

1 A Shortly afterward I did, yes.

2 Q Okay, and when you got there where was Jerry?

3 A Jerry was in the interview room and Detective Boone
4 asked me to come in while he advised him of his rights again.

5 Q Okay, and Detective Boone at this time advised him
6 of his rights in your presence?

7 A Yes, sir.

8 Q Did he also break those rights down too?

9 A Yes, sir.

10 Q In the manner similar to what you have already
11 indicated or was it more thorough?

12 A Similar. You know, every detective has their
13 own way of breaking down, but it was broken down. He was
14 advised as is on the paper and then it was broken down.

15 Q Okay. Now, that was at approximately 8:40,
16 assuming that that was that first rights waiver that he
17 had on September 5th?

18 A Yes, sir.

19 Q Okay. If I'm not mistaken, I believe you may have
20 witnessed it.

21 A Yes, sir, I did.

22 Q Okay. You remember that without looking at the
23 rights waiver?

24 A Yes, sir, I do.

25 Q Okay. At this time Jerry had given you his name

1 as Michael Smith?

2 A That's correct.

3 Q Okay. Now, did anything significant happen --
4 How long was the interview that evening?

5 A I didn't stay for the interview --

6 Q Okay.

7 A -- but from what I learned later it was not an
8 extensive interview; just a matter of 20, 25 minutes.

9 Q Okay. Now, when would have been the next time
10 after that you had occasion to be in the presence of
11 Jerry Townsend?

12 A On the 6th of September and it would be around
13 4:30, 5:00 o'clock in the afternoon.

14 Q Okay, and how did it come that you were there at
15 that time?

16 A Well, I came to work at 3:00 o'clock on the 6th
17 and when I came to work I spoke with Detective Boone.
18 I had learned that he had gone over to the county jail and
19 checked out Michael Smith or Jerry Townsend in reference
20 to his murder and that he had interviewed him; and as a
21 result of that interview Townsend had indicated to
22 Detective Boone that he was a witness to his murder and he
23 described things in the victim's pocketbook and some things
24 about the scene that made Detective Boone feel like he
25 was not only a witness, that he was the offender.

1 So when I came in at 3:00 o'clock I was asked by
2 my supervisor and Detective Boone if I would assist him in
3 conducting another interview with Townsend, which I did.

4 Q Okay. Now, who actually brought Jerry over from
5 the police station to --

6 A Boone and I went over to the Dade County jail and
7 him and I picked him out and returned him to the Homicide
8 Office.

9 Q Okay. Now, on what occasion did you advise him
10 of his rights? Was it at the station, police --

11 A It was at the police station.

12 Q And did you use another rights-waiver form or was
13 it just a card again?

14 A No, another rights-waiver form was used.

15 Q Do you remember approximately what time that was
16 executed? The reason I say that is I don't know. There
17 was one on the 6th at or about that time.

18 A It would be at the time that we returned to the
19 office, which would -- I would estimate the time to be in
20 the area of 5:00 o'clock; 4:30 or 5:00 o'clock.

21 Q Okay. I don't --

22 MR. ZEIDWIG: Mr. Hancock, is there a rights-waiver
23 form for -- I don't remember one and --

24 Q Do you have a copy of one?

25 A I don't know.

1 Q Okay. Are you positive about a rights-waiver form
2 on the 6th at or around 5:00 o'clock?

3 A Yes, sir, I'm sure that we advised him --

4 Q No, I'm not saying that he actually executed a
5 rights-waiver form on the 6th. I could be mistaken too,
6 but I don't really remember. That's why I asked Mr. Hancock
7 if he remembered one.

8 A I feel certain that he did.

9 Q Now, did you take the time to explain them again
10 to him?

11 A Detective Boone did, yes, sir.

12 Q All right, and how long did you talk to him prior
13 to putting a recording on, assuming that the recording
14 indicates it was started at 6:16 that evening?

15 A About an hour.

16 Q Okay, and what was the nature of the discussion
17 that you had with him that hour?

18 A It was in reference to the Wanda Virga murder.
19 We indicated to him that we felt that he was not a witness
20 to the murder; that he had some involvement in it because
21 of his knowledge. We indicated to him that we had a witness
22 that had seen him there; just some of the facts of that
23 particular murder.

24 Q Okay, and ultimately in your opinion he confessed
25 to that Virga homicide during that hour?

1 A He did, yes, sir.

2 Q All right. Now, prior to him giving that confession
3 did you use various interrogation techniques for the
4 purpose of eliciting that confession?

5 A Yes, sir, I did.

6 Q Okay. Now, can I assume that a - what I
7 categorize as an interrogation -- Are there standard form
8 interrogation techniques?

9 A I'm sure that a lot of people have written a lot
10 of things on it, but I think it is just -- I think an
11 interrogation technique or an interview technique is an
12 individual thing.

13 Q Okay. The tough guy and the easy guy; is that a
14 form of --

15 A That's a form. There was no tough guy-easy form
16 in this particular situation.

17 Q Okay. As between the two of you, you and
18 Detective Boone, do you feel that the both of you had about
19 the same kind of rapport that you had with Jerry?

20 A I feel like both of us had good rapport with him,
21 yes.

22 Q Okay. At or about 6:16, the time you turned on
23 the tape, in your opinion based on the amount of people
24 that you have interviewed did you feel that Jerry Townsend
25 was a person of below average intelligence?

1 A Yes, sir, I did.

2 Q Okay. Did you have any idea that he was in fact
3 retarded on or about September 6th at 6:16 P.M.?

4 A No, sir.

5 Q Okay. In your opinion did you feel he was retarded?

6 A In my opinion I thought he lacked formal education.
7 I had no opinion about a retardation about that time.

8 Q Did you know at that time that he couldn't even
9 tell time?

10 A No, sir.

11 Q Okay. Did you know that he couldn't do simple
12 addition and subtraction?

13 A No, sir.

14 Q Okay. Now, did you ever talk to Jerry about his
15 family prior to taking the statement?

16 A Yes, sir, I did.

17 Q Okay, and why did you do that? Why was his
18 family significant?

19 A Well, a lot of times when I'm conducting an
20 interview or part of an interview a technique that I use a
21 lot of times is not necessarily just to continue talking
22 about the particular crime that I'm trying to get information
23 from. This is a way of breaking the ice or lightening the
24 conversation, but I spoke to him, asked him if he was married,
25 asked him if he had any kids; just conversation about his

1 family.

2 Q Okay. The purpose being to build, let's say,
3 a rapport between the two?

4 A Absolutely.

5 Q Okay. Now, in addition to that did you talk to him
6 about religion?

7 A Yes, sir, I did.

8 Q Okay, and why did you talk to him about religion?

9 A The same reason that I would speak to him about
10 his family; try to get a little background in on him and
11 get some of his feelings.

