
**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

JANUARY 27, 2006

VOLUME 1

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Attorneys for MICHAEL A. MORALES

Index of Exhibits in Support of Petition for Executive Clemency

Volume 1

<u>Exhibit No.</u>	<u>Exhibit</u>
1.	Letter from Judge McGrath – January 25, 2006
2.	Handwritten Petition for Clemency from Michael Morales
3.	Current Photograph of Michael Morales
4.	Photographs of Michael Morales’s Baptism
5.	Photograph of Michael Morales with Brothers
6.	Artwork by Michael Morales: Portrait of His Daughter
7.	Artwork by Michael Morales: Portrait of Stephen
8.	Letter from Maria Morales
9.	Letter from Lillie Garcia
10.	Letter from the Morales-Millan Family – January 23, 2006
11.	Letter from Isaac A. Morales
12.	Letter from John Morales
13.	Letter from Josie Morales – January 23, 2006
14.	Letter from Helen Keeler
15.	Letter from Yvonne Rivera – January 23, 2006
16.	Letter from Lydia Lopez – January 19, 2006
17.	Letter from Victoria Ponce – January 22, 2006
18.	Excerpts from Transcript of Interview of Bruce Samuelson – August 4, 1993
19.	Declaration of Lisa Flynn – June 11, 1998
20.	Declaration of John Morales – June 11, 1998
21.	Declaration of Josie Morales – June 11, 1998
22.	Declaration of Leonard Lucero – April 6, 1994

Exhibit No. **Exhibit**

23. Confidential Report by Francis M. Connolly – January 24, 1994
24. Declaration of Luana Horstkotte with Exhibit A – August 21, 1992
25. Declaration of Julio Marquez – June 4, 1992
26. Declaration of Manuel Franco Vasquez – August 29, 1992
27. Declaration of Pablo Stewart, M.D.
28. Declaration of Lillie Garcia
29. Declaration of Raquel Cardenas with Exhibit A – April 4, 1994
30. Declaration of Patricia Felix – January 25, 2006

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 1: Letter from Judge McGrath – January 25, 2006



CHAMBERS OF
The Superior Court

CHARLES R. McGRATH, JUDGE

HALL OF JUSTICE
P.O. Box 6489
VENTURA, CA 93006-6489
(805) 654-2238

January 25, 2006

Governor Arnold Schwarzenegger
Office of the Governor
Sacramento, CA 95814

Re: *Morales v. Brown*
M & S file no. 60430

Dear Governor Schwarzenegger:

I was appointed to the bench in Ventura County by then Governor Ronald Reagan in 1974. In 1983, I performed the most solemn duty a judge is asked to undertake: As the trial judge in the capital murder prosecution against Michael Morales (I also was the trial judge for the subsequent capital prosecution against his co-defendant and cousin Ricky Ortega), I independently reviewed the evidence, determined that it supported the jury's penalty phase verdict, and on that basis sentenced Mr. Morales to be executed in San Quentin Prison. I now write to recommend that you grant Mr. Morales clemency, so that he is sentenced to life in prison without the possibility of parole.

My decision to uphold the jury's death verdict was based on the apparent strength of the prosecution evidence against Mr. Morales, the cornerstone of which was the testimony of Bruce Samuelson, a jailhouse informant. I found Mr. Samuelson to be credible and believable. I said so on the record.

Mr. Samuelson testified that he obtained a confession from Mr. Morales admitting to murder and rape. The Supreme Court has long recognized that a confession is probably the most probative and damaging evidence that can be admitted against a criminal defendant. *See, e.g., Arizona v Fulminante*, 499 U.S. 279, 296 (1991). In this case, Mr. Samuelson's testimony describing the confession was the *only* evidence to support the single special circumstance -- lying in wait -- that made Mr. Morales eligible for the death penalty, as well as the rape conviction.

Mr. Samuelson was also the source of the prosecution's substantial aggravating evidence. Mr. Samuelson testified that almost two years after Mr. Morales was arrested,

Governor Arnold Schwarzenegger
January 25, 2006
Page Two

he made obscene, derogatory references to the victim, Terri Winchell, and callously boasted of the assault upon her. Such testimony effectively demonstrated a heartless lack of remorse by Mr. Morales, and completely undermined his attorney's presentation of penalty phase testimony that Mr. Morales immediately felt deep remorse for his involvement in the incident. Mr. Samuelson also described how Mr. Morales had solicited him to murder trial witnesses Pat Flores and Raquel Cardenas, thus demonstrating that Mr. Morales presented a serious and continuing danger to society even while confined in prison. I believe that Mr. Samuelson's testimony was instrumental in convincing the jury, as it did me, that death was the only appropriate punishment in this case.

New information has emerged to show the evidence upon which I relied in sentencing Mr. Morales to death – Mr. Samuelson's testimony – is false. Significantly, the revelations were brought to light by the California Attorney General's subsequent investigation into Mr. Samuelson's account of the circumstances surrounding Mr. Morales' confession. When the Attorney General asked Mr. Samuelson to explain how he induced Mr. Morales to speak freely between jail cells in a crowded cellblock widely known to hold informants, Mr. Samuelson answered that he conversed with Mr. Morales in Spanish. In response to Mr. Samuelson's claim, Mr. Morales' attorneys have verified under oath from numerous sources that, apparently unbeknownst to Mr. Samuelson, Mr. Morales does not speak Spanish. The Attorney General has never contested any of these facts. (See, e.g., The Attorney General's most recent filing, in response to Mr. Morales' petition for certiorari to the United States Supreme Court.)

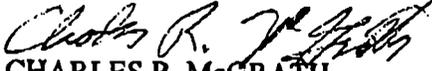
Mr. Samuelson's testimony was indispensable to proving the lying-in-wait special circumstance finding upon which Mr. Morales' eligibility for a death sentence now rests, and proved critical in tipping the balance of aggravating and mitigating circumstances in favor of a death sentence. The jury was explicitly instructed to consider Mr. Samuelson's testimony in choosing the appropriate sentence and that Mr. Samuelson's testimony alone could be used to outweigh all mitigating evidence and compel a death sentence.

I am not aware of any state or federal court having conducted an evidentiary inquiry into the truthfulness of Mr. Samuelson's testimony. I know that I have not been asked to testify regarding the significance of the information that has been disclosed since I was led to believe that Mr. Morales actually made the incriminating statements attributed to him by Mr. Samuelson. If I had been asked to do so, I could and would have testified truthfully that impeachment of Mr. Samuelson's testimony with evidence of his untruthfulness in describing the circumstances of the purported confession would have rendered his testimony, and the prosecution's case, insufficient to support the death sentence. Accordingly, I would have set the death sentence aside.

