was wearing on the night he had his---his
17 accident and we did go take him to Ogden to get that shirt and he
18 had also agreed to give us a blood sample and he was---we went to
19 St. Marys and obtained the blood sample that afternoon.

20 Q. O.K. Where you say his accident, you mean the automobile accident
21 that he had?

22 A. Yes, yes.

23 MR. CAFFEY: I have no other questions.

24 CROSS EXAMINATION

25 BY MR. VOGEL:

Q. This car accident that you just mentioned, do you recall who inves-
tigated that accident?