12 Q Also for the purpose of building a rapport between
13 you two?

14 A Yes, sir.

15 Q Okay. Now, did you also talk to him about
16 cleansing his soul?

17 A Yes, sir, I did.

18 Q Okay. Now, what do you mean by "cleansing your
19 soul"?

20 A We'd have to go back a little bit. The conversation
21 about religion was that I had asked him if he believed in
22 God and he indicated to me that he did; and then I said to
23 him at one point in this segment of our conversation that
24 he should try to ask God to give him the strength to tell
25 me the truth about this particular crime and to cleanse his

1 soul of the - of the particular crime.

2 Q Okay. Well, was the reason you said that because
3 there was some reluctance on his behalf, or let's say,
4 hesitation?

5 A A reluctance or hesitation to tell us about the
6 murder? Yes, sir.

7 Q Okay. Okay. Now, you were present when
8 Detective Boone categorized this statement as a little talk
9 or a little interview?

10 A Yes, sir.

11 Q And in your opinion what did you think the effect
12 of - or what do you think Boone's purpose was or what
13 did you feel the effect of that statement was?

14 A To minimize the seriousness of the situation.

15 MR. ZEIDWIG: May I take one minute, Your Honor?

16 THE COURT: All right.

17 Q Now, Page 7 of the transcript of the statement
18 that started at 6:16 on the evening of September 6th, 1979,
19 Boone says to Jerry - and I'm not going to go over it;
20 you have heard it many times, I'm sure:

21 "Whatever you tell me from now on is not going
22 to make it any worse."

23 Now, were you there when Boone said that?

24 A Yes, sir.

25 Q Now, do you know what Boone - the idea Boone meant

1 to convey when he said that to Jerry Townsend?

2 A In order for me to answer that I think you will
3 have to read a little bit ahead of that or behind it.

4 Q Why don't I give you -- I have some excerpts.

5 THE COURT: Counsel, let me say, is that a
6 proper question? You are asking him to put his
7 mind in Boone's mind. I think perhaps a paraphrase
8 of the question, "What did you get from it --"

9 MR. ZEIDWIG: Okay.

10 THE COURT: You know, wouldn't that be better?

11 MR. ZEIDWIG: I agree.

12 Q Okay. When Boone said that to Jerry in your
13 presence -- Do you have the excerpt?

14 A Is that (indicating) it?

15 Q Yes, there it is (indicating), right there.

16 He says:

17 "Now you have been honest with me about this.

18 Whatever you tell me from now on is not going to
19 make it any worse."

20 What impression did you get when you heard that
21 if you did get an impression?

22 A I don't have an impression on that.

23 Q Okay. What about further on?

24 "Now, I want you to go ahead and tell me
25 exactly about the problem you had, and whatever

1 they were, we are going to work something out on
2 it."

3 A All right. This came up as a result of Townsend
4 indicating to us during our total interview with him even
5 with the cases in the City of Miami that he had had the
6 same problem in Broward County. We really didn't know what
7 that problem was at this particular time that it first
8 came up and he continues saying that during our
9 conversations with him, so at this particular point we
10 were asking him what that problem was in Broward County.

11 Q Okay. Well, did you assume it may have been a
12 homicide?

13 A At first, no; later on, yes.

14 Q Well, at this time?

15 A At this time, yes.

16 Q Okay, because at that time you already had the
17 composite?

18 A Right.

19 Q Okay. Now:

20 "It is not going to be any worse for you than
21 it is right now. We are still going to try to
22 help you."

23 When he says "we" I'm assuming he was referring to
24 both you and Boone - I mean, you and himself. Did you have
25 any impression relative to that?

1 A No, sir.

2 Q Okay. Okay. Were there any other interrogation
3 techniques that you used other than the ones that we have
4 already indicated that you remember?

5 A No, just conversation.

6 Q Okay. On Page 9 of the transcript was it you
7 that told Jerry that:

8 "No. Whatever time you do, it's going to be
9 all done for the same time. You are not going
10 to have to worry about doing time here and time
11 up there,"

12 or was that Boone?

13 A No, it was Detective Boone.

14 Q Okay. Well, what impression did you get when -
15 over here when Boone says to Jerry:

16 "Would you sit with us and the Ft. Lauderdale
17 policemen and tell them, and help them out,
18 exactly what you are telling us"?

19 A Jerry said:

20 "Yeh, I do that, but I'm afraid I'm going
21 to have to do time up there."

22 And Boone says:

23 "No. Whatever time you do, it's going to
24 be all done for the same time."

25 Q What impression did you get as a result of that?

1 A That they had seen the same thing; that
2 Mr. Townsend approached the female and had her up
3 against the wall and had inserted his penis in her
4 vagina after removing her underpants; that he had a
5 box cutter up against her throat.

6 Q And when did he have the box cutter up
7 against her throat?

8 A During the sexual act; and that one of
9 his witnesses had picked up a bottle and threatened
10 him with a bottle, which caused him to leave the area.

11 Q And who apprehended Mr. Townsend?

12 A Officer Satcher and Bowen.

13 Q And do you know how far away Mr. Townsend
14 was from where the crime allegedly occurred?

15 A About a block and a half.

16 Q And were you there when Mr. Townsend was
17 brought back to the crime scene?

18 A He was not actually brought right back to that
19 particular intersection, but about a quarter block away
20 from that particular intersection where I went.

21 Q Do you know how many people identified
22 Mr. Townsend as the one that had committed the crime?

23 A Six of the witnesses I spoke to.

24 Q And do you have any knowledge through
25 your investigation if anyone had given him his rights

1 before you did?

2 A Yes, sir, Officer Bowen.

3 Q And do you -- Where was that?

4 A At that scene.

5 Q Okay. You don't know what procedure he used
6 in giving him his rights, do you?

7 A No, I sure don't.

8 Q And when you got there you read him the
9 rights in the rights card?

10 A Yes, sir.

11 Q And did you ask him or did you tell him
12 that he did not have to talk to you? Correct?

13 A Yes, sir.

14 Q And did you ask him if he knew - understood
15 these rights, if he wanted to talk to you?

16 A Yes.

17 Q And what did Mr. Townsend say?

18 A He indicated he would talk to me.

19 Q And you told Mr. Zeidwig that he said she
20 had raped him; is that correct?

21 A That's correct.

22 Q But at first didn't he deny it when you
23 first talked to him?

24 A Yes, sir.

25 Q He denied it even happening; isn't that

1 correct?