Governor Arnold Schwarzenegger
January 25, 2006
Page Three

The statutory requirement that trial judges review death verdicts is intended to enhance the fairness, uniformity and reliability of penalty determinations in capital cases. The conscientious discharge of this weighty obligation protects the integrity of the judicial system, public confidence in the administration of the state's power to impose death, and the rights of defendants to individualized sentencing decisions. If, in the course of performing my judicial duty, I had been permitted to consider evidence of Mr. Samuelson's falsehoods that was belatedly discovered by the Attorney General and Mr. Morales' attorneys, I would not have let the death sentence stand; and the awesome decision whether to spare his life would not be before you at this time. Under such circumstances, executing Mr. Morales would frustrate the design of our sentencing laws, and would constitute a grievous and freakish injustice. I respectfully recommend that you grant clemency to Mr. Morales.

Respectfully yours,


CHARLES R. McGRATH
Retired Judge of the Superior Court

CRM:sj

cc:

William W. Lockyer, Esq.
Attorney General

David A. Senior, Esq.

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 2: Handwritten Petition for Clemency from Michael Morales

PETITION FOR CLEMENCY

My name is Michael Angelo Morales. Son to John and Josie Morales. Brother to three siblings, and father to three children. I write this petition so that those to whom it matters may have some insight into my mind and heart. It should be noted that up until now much of what's been said of me has come from others. Comments and hearsay statements which for the most part have been bias and untrue in one way or another. The sum of my character has been determined by this one terrible crime, which is understandable, but hardly what I consider to be accurate. There's no denying that the taking of innocent life is a awful, awful thing. And even though I've been found guilty of such a crime, and have become an object of hatred to many, I don't feel my soul to be that of a monster or evil man as some have suggested. That's not who I am. I wasn't raised to be a person of hate or violence, and I think my past history will bare that out. But the fact is that in my youth I did lose myself for a few years. Entering into what could be called a dark period in my life. I failed to safeguard practical wisdom and because of that my foolishness led me astray. Emotionally troubled, I followed the bad way. I got involved with drinking and drugs, and soon started to become the things I experienced. A person of loose conduct and poor attitude. I lacked any real direction or purpose. Another words, I became a good for nothing man. And I say this not to make excuses, but only as an explanation of sorts. The truth is there is no excuse for such a senseless

CRIME AS THE ONE I'VE BEEN FOUND GUILTY OF.

DO I CARE THAT A PERSON'S LIFE WAS TAKEN? OF COURSE I DO. AND I'M FULLY AWARE OF WHAT WAS LOST AND THE HARM DONE. AND NOT JUST MERELY AN INTELLECTUAL RECOGNITION, BUT A HEART APPRECIATION OF THIS SAD AND PAINFUL FACT. AND HAVING EXPERIENCED MY OWN SON BEING SHOT AND PARALYZED, I UNDERSTAND A LITTLE OF WHAT ANGUISH CAN DO TO A PERSON. MY REMORSE ISN'T JUST TO GAIN SYMPATHY HERE AND NOW. ITS SOMETHING I'VE EXPRESSED EVEN BEFORE MY ARREST WAS MADE AS THE RECORD WILL TESTIFY TO. UNFORTUNATELY AN APOLOGY, NO MATTER HOW HEARTFELT, JUST DOESN'T CARRY ENOUGH POTENCY IN A SITUATION LIKE THIS TO BRING ANY REAL COMFORT OR AMEND ANY OF THE WRONG. SO I'VE TRIED TO DO THE ONLY THING A PERSON IN MY POSITION CAN, AND THAT'S CHANGE MY HEART.

HAVING BEEN SENTENCED TO DEATH IT WOULD OF BEEN EASY TO CONTINUE FOLLOWING THE BAD WAY, THINKING I HAVE NOTHING TO LOSE. BUT I DIDN'T WANT THAT. I WANTED BOTH MY ATTITUDE AND MY LIFE TO REFLECT MY REMORSE, AND STAND AS EVIDENCE OF MY TRUE REPENTANCE. FOR ITS MY BELIEF THAT REMORSE AND REPENTANCE ARE MEANINGLESS UNLESS THEY ARE ACCOMPANIED BY GOOD WORKS. SO I'VE DONE MY BEST OVER THE YEARS TO STRIP OFF THE OLD PERSONALITY WITH ALL ITS FLAWS AND SHAMEFUL PRACTICES, AND PUT ON A NEW PERSONALITY. ONE SHAPED BY GOOD MORALS AND STRONG VALUES. MY DEEDS NOW ARE SIMPLE, FOR I'M A SIMPLE MAN. BUT THEIR HONEST, UPRIGHT, AND COME FROM A SINCERE HEART. DOES THIS MEAN I'M PERFECT NOT HARDLY. BUT I'M DEFINITELY NOT THE SAME FOOLISH MISGUIDED PERSON I ONCE WAS.

WHAT IS THE STATES DEFINITION OF CLEMENCY? I DON'T KNOW. WHAT IS REQUIRED TO OBTAIN IT IF ANYTHING? AGAIN I DON'T KNOW.

WHAT I DO REALIZE IS THAT LENIENCY CAN BE A DIFFICULT THING TO COME BY THESE DAYS. ITS CERTAINLY NOT THE NORMAL WAY OF DEALING WITH SOMEONE WHO'S CRIMES ARE AS SERIOUS AS MINE. BUT HOPEFULLY YOURS IS AN ADMINISTRATION WHO BELIEVES IN REPENTANCE AND REFORM. WHO BELIEVES IN EXERCISING RESTRAINT MOTIVATED BY COMPASSION. AND WHO BELIEVES IN EXTENDING MERCY WHENEVER AND WHEREVER POSSIBLE.

I WOULDN'T DARE TO PRESUME ON YOUR MERCY OF COURSE. NOR AM I ASKING THAT THE STANDARDS OF JUSTICE BE IGNORED. QUITE THE CONTRARY. FOR I UNDERSTAND COMPLETELY THAT CERTAIN ACTIONS HAVE CERTAIN CONSEQUENCES. CONSEQUENCES WHICH I'VE ACCEPTED RESPONSIBILITY FOR. BUT AFTER CONSIDERING MY CASE, PERHAPS THERE MIGHT BE A CLEAR BASIS FOR STRIVING TO SEEK A MERCIFUL COURSE WITHIN THE BOUNDS OF JUSTICE, AND EVEN FOR JUSTICE SAKE. THAT'S MY HOPE. AND I CERTAINLY APPRECIATE VERY MUCH YOUR FAIR AND IMPARTIAL CONSIDERATION IN THIS MATTER.