2 A Yes, sir.

3 Q And at what point of time then did he say
4 that she had raped him?

5 A In the back of the police car when he
6 could see all the witnesses out front that indicated
7 that he was the offender, that's when he made the
8 statement to me that she had raped him.

9 Q And then you notified Detective Boone?

10 A That's correct.

11 Q And why did you notify Detective Boone?

12 A Because of the closeness of his particular
13 murder and this particular rape and because of the
14 manner the rape occurred, no other reason.

15 Q And were you there when Detective Boone
16 read Mr. Townsend his rights the first time?

17 A Yes.

18 Q And you said he explained them to him?

19 A That's correct.

20 Q And did anybody indicate that you could
21 make no promises to him at this time?

22 A He was told that there were no promises
23 made, yes, that we could not make any promises.

24 Q Did you talk to him?

25 A Yes.

1 Q And did you tell him that on the scene
2 too?

3 A Yes.

4 Q And how long did you talk to Mr. Townsend at
5 first?

6 A About ten or fifteen minutes.

7 Q Now, when did the discussion of religion
8 come in?

9 A On the sixth of September shortly after
10 5:00 o'clock; during that hour prior to the taping,
11 3:40.

12 Q That was the tape recording. That would
13 have been the next day now?

14 A Yes.

15 Q So he was arrested on the fifth, correct?

16 A Right.

17 Q And that would have been on September 6th?

18 A Right.

19 Q And the religion - did you tell him if he
20 didn't give you any statement, that anything would happen
21 to him?

22 A No, sir.

23 Q What exactly did you tell him about religion
24 again?

25 A I didn't really tell him anything about it.

1 The question was did he believe in religion; did he
2 believe in any kind of religion and he said that he
3 did; and did he believe in God and he said that he did;
4 and the conversation led to me saying to him to have
5 him - maybe he should have God to give him the strength
6 to tell us about the particular crime he was involved
7 in.

8 Q And you said nothing to him about if he
9 didn't, that God would come down on him or penalize
10 him --

11 A No, sir.

12 Q -- is that correct?

13 And at that time did you promise him
14 anything?

15 A No, sir.

16 Q Did you tell him anything about that you
17 couldn't promise him anything at that time?

18 A Not at that particular point in our
19 conversation, no.

20 Q Now, how long did this discussion about
21 the Virga homicide - how long was it?

22 A About an hour.

23 Q About an hour. Now, did you ever have
24 occasion to have Mr. Townsend take you out to the
25 scene of that homicide?

1 A Me personally, no; Detective Boone, yes.

2 Q Okay. Did you ever go out with Mr. Townsend to
3 any scenes?

4 A Yes, sir, I did.

5 Q Okay, and how many scenes did you go --

6 A I believe there was five or six up here in
7 Broward County; and in the City of Miami, four areas.

8 Q Okay. Now, why don't you tell us about the
9 four areas you went to and what occurred?

10 A The four in the City of Miami had occurred
11 on the sixth.

12 Q Okay. Were any of those your cases?

13 A I'm sorry, the seventh. Yes, sir, they
14 were.

15 Q Okay. Which one was your case?

16 A A homicide. The girl's name was Laverne
17 Bellamy.

18 Q Okay. What were the facts of that?

19 A It occurred in 1977 and it was on
20 Northwest Third Avenue and 15th Street and was about a
21 seven-acre field there in a black section of town; and
22 this 17-year-old girl was walking through that field,
23 was grabbed by three unknown black males, dragged into
24 the center of the field where she was strangled and
25 raped.

1 Q Okay. Did you have any suspects to that
2 one?

3 A No, sir, I did not.

4 Q And as a result of going there, what
5 happened?

6 A The reason I took him there is because
7 even though I didn't have any suspects, I knew there
8 were three people involved. I knew the approximate age
9 of the three people and I was absolutely sure that Mr.
10 Townsend had no involvement in that particular case;
11 and one of the fears that I had after coming up to
12 Broward County the night before and that he had
13 pinpointed one of these homicide locations up here is
14 that, you know, is he the type of person that is saying
15 that he did all these homicides when he really in fact
16 had no involvement.

17 So I told Detective Boone I wanted to go
18 out to that scene, knowing he was not involved in it,
19 and see what his response was.

20 Q And what was his response?

21 A We got out there and he looked around,
22 looked at the field, turned you know, 360 degrees and
23 he looked at me and said, "Bruce, I don't know anything
24 about it. If I did, I would tell you."

25 Q And how about the other scenes you went to?

1 Did he --

2 A We went to another location. I believe
3 it is Northwest One Avenue, Ninth Street, which is
4 a homicide scene; black female, Dorothy Gibson; and
5 that occurred in '78, I believe.

6 Q And what did you do about that homicide?

7 A I knew I had a minor involvement in that
8 the girl was a decomposed body underneath some piles
9 of wood and trash and just tarpaper; and my involvement
10 in it was assisting in identifying the girl. One of
11 the ways we identified her was through the shoes and
12 dental, but when we got to that scene --

13 Q How did you get to that scene?

14 A We drove to this scene.

15 Q You and --

16 A Detective Boone and I and Jerry took us
17 to the corner where the female was.

18 Q Okay. Who was leading who at that time?

19 A Mr. Townsend was leading.

20 Q Okay, and where did he take you to?

21 A The place is called the Dolphin Hotel.

22 It is in the rear alley of the Dolphin Hotel, in the
23 southeast corner where the naked body of Dorothy Gibson
24 was found; and he indicated to us at that time that he
25 took the girl under some tarpaper and pieces of wood

1 and assorted trash which was the case, and the
2 photographs show that.

3 Q Okay. Had you talked to him anything
4 about that crime scene before he took you out there?

5 A No.

6 Q And what else did he say about that that
7 would not have been in the newspapers or --

8 A He described some of the clothing to us.

9 Q Like what?

10 A Clothing. I don't remember the articles
11 of the dress, but the thing that came to my mind was
12 the shoes and he described them as being clear like
13 clear plastic shoes.

14 Q Okay. Did you know before you went out
15 there what type shoes they were?

16 A Yes, sir, I had those shoes.

17 Q Did you ever mention anything to Jerry about
18 what type of shoes they were?

19 A No, sir, I didn't.

20 Q And as a result of him saying that, what
21 did that confirm in your mind?

22 A That he obviously had some involvement in
23 that particular crime.

24 Q What was the cause of death?

25 A They were unable to determine to the best

1 of my knowledge because of the condition of the body.

2 Q Okay. Did Mr. Townsend say how he had
3 killed her?

4 A It was strangulation.

5 Q Did he say with what?

6 A I don't recall. I believe it was a piece
7 of the clothing that the girl had.

8 Q Was he able to go in detail as to the crime
9 scene pretty much?

10 A Pretty much as far as the location, how she
11 was covered, the clear plastic shoes. He did
12 describe the clothing. I don't recall what the clothing
13 was.

14 Q He didn't have any problem with his memory
15 describing; is that correct?

16 A Yes, sir.

17 Q And did you ever take a statement from him
18 on this Dorothy Gibson homicide?

19 A A recording was made while we were at that
20 scene by Detective --

21 Q Was it recorded right on the scene?

22 A Yes, sir.

23 Q Now - and I know Detective Boone has
24 already told Judge Franza, but could you tell us a
25 little bit about the Broward County trip you made?

1 A That was on the first -- The first trip was
2 on the sixth - no, I'm sorry, the seventh - no,
3 the sixth. It was at nighttime after we had the two
4 investigators in Broward County come down alone with
5 two investigators from Fort Lauderdale and we made the
6 arrangement to go up into the area. We didn't have the
7 facts of their cases and it was difficult to relay them.
8 Boone drove. Sergeant Misleh was a passenger in our
9 vehicle. I was in the rear seat with Mr. Townsend.

10 Q Now, before you went did you have occasion
11 to advise Mr. Townsend of his rights at any time?

12 A Yes, sir.

13 Q Okay. When?

14 A Prior to leaving the office Detective
15 Boone advised him and also told him he didn't have to
16 go up there if he didn't want to.

17 Q Okay. Did you say anything about a promise
18 at that time?

19 A No, there was no promise. We told him there
20 were no promises.

21 Q So after you took the Wanda Virga statement,
22 after you had finished that, you got ready to go up
23 to Broward and then you advised him again of his rights.
24 Is that a fair statement?

25 A That's a fair statement.

1 Q And why don't you just tell us what happened
2 in Broward?

3 A We followed the Fort Lauderdale people
4 and the Broward people up into this area and they
5 would take us to a location within four to six blocks
6 of a particular crime scene where they had a murder;
7 and from that location we would ask Jerry to direct us
8 to wherever the first one was, a ball field or a ball
9 park, and we were about, I would say, five blocks from
10 where the particular homicide had taken place.

11 Q Okay. Did you expect anything about that
12 one? Did you have any idea in your mind what that
13 scene was going to look like?

14 A The only thing that I knew about that was
15 that it had taken place in a dug-out.

16 Q Okay.

17 A So I expected a dug-out, but Jerry
18 directed us to turn right, to turn left and then he
19 directed us into a gate which got us into the ball
20 park itself.

21 Q Where were the detectives from Broward County
22 at that time?

23 A Behind us.

24 Q Okay. Had they said anything up to this
25 point?

1 A No, we had no contact with them. They
2 weren't in the car with us. We parked the car at his
3 statement and he began walking through the field. We
4 walked a pretty good distance and we came to a - the
5 bleacher area and then we went to -- He walked back to
6 like a two-story cement block house and he walked
7 around the block house and then he stood in front of
8 the door and he said the door was open and it was in
9 here.

10 At that particular time I still looked
11 for a dug-out. I didn't realize that we were referring
12 to that as a dug-out.

13 Q How many scenes did you go to that night?

14 A That one, one in a -- There was a field,
15 but there was like city dump trucks close by.

16 There was another one in a residential
17 area where there was no house, but at the time of
18 this particular homicide I think there was a house
19 standing.

20 Q Eventually you went back to Dade County,
21 correct?

22 A That's correct.

23 Q And it was the next day that you went out
24 with Jerry to this scene that you described to Judge
25 Franza that there was three suspects involved?

1 A Laverne Bellamy, yes, sir.

2 Q Okay. Now, after this was said about the
3 time - about afraid of doing time, what, if anything,
4 did you say?

5 A After the time statement?

6 Q Yes.

7 A Basically that I told Jerry that it wasn't
8 up to us; we didn't make the decisions of any kind;
9 that a court and a judge and a jury made that
10 decision.

11 Q Okay, and in fact Jerry said he understood
12 that; he said, "That's right," did he not?

13 A Yes, sir.

14 Q Were you aware that Mr. Townsend had been
15 before or involved in the criminal system before?

16 A I was aware -- No, I was not at that
17 particular time because I -- I really didn't have any
18 background on him when I first came in contact with
19 him on September 5th. I knew him as Michael Smith.

20 Q Okay. Now, during these interviews - and
21 you had approximately how many hours of interviews with
22 Mr. Townsend, would you say?

23 A Interview, general conversation and just
24 being around him, probably 25 to 30 hours.

25 Q Okay, and during that time did you promise

1 Mr. Townsend anything at all?

2 A No, sir. No, sir.

3 MR. ZEIDWIG: Your Honor, let me object
4 to that. I think that's a conclusion that the Court
5 is ultimately going to draw.

6 MR. HANCOCK: I will rephrase it, if I could,
7 Your Honor.

8 Q I hate to ask in your opinion, but in your
9 opinion, did you promise him anything?

10 A No, sir.

11 Q And through those hours or the numerous
12 hours you had contact with Mr. Townsend do you have an
13 opinion if he understood his rights when they were given
14 to him?

15 A I think he did, yes, sir.

16 Q Okay. Do you have any doubt?

17 A No, sir, I don't.

18 Q Did he ever tell you or did he ever become
19 upset when you gave him his rights?

20 A No, sir.

21 Q And how many times would you have given
22 him his rights?

23 A Given to him and in my presence, probably
24 around seven times.

25 Q And during those seven times, most of those

1 times after you gave them to him you explained them to
2 him; did you not?

3 A Yes, sir.

4 Q And do you think Mr. Townsend was what you would
5 classify as streetwise?

6 A Absolutely.

7 Q And what do you mean by that?

8 A He was able to function in the environment
9 that he was in. He was aware of where he was. He was able
10 to - to catch a break or referring to going to the
11 day labor camps and picking up day work. He just knew
12 his surroundings. He knew what was happening around
13 him.

14 Q Okay. Were you aware that he could read
15 and write? Did you ever see him reading a book or
16 see him writing?

17 A I never saw him write - read a book. When
18 we read over the rights forms he made initials and
19 wrote out his name.

20 Q Have you ever had occasion to read any of
21 his letters that he's written?

22 A No, sir, I haven't.

23 Q Did Mr. Townsend ever say anything about the
24 electric chair in your presence?

25 A No, sir.

1 MR. HANCOCK: Judge, I think that's all the
2 questions I have.

3 MR. ZEIDWIG: I have no other questions.

4 MR. HANCOCK: I have just one question - I do
5 have two.

6 THE COURT: Two or one?

7 Q (By Mr. Hancock) Did Mr. Townsend tell you
8 why he was telling you about these homicides?

9 A He said that -- He never told us why, but he
10 said they had been on his mind and that he was glad to get
11 it off his back.