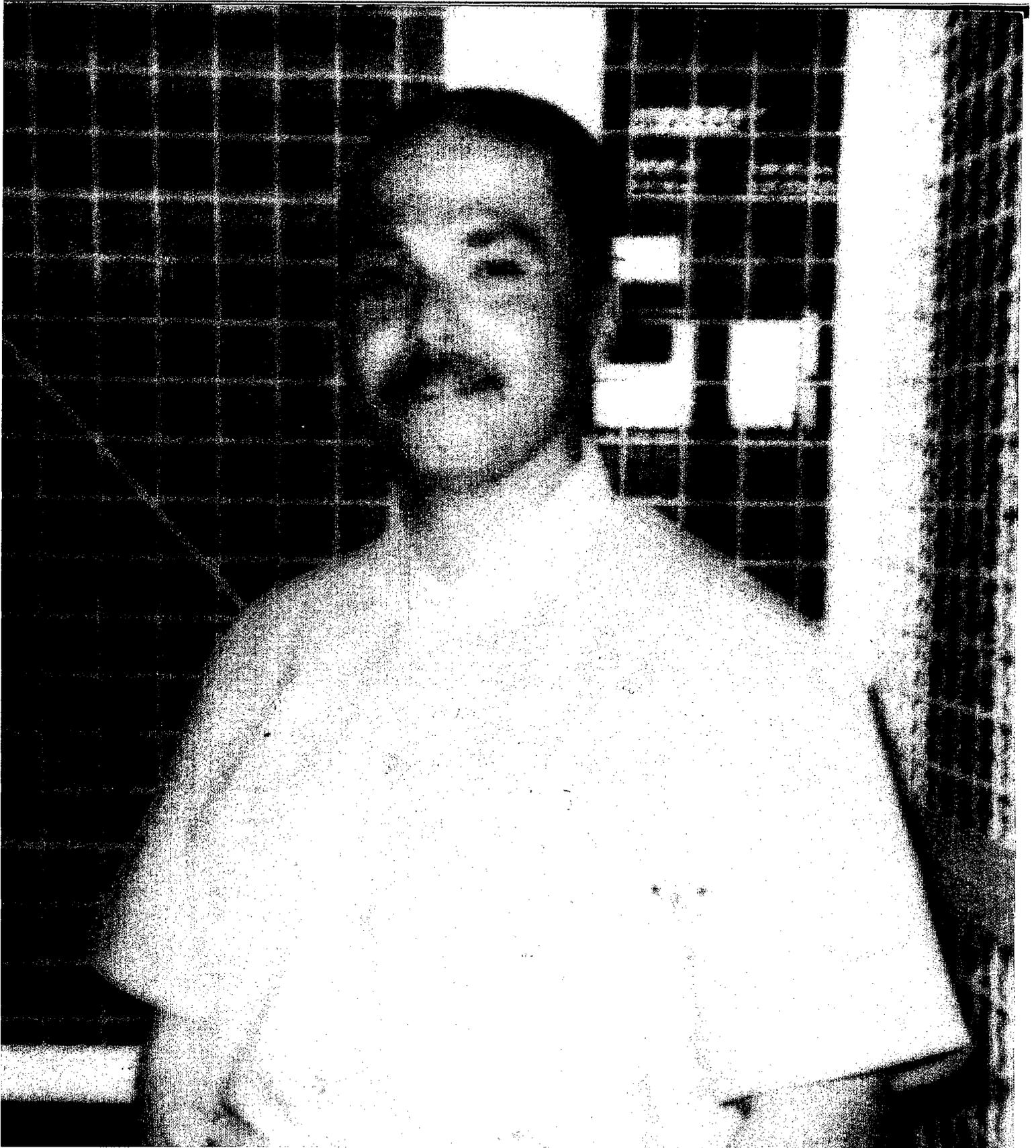
SINCERELY,

MICHAEL MORALES

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

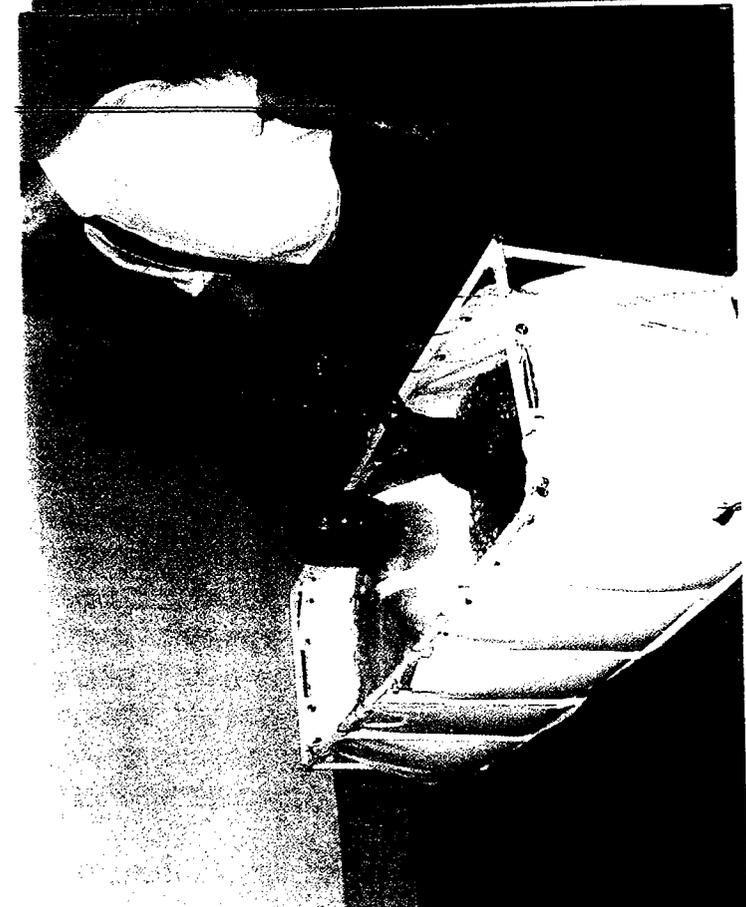
Exhibit 3: Current photograph of Michael Morales