12 Q So he indicated he wanted to get them off his
13 chest. Is that a fair statement?

14 A Right.

15 Q And this little talk you mentioned, you don't
16 really know what Detective Boone's intention was in using
17 that term; that wasn't your term?

18 A That wasn't my term.

19 MR. HANCOCK: Okay, that's all. Thank you.

20 THE COURT: Before he leaves, gentlemen, would you
21 approach the bench, please? Relative to what was dis-
22 cussed yesterday as far as the amount, okay, I don't know
23 if the State, if this is going to go any further, is going
24 to try to establish a modus operandi, but in fairness to
25 your client, don't you think that they can show 37 and they

1 will think there is something faulty? You know, for
2 his protection and for your protection I think in
3 order to be on the record - you do as you want. If
4 they can establish a modus operandi, let's say, they
5 consider him, you know, guilty of more conservatively
6 and yet they have not one shred, you know, where did
7 they get it from?

8 MR. ZEIDWIG: Yes. Well, I -- The bottom line
9 is I think the benefits derived would not outweigh
10 the prejudice that may attach.

11 THE COURT: All right, I'll leave it up to you.

12 MR. ZEIDWIG: Okay.

13 THE COURT: Thank you, Officer. You may step
14 down.

15 MR. ZEIDWIG: Your Honor, that's all the
16 evidence that I want to put on my side, but, as I
17 indicated to the Clerk - and I see that we do have
18 this thing here, that all the evidence that I
19 introduced in the previous hearing would now be
20 evidence in this.

21 THE COURT: Let me see.

22 MR. ZEIDWIG: This (indicating) was just the
23 transcript. We didn't have -- This is the transcript
24 of the tape --

25 THE COURT: Okay.

1 MR. ZEIDWIG: Of the confession.

2 So do we have everything? You have copies of
3 everything?

4 THE CLERK: Except the tape itself. It is not
5 there.

6 THE COURT: Well, that's the transcript of the
7 tape. Well, let me see what you have. What are the
8 exhibits?

9 MR. ZEIDWIG: Okay. Do you want me to explain
10 them?

11 THE COURT: Well, there is obviously the tape.

12 MR. ZEIDWIG: Hum, hum. That's the plea --

13 THE COURT: On the Virga. Okay.

14 MR. ZEIDWIG: The Court -- You introduced in the
15 other hearing the plea that he had in front of Judge
16 Garrett --

17 MR. HANCOCK: Correct.

18 MR. ZEIDWIG: -- on the Virga?

19 I think the State wants to put on more witnesses.

20 THE COURT: I know. Go ahead.

21 MR. HANCOCK: Okay. Judge, at this time the State
22 would call Detective Fantigrassi.

23 MR. ZEIDWIG: We can excuse Bruce, right?

24 MR. HANCOCK: Yes. I told him to stay around to
25 wait about half an hour.

1 MR. ZEIDWIG: Why?

2 MR. HANCOCK: I don't know. I may need to recall.

3 - - - - -

4 Thereupon:

5 ANTHONY CARL FANTIGRASSI

6 was called as a witness on behalf of the State, and being
7 first duly sworn, was examined and testified on his oath
8 as follows:

9 DIRECT EXAMINATION

10 Q (By Mr. Hancock) Would you please state your full
11 name and spell your last name for the court reporter?

12 A My full name is Anthony Carl Fantigrassi,
13 F-a-n-t-i-g-r-a-s-s-i.

14 Q Where are you employed?

15 A Broward County Sheriff's Office.

16 Q In what capacity?

17 A Deputy Sheriff Investigator.

18 Q And how long have you been with the Broward
19 Sheriff's Department?

20 A A little over nine years.

21 Q And do you have a certain division you are in?

22 A Right now Criminal Investigations.

23 Q Okay. Now, did you ever have occasion to come
24 in contact with Jerry Frank Townsend?

25 A Yes, I did.

1 Q And when was the first time you came in contact
2 with him?

3 A Back in September of '79, September 6th, I believe.

4 Q Okay, and why don't you tell Judge Franza what
5 happened when you first came in contact with him?

6 A What happened when I first got in contact with him?

7 Q Yes. Where were you and who was there?

8 A I was at Miami Police Department and apparently
9 the Miami detectives had been interviewing him and had come
10 back out to speak with us; and during that time he was
11 allowed to go to the rest room. That's the first time I
12 had contact with him.

13 Q How did you happen to get down there? Who
14 notified you?

15 A Detective Boone, Miami Police Department.

16 Q Okay, and what happened after that?

17 A After the Miami detectives indicated that they felt
18 he was involved with the investigations we were working in
19 Broward County it was determined that we would ride back to
20 Broward County with Jerry Townsend and have him point out
21 these crime scenes that he had indicated to the Miami
22 detectives that he may have been involved in.

23 Q Okay, and who was leading at that time?

24 A On that particular night the Miami detectives were
25 in the same vehicle with Jerry Townsend and myself and

1 Detective Schlein were in the vehicle behind their vehicle
2 and the Fort Lauderdale Department were in another vehicle
3 behind the other two cars and --

4 Q What happened?

5 A -- I led up until we got to the Fort
6 Lauderdale area; and then over around the Embassy
7 Club, which is located in the area of 27th and Sunrise,
8 is when the Miami vehicle took the lead and Jerry
9 Townsend directed them to the first crime scene.

10 Q Did you say anything to the detectives in
11 the Miami car about any scenes?

12 A I had, but I didn't give them any directions
13 how to get to the crime scene.

14 Q And tell us in particular what happened
15 then?

16 A Well, in the case of the Marion homicide,
17 after we had arrived at the Embassy Club and decided
18 this was the point where we would start since this was
19 in the immediate area of where all the homicides
20 occurred, they took the lead and Jerry directed them to
21 Dillard Elementary School.

22 At that point the detectives in the lead
23 car, the Miami detectives, pulled off into the parking
24 lot, got out and came back and said, "Does this look
25 right? Is this the area?" and we said, "Yes, this is

1 right," and they got back in again and we got back in
2 our vehicles and that's when he then directed them down
3 to the corner.

4 They made a left, made another left and
5 then pulled off in front of a large field. It looked
6 like a track or a football field or something. It was
7 nighttime. This was behind Dillard High School.

8 They got out of the vehicle. When I say
9 "they," I mean the Miami detectives and Jerry Townsend,
10 myself and Detective Schlein got out of our vehicle
11 and we followed them. I followed the group that Jerry was
12 with.

13 Q How far back were you?

14 A At that time I was about ten feet behind.

15 Q And who was in front?

16 A The Miami detectives and Jerry Townsend.

17 Q And what happened then?

18 A And Jerry was directing them to the
19 location where the first body was.

20 Q Would you tell Judge Franza exactly what
21 Jerry did?

22 A He walked around the field. He then turned
23 to his left and walked towards a - it looked like
24 a two-story block structure of some sort. I had
25 never seen it myself.

1 We got up to this structure and there was
2 a lot of debris laying out front. There was a door on
3 it. It was secured. It looked like we were in the
4 middle of an athletic field or perhaps a football field
5 and it looked like there may have been some other field
6 there also, a baseball diamond on the other side, a
7 track; I'm not real sure, but I didn't get the gist of
8 the entire conversation between him and the Miami
9 detectives because I was lingering back at that point;
10 but I did know that this is where the body of Sonya
11 Marion had been found, speaking of the Fort Lauderdale
12 detectives, and that's where he first led us.

13 Q Okay. Did he have occasion to go in detail
14 as to that crime scene in your presence?

15 A Not entirely in my presence. The Miami
16 officers were speaking with him. Fort Lauderdale spoke
17 with him and I briefly spoke with him at one point just
18 to clear up something that I wanted to clear up in my
19 mind.

20 Q All right. What was that that you did want
21 to clear up?

22 A At one point he indicated where he had
23 met the girl at, where he had first seen her, and so I
24 asked him to show me where he had first seen her at:
25 and that's when he directed me into this field, football

1 field, out to about the center line, fifty-yard line
2 or so, midway and told me this is where she was coming
3 across the field and this is where he first intercepted
4 her; and he said he hit her there first and then he said
5 he had to help her over to this place.

6 Q Were you aware of any evidence of the girl being
7 struck earlier?

8 A Well, I knew that she had been -- In talking
9 with Fort Lauderdale I knew that she had been beaten with
10 a blunt object in the face area. Other than that I didn't
11 have all the details of the homicide.

12 Q Where did you go after that crime scene?

13 A After that we went in the area of 11th Court
14 and 27th Avenue, which is where the body of Terry Jean
15 Cummings had been found on August 7th.

16 Q And who investigated that crime scene?

17 A I investigated that from the start to the
18 finish.

19 Q Real briefly, would you tell Judge Franza what
20 you found out at that crime scene when you initially
21 investigated it?

22 A We -- The body was discovered about
23 11:00 o'clock that morning, the 7th. I believe it was
24 Tuesday - I'm not sure - Tuesday morning. The body was
25 found west of 27th Avenue on 11th Court in a burnt-out

1 structure. It was an old house, a wooden house, that
2 had been burnt; a lot of debris inside, ashes and such,
3 a lot of brush; and got in the front yard and around the
4 side of the house.

5 The body was found inside the house with
6 the leg partially extending out the front door. She
7 was laying on her back. Her legs were spread apart.
8 She was a black female, about twenty years of age.
9 There was a ligature about her neck, a cloth. She was
10 nude from the waist down. Her blouse was open,
11 exposing her breasts partially. There was all
12 indication she was a victim of sexual battery and
13 homicide.

14 Q Okay. Now, when you went to the first
15 crime scene tell Judge Franza - or the second scene,
16 tell Judge Franza what happened.

17 A Well, we stopped at the corner of 11th
18 Court and 27th Avenue.

19 Q How far away was that from the crime
20 scene?

21 A A hundred yards maybe.

22 Q What happened then?

23 A We got out of the vehicle and we asked
24 Jerry if this looked familiar and we asked him to point
25 out where the girl was that he had killed in this area;

1 and he started walking west down 11th Court from
2 27th Avenue.

3 We got to the area where the house had
4 been. At this time the burnt structure had been torn
5 down at the request of the neighbors and people living
6 in the area. He got to the point and stopped. He was
7 looking around. He looked a bit confused then. He
8 made mention that the house across the street - he
9 remembered seeing that. He recognized that and that's
10 when we told him that the house was gone now; that it
11 wasn't here any longer and that did this look familiar
12 and he said yes and that's when he indicated that it
13 was in the vacant field.

14 I then started questioning him about the
15 particulars of the homicide.

16 Q What did Mr. Townsend say?

17 A As far as what?

18 Q As to the particulars of the homicide, how
19 it occurred. What did he know in detail about that
20 crime scene that led you to believe that he was the
21 one?

22 A Several things. At first he indicated
23 that she was killed with a wire around the neck and so
24 I told Jerry - I said, "You cooperated with us, Jerry.
25 You are helping us out now. Let's be truthful and

1 honest. Don't -- Don't tell me something that's not
2 true," and along these lines; and he thought about it
3 for a second. He looked down at the ground and said,
4 "I used her bra to kill her." He made mention that he
5 had used a sock in her mouth to keep her from being
6 heard, screaming. He drew a diagram in the sand for
7 us of where the structure was, how it was located and
8 how the position of the body laid in the structure.

9 He pinpointed which direction the head
10 was, which way the legs were, how the legs were. He
11 made mention of a hand that he had placed up on - the
12 left hand, that he had placed up on her pants.

13 Q Did he describe in detail anything about
14 the colors of the girl - what she was wearing, her
15 clothing?

16 A No. No. Later on in a formal statement
17 he did identify the sock as a red-and-white sock that
18 was knee-high, which was accurate.

19 Q Could anyone determine the color of the
20 sock before he --

21 A No.

22 Q No?

23 A No. One interesting thing about the sock
24 was that prior to our arrival there the family was the
25 first people to discover this body and they discovered

1 her with the sock stuffed in her mouth and they took
2 that out and nobody knew of that originally, nobody,
3 the sock being in the mouth.

4 Q And then what did Jerry say he had done
5 with the sock?

6 A Well, he told us that he had put it in
7 her mouth to keep her from screaming.

8 Q What else about that homicide?

9 A There were a lot of things that he
10 mentioned that were consistent.

11 Q How long did you stay at that homicide,
12 Detective?

13 A I don't recall exactly; twenty minutes or
14 so.

15 Q All right, and then where did you go after
16 that?

17 A After that I think he was taken to the
18 area of the incinerator, which is where we were on 27th
19 Avenue; and at that time he directed the Fort
20 Lauderdale police detectives and Miami detectives into
21 this heavy brush area; and at that point I stood back.
22 I had to make a phone call and I don't know what took
23 place --

24 Q Okay.

25 A -- during that --

1 Q Where did you go after that?

2 A After that we went to the area of 22nd
3 Road and 25th Avenue in Northwest Fort Lauderdale.
4 This is where two bodies had been found --

5 Q What were their names?

6 A -- in '79.

7 The body of Ernestine German had been
8 found in a field at that intersection; and in '73 the
9 body of a woman named Barbara Brown was found about
10 twenty feet from there on the other side of a chain
11 link fence that separates the field from a hedge and
12 an apartment complex. At this particular crime scene
13 Jerry pointed out to us where the body of Ernestine
14 German had been found.