**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

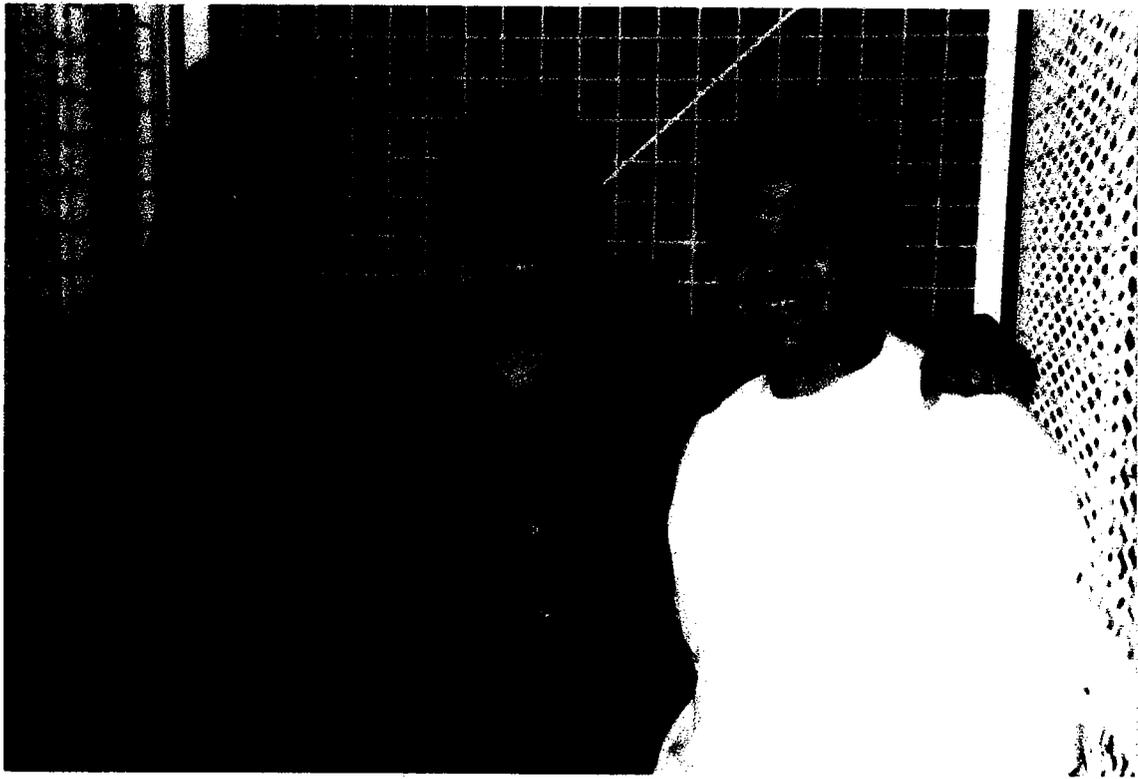
Exhibit 4: Photographs of Michael Morales's baptism



**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 5: Photograph of Michael Morales with brothers



**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 6: Artwork by Michael Morales:
Portrait of his daughter**



**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 7: Artwork by Michael Morales:
Portrait of Stephen**



PENCIL PORTRAIT DRAWN FROM SCHOOL PHOTO
(FRAMED ORIGINAL DELIVERED TO GOVERNOR)

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 8: Letter from Maria Morales

Dear Governor,

My name is Maria Morales. I am the daughter of Michael Morales who is currently in San Quentin on death row awaiting death. I'm writing this letter in hope that you may grant clemency to my father.

I would like to start out by saying that this is the hardest letter that I have ever had to write. I would have thought this letter would have been easy; after all he is my father. In all honesty I can't help to think about the victim's family more than our own. There has been a constant battle in my head wither or not this letter could be justified in any way, or if I would be under minding the family's feelings. I would never condone such behavior under any circumstance, not even now. This letter is meant in no way to hurt the victim's family.

I decided to write this letter because I know my father for the real person he is today and has been for years. I was just nine months when my father was put in jail. What I know of my father was learned through letters, phone calls and the occasional visit. I was not allowed to read any articles in the news paper until now. My mother decided it was best for me to have my own opinion of my father and not of the man portrayed in the media. I'm thankful she did because I have come to know my father for who he really is. To me he is not this horrible man that is portrayed in the news; he in fact is quite the opposite. Not to say his actions were not horrible, but I believe they were just that. Actions that were brought on by poor decisions.

I have been in constant contact with my father through out the years. He is still part of my life today. Through the years he has taught me so much through letters. He has written me more than some of my friends fathers even talked to them. He wrote about decisions I was making through out my life trying to guide me the best way he could, sometime through his own experiences. Till this day I can look back on those letters and learn from them, sometimes I think to myself why didn't you listen to your Daddy. He sent me more than just letters, he drew me the most beautiful art that I have ever seen. He has touched so many lives through his art. When I was little I used to help my mom sell his art at events. People were so impressed by his work they would ask me "Did your Daddy really draw that? Sitting there with the biggest Smile I could not wait to say yes, I was the proudest daughter ever.

I know this family wants suffering and death, but the death of my father is not going to bring this family closure. It will only take away a wonderful part of my life and add to the pain of my family. When you actually think about the situation my father has been made to suffer since the day he was there. He lost out on watching his children grow up. He was not able to be there for all my childhood mile stones, the first day I walked or said my first words. He was not able to watch me start school; join in any school activities or even graduate. When I played baseball he was not able to practice with me or route me on when I made All-stars. Most recently he was not able to walk me down the aisle when I was married in April. This is his suffering that he has lived with on a daily basis because he knows they were brought on by his mistakes. What high of a price his mistake has brought to him. I'm not saying my father should not have to pay for his mistakes only that death is not a suitable punishment. Even most recently when asked if he was scared, he could only express his thought for us and the pain we must be feeling. This is how my father is always thinking about others before himself.

I could never express just how much I love my daddy. All that I ask of you is to see him through anothers eyes, the eyes of his daughter. I would like to thank you for taking the time to read my letter. I hope it has brought some light to the person I have loved and known as my daddy. Please think of him as the person he is today as you make your decision. Again thank you for your time.

Sincerely,

Maria Morales

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 9: Letter from Lillie Garcia

Dear Governor:

I am the mother of Maria Morales whom is the daughter of Mike Morales.

I am pleading with you that you will have mercy and Grace upon Mike Morales in granting him clemency. We all know that death is not always the answer and death is not always easy to deal with especially when it is someone you love dearly.

My heart goes ~~out~~ to Terry's family I pray that Jesus will heal them from the pain that they have had to deal with all these years.

By putting Mike to death will not bring peace to no one it will bring hurt and pain to those whom love him, especially my daughter, because she will not be able to have her father here to continue to build a relationship as a young woman.

Mike has always kept in touch with his daughter thru letters, phone call and visits his letters to her were about giving her advice to get a good education to follow her dreams and have a spiritual foundation but never the less he always shared how much he loves her.

Mike has effected some of my family members by giving them advice that kept them from making bad decisions

For me I love Mike for the man he really is not the one that they speak about, I've never knew that man.

I thank you for taking the time to read my letter,

Please let us not forget who really die for us his name is Jesus he died that we may have repentance to bring life not death,

1 corinthians 15:3-4

Jill Daria

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 10: Letter from the Morales-Millan Family –
January 23, 2006**

1/23/00

Dear Governor,

First let me start by Thankyou for taking the time in reading my Families letters. You have a very important job and Thankyou for doing your best in leading our Great State, and I'm not just sucking up. I'm not just ^{for me} writing this letter but for Michael Morales' grandchildren, and his son. His son is my fiance and we hope to be married in September 2000. We have five children together and we are a blended family. Mike Morales is going to be executed in March and I would like you to know that even though Mike has been on Death Row the past 25 years, he has had a great influence in his son, David's life. You see David was going down the wrong path as a rebellious teenager, but through Mike's letters and advice through out the years they

2

CENTURY

CHRISTIAN SCHOOLS

had a great influence on him. Mike Morales had 3 children before he went to prison. David M. Morales, 26 years old. Because of Mike, he is an awesome Father, and provider. He is step father to my three kids, and the Father of our Daughter, Amaya M-Morales (3 years old). He is a business owner of DM Pride painting (209. 210. 7883). There is his number if you would like to speak to him. I thank Mike for still being there as a Father to his Boys even from behind the prison walls. He still showed him how to be a man and take the righteous path. I took his granddaughter to meet him for the first time in November. She did not know who he was physically but had talked to him on the phone.