15 Q And where he pointed out was that where
16 the body was found?

17 A Yes, about ten feet.

18 Q Okay.

19 A It wasn't too far from where he was or
20 where she was actually found. It was kind of hard in
21 that area because there is a lot of brush and overgrowth
22 and such and there is a sugar-sand-type field. He gave us
23 some particulars about the case.

24 Q Okay. What did Mr. Townsend say about
25 those?

1 A He indicated the color of the clothing,
2 the type footwear.

3 Q What about the footwear?

4 A Eventually in a statement again he
5 indicated to us that this particular girl had been
6 wearing what he referred to as Tom-Toms. I asked him
7 to describe for me what are Tom-Toms. He said, "They're
8 hard shoes," he said. I said, "You mean like plastic
9 or wood?" and he said, "Yes, wood." This girl, she
10 came walking down the street. He said he heard the
11 clicking of the shoes against the asphalt; and when
12 we found the body and the clothing there was these
13 wooden shoes that she had wore. He described the
14 undergarments for me as - the underpants as being
15 black silk and they were.

16 Q How did he say he killed her?

17 A Strangulation by ligature.

18 Q And do you know what the cause of death
19 was?

20 A No.

21 Q Okay, and what scene did you go to after
22 that?

23 A Well, we were at the Barbara Brown scene
24 also; and very briefly we asked him about that. It was
25 very -- He was vague on that particular crime scene.

1 It was very late and it was decided at that time that
2 he should be brought back to Dade County and we should
3 continue the investigation in the morning.

4 Q Okay. So you didn't drive him back to Dade,
5 correct?

6 A No.

7 Q The detectives from Dade?

8 And did you have occasion to come in contact
9 with Mr. Townsend the next day?

10 A Yes.

11 Q And what time would that have been?

12 A Initially about 10:00 o'clock in the
13 morning, myself and Detective Schlein.

14 Q Okay. As a result of coming in contact
15 with him what happened?

16 A Initially we sat down with him in the
17 interview room at the Miami Police Department. We
18 again reviewed his rights with him.

19 Q Okay, and who gave him his rights?

20 A I did.

21 Q Okay, and is it the rights form? Did he
22 sign a rights form at that time?

23 A Yes, I read him his rights and --

24 Q Did you also explain those to him?

25 A Yes, as was related on the form that we

1 handed him. This was Miami's particular form that they used
2 and that's what I used.

3 After that the Miami detectives worked with him
4 until 1:00 o'clock in the afternoon; and at that point we
5 took him back up to Broward County to --

6 Q Okay. Who took him up?

7 A Myself and Detective Schlein.

8 Q Okay, and on your way up did you have occasion
9 to go over his rights again with him?

10 A Yes, prior to the statements we took from him
11 we again advised him of his rights and proceeded to
12 take formal statements from him regarding the Terry
13 Cummings homicide, the Ernestine German homicide, and
14 the Barbara Brown homicide.

15 Q Okay. So you actually took statements at
16 that time?

17 A Yes.

18 Q Okay. Taped statements, correct?

19 A Yes.

20 Q And how many times had you given Mr. Townsend
21 his rights up to that point?

22 A Myself and Detective Schlein had given him his
23 rights at that point four times.

24 Q Four. Okay. Did you have any question in your
25 mind if he understood those rights?

1 A No, no question in my mind.

2 Q Okay, and what did Mr. Townsend say about his
3 rights, if anything?

4 A On several occasions he indicated that he was
5 tired of hearing them; he knew them; that he understood
6 them.

7 Q In fact, didn't he --

8 A Sometimes he would get a little aggravated when
9 we'd have to read over them with him again.

10 Q Did you ever stop reading them when he said he
11 knew his rights or did you finish them?

12 A No, we always finished.

13 Q And explained them to him, correct; and
14 in fact Mr. Townsend indicated he had them memorized; did
15 he not?

16 A Yes, he indicated that.

17 Q And in total how many hours were you in contact
18 with Mr. Townsend?

19 A About twenty hours.

20 Q Okay. Did you ever have any problems understanding
21 Jerry?

22 A No.

23 Q Okay. Were you aware if he had problems under-
24 standing you or Detective Schlein?

25 A No.

1 Q Did you happen to bring the tapes with you
2 today?

3 A Yes.

4 Q Portions?

5 Could you please play the portions for
6 Judge Franza?

7 THE COURT: Counsel, I'm concerned with the
8 tapes that have to do with the cases I have.

9 MR. HANCOCK: Those are the ones, Judge.
10 We have the '73 of these here as your tapes
11 and also the other ones; and what I have done,
12 Your Honor, we've got excerpts from certain
13 portions that he has taken out which I think
14 would go as to the issue before the Court.

15 THE COURT: Okay. How long will it
16 take?

17 MR. HANCOCK: I think -- I believe, total,
18 fifteen minutes.

19 THE COURT: Okay. Fifteen minutes?

20 MR. HANCOCK: Yes.

21 THE COURT: Okay. At that point then
22 naturally you are going to want to cross examine.
23 Okay?

24 MR. ZEIDWIG: My cross examination is very
25 brief.

1 THE COURT: Okay, but the point is we're
2 not going to finish this case obviously by
3 lunch time.

4 MR. HANCOCK: Judge, the State would have one
5 more witness, so we could call him after
6 lunch.

7 THE COURT: Okay, fine. Now, is there
8 anything else that I have to consider from the
9 State's side except those - what appears to be
10 rudimentary depositions with no appearances?

11 MR. HANCOCK: Judge, we have a whole file,
12 Judge, which consists of testimony that was
13 given in Dade County concerning his competency
14 hearing down there; and I think there is three
15 or four doctors that we have on that which it
16 is -- I'll bring it up, Judge. It is a file
17 which is about this thick (indicating).

18 THE COURT: How long will it take me to go
19 through it, do you think?

20 MR. HANCOCK: An hour.

21 MR. ZEIDWIG: Possibly an hour, an hour
22 and a half.

23 THE COURT: Okay. Maybe then we can
24 conclude this matter today.

25 MR. ZEIDWIG: We have other pending

1 motions though, Your Honor. We have about
2 nine others and then we also have another
3 lengthy motion that we're going to have to
4 discuss with you.