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CENTURY

CHRISTIAN SCHOOLS

I was very happy to take her to meet him for the first time. You see that was my gift to him. To meet his princess and I want him to be in her life too.

Please, if you could see her, she looks like him and she definitely has his blood because even though she is not around him she acts like him. I don't know the man that the newspaper's portrait, but I do know a different man. He's a great father, he's gentle and kind, he's strong and very loving and full of wisdom. Wisdom he has to share with his kids and Grandkids.

My name is Guadalupe V. Millan, mother of five. I'm a preschool teacher for Century Christian and Le Petite Academy. I'm studying to get my Realtor's license. Not that, that matters but we are all upstanding members of society and have very strong morals and family values. Part of those

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CENTURY

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teachings are from Mike. After we would receive a letter we would discuss them and keep every word to heart. He also has a son named Isaac Morales, 27 years old. He has advanced in his career with Kaiser Permanente Hospital and works in Member Services. He was paralyzed at the age of 16 in a gang related shooting. He too was on the wrong path. He too took heed to his Father's letters and has a lot of his Dad's characteristics. I don't think I have to explain my personal beliefs because they would still be the same even if it weren't Mike Morales.

Mike also has a daughter named Chillie, she's 24 years old. She recently married last year. I know that she has had the strongest relationship of the three. She has been the one to always go see her Paddy.

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4

CENTURY

CHRISTIAN SCHOOLS

Every only focusses on the bad, and the negative. The system is supposed to rehabilitate prisoners and make them productive members of society. I believe in this case it worked, although Mike is at peace. We pray for the families that are involved in this case. We will pray for your family and you. I don't think that there's anything I can say. I just wanted my children's voice to be heard and plea for their Grandfather's life. We will all answer to the Lord some Great Day! I have my beliefs and I know this can't be easy for you. You have yours. He is human and loves his Grandkids. I just wanted you to see a humanistic side of him. Thankyou for your time.

The Morales - Millan family

A Ministry of Century Assembly

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 11: Letter from Isaac A. Morales

To Whom It May Concern:

My name is Isaac Angelo Morales and I am the oldest of three children. My father's name is Michael Angelo Morales. He is currently scheduled to die or to be "executed" on February 21, 2006. As I write this letter I'm not ecstatic that it is going to make a big difference in the outcome of my father's last days. I understand that my father has committed a crime and I do understand the reasoning for the exchange of his life for that crime. The only burden with that reasoning is that it doesn't improve the quality or longevity of life for anyone. It may seem to bring relief or justice for some people but for others, (the victim, me, my brother and sister, our family) it makes life vacant and empty. The vacancy that I am referring to is the absence of my father's presence on this earth. The only questions I see worth asking at this point are, "Does my father's death recreate the past?" and "If he had the choice again, would he make the same choice?"

"We shall let God be our judge and make sure that your choice is an accurate and calculated choice before the decision of life is taken again..."

A handwritten signature in cursive script that reads "Isaac Morales". The signature is written in black ink and has a long horizontal flourish extending to the right.

Isaac A. Morales

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 12: Letter from John Morales

DEAR GOVERNOR

THIS LETTER IS IN REGARDS TO
MY SON MICHAEL A. MORALES.

CURRENTLY HE IS IN DEATH ROW
AT SAN QUENTIN PRISON
PENDING HIS EXECUTION IN FEB.
I AM SURE YOU INFORMED OR
WILL BE INFORMED ABOUT HIS
CIRCUMSTANCES.

WHILE WE CANNOT UNDO WHATS
BEEN DONE, AS PARENTS WE
HAVE ALSO FELT DEEP SORROW
OVER THE TRAGEDY THAT HAS
TRANSPIRED.

WE CAN CERTAINLY FEEL AND
UNDERSTAND THE FEELINGS OF
THE VICTIMS FAMILY.

MERCY IS ONE OF MANY QUALITIES
WE HAVE BEEN ENDOWED WITH.
AS ONE WHO HAS BEEN ENTRUSTED
WITH A GREAT DEAL OF AUTHORITY
WE ASK AND THANK YOU FOR YOUR
CONSIDERATION IN REGARDS TO
CLEMENCY ON BEHALF OF MICHAEL A
MORALES.

YOURS TRULY
John Morales (FATHER)

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 13: Letter from Josie Morales – January 23, 2006

Jan 23, 2006

Dear Governor,

This letter has got to be the most difficult thing I have ever written.

As a parent, I ask that as you read this letter, picture yourself having to face this. Picture your heart hurting so bad, you can't breathe, & your stomach in knots. That is what we have been going thru, from day one of this mess. Not in any way, do I think what our son did was right. My heart went to that mom, I wanted to go see her, but was told it was not a good idea. Mike said he had wanted to write her right away, & he was told not to. You see, that's my son. He was raised with a love for people.

Mike is the oldest of our 4 wonderful children. A Mom & Dad, who have now been married for 47 wonderful yrs. We raised our children in the Valley, always showing them love & guidance. His Dad was always a hard worker, & because of my bad health, worked 2 full time jobs to support us. Mike like his Dad, was always a hard worker too. At 12 yrs old, he got a job delivering the Star Record. The news papers were bigger than he was. He went on to grow into a very talented &

a Creative teen. And like so many of our teens, he started making his mistakes. He became a father at a very young age, but always wanted to be their as a father. So it was very difficult for us to even think our son could do such a terrible thing. So we set out to support our son, & be by his side as he faced this horrible thing. But it wasn't easy, you see even with many attempts to call his attorney, to know when his court days were, or to know what was being done, he never returned my calls. When he called us, & said we should come to the court in Ventura, I then found out why we weren't called. He did not put up a good defence for Mike.

You see, it wasn't until Dave Senior took over the case, I found out his cousin Rich Ortega had been giving him drugs, to do him a favor. That is when I realized why Mike was shaking so bad the first time I saw him. The reality of what he had done, when he came out of that drug stupor was killing him. Do you see what I mean about my son, he never made excuses for himself.

But, you can also see why I cannot believe in the death penalty. Just because Mike's Mom & Dad could not afford an expensive attorney & a fair trial, he is now on death row. His attorney never brought out anything about the drugs he had been on for quite a few days.

As you can imagine it has been very difficult seeing our son locked up. But even as hard as it's been, he always did the very best he could in his situation. He always wrote the kids, wanting them to know him, & to try and guide them the best he could. Yes, he has grown into a very loving & caring son, brother, & father. So even if you grant him clemency, it will continue to tear our hearts out, every time we go to see him. And it will continue to tear his heart out, not only living with what he did, but not being able to really be a part of his family.

So Governor, I know how difficult your job is, but take the time to look deep in your heart & ask. Did Mike really get a just trial?

Thank you
Jesse Morales

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 14: Letter from Helen Keeler

HELEN KEELER

20 Ashwood Road

Tranmere

Wirral

CH42 6PJ

ENGLAND.

TEL: 011 44 151 513 0910

EMAIL: helenkeeler@writeworks.co.uk

Dear Mr. Senior,

My friend, Michael Morales, told me that you were his legal representative. I found your contact information on the internet and submit the following in the event that it can be of any help to Michael now.

I first made contact with Mike Morales 13 years ago through UK organisation Lifelines when he requested a penfriend. I was 18 years old. I have been through some extremely difficult times in my life, including life-threatening illness, and Mike has always been there for me with kind words of support. I have grown with Mike. I am an educated woman, a wife and mother of three. Together Mike and I have shared good times and bad. When I started writing to Mike, I thought that I would be the one giving, but what he has given me is more than I could ever have imagined. My life is richer for his friendship and he gives me a fresh perspective on the world. I have travelled twice to the US

to visit with him. Our relationship is both normal and extraordinary. I am totally devastated at the thought that I may lose him.

ABOUT MIKE.

Mike Morales is a reformed man. I have known him for 13 years and he has a warm and gentle nature. He studies the Bible and is an accomplished artist. A very private man, he is eager for his loving and supportive family to be kept out of any media glare.

As a young man, Mike was very misguided and easily led. He is full of remorse for his actions and describes himself as 'a good guy who made some very bad mistakes'. His allowing me to speak out on his behalf was on the condition that it was with sensitivity to the victim's family.

Mike is one of the best friends I have ever had. He is always ready to listen to me, debate with me and console me when necessary. He offers me advice (which I have been known to foolishly ignore.) He is an articulate man who is passionate about the environment and animals.

Mike is a prime example of how rehabilitation is possible. He is a very different person now and has stayed out of trouble in prison. He has as much of an active role as possible in the lives of people he loves. Mike is well thought of by a great many people and if executed, they will feel his loss.

Yours sincerely,


**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 15: Letter from Yvonne Rivera – January 23, 2006

Yvonne Rivera
January 23, '04
Stockton, CA

Dear Governor:

Thank you for this opportunity to speak in behalf of Mike Morales, my cousin. My husband and I do missionary work in the Dominican Republic and since Mike began his own study of the Bible his attitude and outlook has improved greatly. When we have returned to California on vacation we would take time to visit Mike in the San Quentin Prison. Our conversations and his many letters he wrote us told us of his regret over his past conduct and lawlessness.

Mike has become a mild person and very concerned about his own children and their future. It impressed me that he looked up information in the Bible for some practical suggestions to give his own children ^{guidelines} as he knows personally how bad association can wreck ones life. Thank you for considering this.

Sincerely, Yvonne Rivera

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 16: Letter from Lydia Lopez – January 19, 2006

1/19/06

To Whom it May Concern,

My name is Lydia Lopez. I am and have been a good friend of Mike Morales's for a very long, long time.

I am writing this letter to ask for his life not to be terminated. My reasons are as follows.

He is a very good person. The person that killed that young woman all those years ago was not Mike., at the time that happened Mike was under the influence of drugs. Drugs that Ricky (Mike's cousin) had supplied to him. Mike was not himself, he turned into a very different person. Actually that person he had become didn't even recognize me when he would see me. Before the drugs he would make sure he acknowledged me whenever or wherever he would see me.

The Mike I knew before and after the drugs is a very kindhearted, thoughtful, respectful and generous man. He has been there for me and my family always. When I lost my husband in 1987 he was always writing or calling to make sure that I was okay. When my three sons reached their teenage years he was there to talk to them or to give me advice on how I should handle certain situations. Even though he was not out here to help me as the good friend he is he made sure that he was there in letters or phone calls. He has helped my 22 year old daughter alot. She is very shy she is 22 and does not like to be touched by anyone or even leave the house. She is not like normal young ladies her age. She surprised me when I told her that I was going to visit Mke and she went the night before with her older sister and bought herself a whole outfit from head to toe. She said she wanted to go visit Mike too. She gets car sick on long rides, she never wants to go anywhere. She just surprised me to no end. He writes her and calls and talks to her about her ways she has come a long way with his help. When we went to visit, she actually gave Mike a hug when we went in and when we left. Now this is a young woman who does not like to be touched by anyone. I can give her a hug, but it can't last for to long and it can't be to tight. I just couldn't believe my eyes.

I know and he knows that what he did was wrong. But I feel that it would be catastrophic for him to die. He is so much needed by alot of people, like his mom and dad, his children, his sister and his brothers and all of the people he is in contact with even if it is from behind those bars. I am not asking that he be let go free, only that he be pardoned so that he can live instead of die.

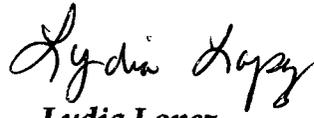
Whoever is reading this letter is probably not believing anything written. Please, please think of this, I am remarried. Why would I still

to this day except Mike's calls or letters or go to visit him if it weren't that he is one of the best friends anyone can have. My husband has never told me that I could not have Mike call or write here. He has never said that I could not go visit. He also knows just how much Mike has been there for me and mine. For that he feels that Mike should remain a part of my life.

I have never wrote a letter like this so I really don't know if what I wrote is right. All I really wanted to get across is that I feel that Mike should have never received the death penalty. He really HONEST TO GOD does not deserve to die. He has so much more to offer in life. He has been my rock. I don't know what I would do without him.

Thank-you for your time in reading this letter.

Sincerely,


Lydia Lopez

P.S. The reason I typed this letter is that my penmanship is so bad that I wanted to make sure who ever reads this could understand what I was writing.

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 17: Letter from Victoria Ponce – January 22, 2006

To whom it may concern,

January 23, 2016

My name is Victoria Ponce, I'm a friend of Mike Morales. We know Mike for a long time. He is a friend that helped me out in many ways. Honestly, truly he is a caring, loving, thoughtful man. Anyone that knows him can tell you that.

Anyone that only has one idea about him is "the man on death row." Making him seem like a monster that he is not. People will talk, and think that of him. But can we please not forget to mention all the good in his heart.

We are all human, we make mistakes and need forgiveness in life. Because no one is perfect. He is not a crazy person. He's sitting in his cell giving no one any problems. He sits and writes or draws. Well everyone on the news only see his mistake.

I only know one Mike Morales. You can't feel my pain or feel in this letter because words are more hearing to the cog. But please send it in your heart to find the Mike Morales that his friends + family know and love. And making mistakes happens to

Everyone. if you got to know
Mike Morales, you'll see and
love what we do about him. he
makes you laugh, smile, and
forget about any problems you
have.