5 THE COURT: All right, but first things
6 first. I want to see if I can get rid of this.

7 MR. ZEIDWIG: Okay.

8 THE COURT: If this goes in your favor,
9 you don't have to worry about the other
10 motions. If it doesn't go in your favor, then
11 I'll hear the other motions, whatever they may
12 be --

13 MR. ZEIDWIG: Okay.

14 THE COURT: -- you know.

15 MR. HANCOCK: I hope we can hear the
16 other motions, Judge.

17 THE COURT: We'll see.

18 MR. HANCOCK: Okay.

19 Q (By Mr. Hancock) Which one is this,
20 Detective?

21 A Twenty-three eighty-nine. I'll check.
22 The statements.

23 Q Have you got copies of them?

24 A Yes, 2380 is the statement concerning
25 Naomi - N-a-o-m-i - Gamble - G-a-m-b-l-e.

1 Q This is one of the 1973 killings; is it
2 not?

3 A Yes.

4 THE COURT: Is your secretary here now?

5 MR. HANCOCK: Yes, she is.

6 THE COURT: Why don't you have her get me
7 that file to read now so that I can have it
8 before lunch or even during lunch?

9 MR. ZEIDWIG: We're going to have it for
10 you, the transcript, in lieu of the reporter
11 taking down the --

12 MR. HANCOCK: Yes, that will be fine with
13 the State.

14 THE COURT: You don't have to take this,
15 Gus.

16 (Whereupon, a tape was played.)

17 Q (By Mr. Hancock) Which one is this,
18 Detective?

19 A Barbara Brown.

20 Q That's the '73 case?

21 A Yes.

22 Q And that's the one before Judge Franza
23 again?

24 A Yes.

25 (Whereupon, a tape was played.)

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THE COURT: What's the name of this?

MR. HANCOCK: This would be Thelma --

That also was in 1973.

Q Is that correct?

A Yes.

THE COURT: Jean Thelma?

MR. HANCOCK: Jean Thelma.

THE CLERK: Thelma Jean Bell?

THE COURT: B-e-l-l. And what is the first?

THE WITNESS: Thelma.

THE COURT: The first one?

THE WITNESS: Oh, I'm sorry, Naomi Gamble.

THE COURT: Okay. Is that it?

THE WITNESS: I believe this --

Is that all you wanted on this one,

Kelly?

MR. HANCOCK: Yes, that will be sufficient.

Thank you.

There should be five; is there not?

THE WITNESS: There are two others here, '79's. Did you want those too?

MR. HANCOCK: Yes, please.

THE COURT: This would be Terry Cummings, I believe.

1 THE CLERK, Terry --

2 THE WITNESS: Terry Cummings.

3 THE CLERK: T-e-r-r-y.

4 THE WITNESS: Yes.

5 (Whereupon, a tape was played.)

6 THE COURT: Why don't you just -- Is it
7 all right if I just look at the transcript?

8 MR. ZEIDWIG: Sure.

9 THE COURT: I think I have some idea of how
10 he speaks.

11 MR. HANCOCK: Judge, the State would
12 request as of this one that the Court listen
13 to one rather than read it because it is the
14 most important one, I think.

15 THE COURT: All right.

16 MR. ZEIDWIG: Relative to that, Your
17 Honor, the last one was a '79 homicide. The
18 next one is --

19 THE WITNESS: A '79 also.

20 (Whereupon, a tape was played.)

21 THE WITNESS: There is another side, very
22 short.

23 (Whereupon, a tape was played.)

24 MR. HANCOCK: Judge, I have just a few
25 more questions of Detective Fantigrassi.

1 THE CLERK: Excuse me, the last one was of
2 whom?

3 THE WITNESS: That last one was Ernestine
4 German.

5 THE CLERK: Ernestine?

6 THE WITNESS: Yes.

7 THE COURT: All right.

8 MR. HANCOCK: Does the Court want me to
9 proceed or do you want to do it after lunch?
10 Whatever the Court wants to do.

11 THE COURT: Well, if it is going to take
12 fifteen or twenty minutes between you all - I'm
13 sure it will - I think we ought to recess now.

14 You will be available after lunch, right?
15 Are you on duty?

16 THE WITNESS: I'm always available.

17 THE COURT: No, are you on duty?

18 THE WITNESS: Yes.

19 THE COURT: All right. So why don't we
20 recess and get back here? I think we ought to
21 be back here by at least 1:30, maybe a little
22 before. Okay.

23 MR. HANCOCK: Thank you, Judge.

24 (Whereupon, a recess was taken.)

25 THE COURT: All right, let's see.

1 Detective, you are on the stand.

2 THE WITNESS: Yes.

3 THE COURT: And you had --

4 MR. HANCOCK: Judge, I have two questions.

5 THE COURT: Again. All right.

6 MR. HANCOCK: May it please the Court.

7 Q (By Mr. Hancock) Detective Fantigrassi,
8 did you have occasion to talk to Mr. Townsend about the
9 possibility of the chair, the electric chair?

10 A In speaking with him he made mention to the -
11 to the chair to me.

12 Q Okay, and would you please tell us what
13 Mr. Townsend said?

14 A He said that he knew he was going to get
15 the hot seat, he referred to it as, but he was doing
16 this to help us now because it was too late to help
17 himself and things like that.

18 Q And did you promise Mr. Townsend anything
19 for him talking to you?

20 A No, I promised him nothing.

21 Q And I don't know if I asked you this,
22 but do you have an opinion if Mr. Townsend understood
23 his rights?

24 A I definitely feel that he understood his rights, yes.

25 Q Is there any doubt in your mind at all?

1 A No doubt at all. I know that he understood
2 that he could stop at any time and that we made it
3 clear to him that he had a right to an attorney and I
4 believe he understood those rights.

5 Q And did he ever tell you why he was
6 talking to you, the reason he finally decided to confess?

7 A Several -- At one time he said he wanted to just
8 get it off his chest. Another time he said he was just
9 tired of it all and he wanted to get it over with now,
10 remarks like that.

11 MR. HANCOCK: Thank you very much.

12 THE COURT: Did you get that material for me yet?

13 MR. HANCOCK: Yes, Your Honor.

14 THE COURT: All right. You may inquire.

15 MR. ZEIDWIG: Thank you, Your Honor.

16 CROSS EXAMINATION

17 Q (By Mr. Zeidwig) Detective Fantigrassi, when
18 would have been the first time you ever had occasion to come
19 in contact with Jerry Townsend? And when I say "contact"
20 I mean even just seeing him without speaking with him.

21 A That would have been on the 6th of June - the 6th
22 of September.

23 Q Okay, and approximately what time of the day or
24 night was that?

25 A It was the evening hours; probably around between