There's a good side to him that a lot
of people don't know. This good side
was never hidden. I don't know
if you will understand where I am
coming from, or feel what I feel
about Mike Morales. But I also didn't
want all the nice things about him
to be unsaid. Because he is a
good and wonderful person.
Please find it in your heart
to see the Mike Morales
that we all see as a friend +
family member. He's running
out of time please please forgive
him. He has a Big Heart!!
Please know that, what people
that don't know him don't know
that. Because they won't open up
their hearts to give him the chance.
Please know him on the same he has.
Don't let this happen. -

Sincerely
Victoria Ponce

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 18: Excerpts from Transcript of Interview of Bruce Samuelson –
August 4, 1993**

much. But then one day I was sitting there reading my books, and making some notes down on my case and scrutinizing some statements and testimonies and he started asking me questions that pertain to what I was doing, my charges, you know somewhat of my charges, and he didn't want to cross the line as to stick his nose in my business, but he was wondering if I had, you know, what he deemed to be super serious charges or what. I just told him, "check charges," and he goes "Oh, federal." "I don't know, not yet, they are talking about it." And he says "Oh." That led into conversations as to technicalities on my end of it as far as my case went.

L: Bruce, let me interrupt you for a minute here. I near the end of this tape, let me take this out and change this so we don't miss anything, all right.

S: Okay.

Tape 1, side 2

L: Okay, the time is about 1440 hours and we are back on the tape, go ahead Bruce.

S: He started to talk to me more and more freely about my case as far as . . . I was kind of proud of the work that I had done in ripping apart statements and testimonies that were done and police reports even though I had already admitted to it all, through admissions to the police department, I was still to the point where I was telling everyone I was going to fight it in trial, based on plea bargain situations

that were going on negotiations and knowledge of current law in terms of restitution and sentencing. And the victim's bill of rights had been passed, but it wasn't, it didn't pertain to my case because the charges and the crime were committed before that and so there was no retroactive date involved. So I was involved in trying to get that taken care of, and anyway we sat and talked and he started asking me questions, technical questions that threw me out in left field at first. I didn't understand where he was coming from, and one of the first ones that he'd asked me about were, if a victim of a murder were dead, when they were . . . if you stabbed them after they died, would they still be bleeding? And to me, at first, when he asked that, you know he had been reading books, and I thought well maybe he's reading Steve King or something like that and was trying to figure out whether it's fiction or not fiction and it didn't click, not at first, and I then I told Mike, I said "Well, I have my opinion about it but I can find out from a friend of mine who is a doctor and he can tell me." And so he said "Well, if you would, I'd appreciate this. It's something I want to know." I said "okay." So, given, during that time that I was down there I was listening, overhearing a lot of people as far as their mouths running off in our cell, and the type of people they were and I wasn't real thrilled with it and so when I came back from the phone, I had called my friend the doctor and gave me pretty conclusive answer to

the question and when I came back I asked Mike, I said, "You're Hispanic, obviously by looking at you and your name being Morales, do you speak Spanish," and he said, "Yes." So we started conversing in Spanish and I explained to him what the doctor said, about the situation in Spanish because as far as my knowledge went, the four other people that were in that cell block were either White or non-Spanish speaking individuals in general. Because like I said, I couldn't see all the way down there and I never really saw everybody that was in the cell block when I go in there, walked around and looked around. So anything I did was directly with Michael and we sat, talked about this situation with stabbing somebody after they were dead, and it wasn't even a day or so after that he was furthering himself or further furnishing me information as far as the foundation to the question why he asked it, and his words as I remember were to the point that, "You are kind of legal eagle. I have been paying attention to what you said about your case and so I wonder if you might be of help me a little bit with mine? With some questions because there is some things that were being said about my case that aren't true and I have a 'dumptruck' attorney who needs some help in learning how to ask questions." And I said "Well that's fine. Whatever I can do for you is fine." And at that point I still didn't know anything about his case or what it was for. The only thing I can figure out that was going on with

him, that he was really secretive about his case which I was pretty much the same way too. I would talk of certain things about it, but I wouldn't go into detail about my case because my crime partner turned me in and the last thing I want to do is have somebody else doing the same thing so that if I needed to get to trial I wouldn't have any defense. So it was with Michael, we sat and talked about . . . for a couple of days about this thing, about somebody being dead and he described to me the person that he was talking about and I asked him point blank, I said, "What makes you think that person was dead or alive, or whatever?" He goes, and "Well her 'tetas' were moving up and down with her." - basically when I went to define it for him, for I said "In other words, she was breathing and her chest was moving up and down with the breathing." He said, "Yeah." Well, I gave him the answer, but I held something back because once he start telling me about that, something clicked in my mind that there is something wrong with this guy. That he did something that is very wrong. And I don't know what it is but it intrigued me as to, you know, what he had done and we started talking some more, and more technical questions. Ah, apparently he had dragged Teri Winchell across the ground feet first and there were scratches underneath the breasts. One of the questions he brought out was that the coroner had, I guess as "preliminary" or an investigation or something or other had

said something to the effect that there were scratches on tops of her breast and he wasn't sure, he says, he couldn't remember which way it was. He said "Well, if I was dragging a person by their arms where would they have the scratches at?" I said "Well I'm not a medical expert. I couldn't really tell you. And it would depend whether they were dressed if it was in the mud, or all kinds of things." And I was just giving him answers that would pacify him or, you know, would make him be happy, but not at the same time, not giving him answers that he could use in court. And I pictured what he was getting at. And I wasn't gonna aid him in his defense in that way. To be able to nit-pick at somebody's statement, and, or nit-picking any questions or technicalities, because it didn't take me long to figure out that this guy's done something wrong. And if, what he was talking about I started putting together a little memory section of my mind to remember what he was telling me. And so, for the first few days or so we were basically talking about his situation with somebody living or dying, scratches, technicality questions, and medical technicality questions.

B: You mentioned you spoke to him in Spanish, are you fluent in Spanish?

S: Not as much now as I used to be, but I up until about oh, ten, about eight or ten years ago, I used to be very fluent, I grew up in Los Angeles and I have always had a fascination

for the Hispanic culture. We had a Hispanic housekeeper, a Mexican-American housekeeper and that's where I first learned to speak, read and write Spanish. I even used to do my homework in it. While I was in elementary school, and cooking, with the language, with the arts the whole culture I have always enjoyed it. Being in, out in a smaller or less Hispanic population-inclined area away from California, I haven't had as much need to use it and, like actually, like a lot of the Mexican-Americans in the Portland area, I find myself needing to be around more Hispanic people. As a matter of fact, when I was down in Phoenix, it was great because it started coming back again, and but up until. . . . I'd say part of 1986, I was very fluent in it, reading, writing and speaking, both formal and informal, or "Spang/ish," "ghetto Spanish" and in educated Spanish. I studied, continued my studies at the college and Senior Vallejo, my professor over at Delta College.

B: And Mike Morales is fluent in Spanish?

S: Yes.

B: Were all your conversations in Spanish?

S: They tended to be when there were, as Mike could put it, "little ears with big mouths." And, he would pop up, I mean they weren't conversational in Spanish as far like as you and I sitting down and having a conversation. The questions were directed and the statements were made back and forth. But in terms of regular conversation, if we weren't talking

about his case, we would speak in English. And the rest of the time we would talk in Spanish and we'd even have the non-Spanish speaking cellmates or inmates or whatever you want to call them, commenting on that: "If you guys have something to say won't you [why dont]? say it in English so we can understand you." And we'd turn around and say: "If we want you to understand us, then we'd tell you. Otherwise it's none of your dam business."

B: What . . .

S: Or a lot of it was in writing too. I'm sorry. I should tell you that, we did pass notes back and forth. He'd ask me questions on a piece of paper and I'd send him the answers back, and most of them were in the middle of the night, when everybody else was sleeping.

B: The notes or the conversations?

S: Both, both, the notes would mostly come out in daytime when everybody was awake, but conversations were mostly at night. And we had a, coined a Penal Code phrase of "459 in progress" is what we called it constantly then we had people "burglarizing" our conversations, so we started waiting 'till night time to talk, and if something came up during the day, he'd flip me a note over into my cell in one of those little "buggler packs," which is kind of like the "pony express" for the whole cell block or, for people in general that are in jail. You put things in 'em. You tie them to a string. You send them down. You throw it down

the tier or whatever. When we're on the cell block we'd do the same thing.

B: A "buggler pack?"

S: Yeah. I smoke cigarettes, but there were people in there who didn't smoke or anything, and in the commissary you'd find "Buggler tobacco," generic "roll-your-own" type tobacco.

B: Oh?

S: And you could take the tobacco once it was empty, and it was made up of cardboard or paper around it, and you could fold the top of it down. Excuse me, this is like having a little package and you could throw it. You can become pretty proficient, like a frisbee. Sometimes if you had to go long-distance, you'd tie a string to it so in case it went too far, or went out away from the cell, you could pull back and try again.

B: Okay, then beyond those first few days when you were talking about legal technicalities, how did things progress from there?

S: Ah, we basically, I can't recall exactly what turned the tide, but we decided to start talking about his cousin. And he decided that we were going to talk about his cousin. And I was like "Who is your cousin?" and he said, "Well he's in here." I says: "Your cousin? For what? What did he do?" And at that point, we'd already, when we were talking about him, he told me that he has a cousin who is a "hommie." And

I says "as like homeboy?" And he said: "No, as in 'faggot.'" and he started railing the faggots and the homosexuals really hard. And he wasn't sympathetic to their beliefs in any way, but he constantly mentioned that his cousin being an exception to that even though he didn't believe in what he is doing, and he was still his cousin. And I says: "Well, What does that have to do with the time of day? He's a homosexual, so what. There are a lot of people in the jail and on the streets who are homosexuals." And, he goes: "Well, you might know him." "You're cousin? I don't know. I doubt it." "Well, he lives out in North Stockton, out by your, by where you live" And, I says "Oh. That's nice." And I said: "What's he in here for?" He goes: "Same thing I'm in for." I says "Well, I, at this point, I don't know what that is. So I really don't know much about it." And he says: "Let me explain to you what happened with my cousin. My cousin is a homosexual. He got involved with this other guy who was bisexual." I says: "Oh. So what did you guys do? Beat this guy up or something?" And he goes, "No." And that's when the conversation stuck strictly to Spanish, at all times, in terms of his case period. Whether or not, if we had reason to believe there was somebody in the cell, cellblock or not, that we didn't catch while they were sleeping, they might have been there, they might have gone to the yard, whatever. We didn't want to take any chances. He says: From now on

just either write it or you know, say it in Spanish. Because I . . . We can't talk English because you never know who's listening." "That's cool." And so we started talking, and he says what happened was, his cousin, the "homo," was involved with this guy, I want to say "Dale", I can't remember this guy's name, we didn't talk about him very much. But anyway, this guy was involved with Terri Winchell at the same time. And I asked Mike, I says "Well, you know, that happens. You know. That's life." He says: "No. It was kind of 'fucked up'" I said: "What do you mean fucked up?" He says: "Well, you know, that's my cousin. That's, that's, family, I don't like faggots and all but that's family. And this guy is going over to the other side, going out with this girl and basically he is telling Ricky that, you know, he's not interested in continuing the relationship." And, I says: "Well, I don't get it. I still don't see the connection here." He says: "Well, he hurt his feelings, you know what I mean, and I mean, that's my cousin." I says: "Oh. Well, what do you mean hurt his feelings?" He says: "Well, he was so upset, he was ready to kill himself." "So, just one less faggot on the earth." Then he laughed. He says: "That's true, but that's family." He says: "You know, I can't let that happen. I couldn't let it happen." I says: "Oh. What's that mean?" I said, "Did you go do something to this guy or something and that's why you are in jail now, or?" He says:

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 19: Declaration of Lisa Flynn – June 11, 1998

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2 1801 Century Park East
3 26th Floor
4 Los Angeles, California 90067
5 Telephone: (310) 552-5300

6 Attorneys for Petitioner
7 MICHAEL ANGELO MORALES

8 UNITED STATES DISTRICT COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 MICHAEL ANGELO MORALES,) CASE NO. CV 91-0682 DT
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14) DECLARATION OF LISA FLYNN
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MCBREEN & SENIOR
1801 Century Park East, 26th Floor
Los Angeles, California 90067
Telephone: (310) 552-5300

1 2. I am at least a fourth or fifth generation
2 American. I was born in California. I do not speak Spanish.
3 While my father speaks Spanish, my brothers and I speak only
4 English. I can't understand Spanish, nor am I conversant in
5 Spanish.

6
7 3. The Spanish language never was used around our home
8 with me or my brothers. None of my brothers, including Mike,
9 speak or understand Spanish. I believe my father speaks Spanish
10 because I have observed him communicate with others while using
11 the language; however, I have no personal understanding of the
12 quality of these communications because I don't speak Spanish.
13 Neither my father, myself, nor any of my brothers, including
14 Mike, have any Spanish dialect or accent.
15
16

17
18 I declare under penalty of perjury under the laws of
19 the United States of America that the foregoing is true and
20 correct. Executed on June 11, 1998.
21

22
23 *Lisa Renee Flynn*
24 LISA FLYNN
25
26
27
28

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 20: Declaration of John Morales – June 11, 1998

1 MCBRENN & SENIOR
2 1801 Century Park East
3 26th Floor
4 Los Angeles, California 90067
5 Telephone: (310) 552-5300

6 Attorneys for Petitioner
7 MICHAEL ANGELO MORALES
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 MICHAEL ANGELO MORALES,) CASE NO. CV 91-0682 DT
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21 I, John Morales, declare and state:

22 1. I am Mike Morales' father and the husband of Josie
23 Morales. I have been married to Josie Morales since 1958, and we
24 have four children, including Mike, our oldest child. I am 60
25 years old. Mike resided with us from birth until he was about 15
26 years old, and we have remained in regular contact with him from
27 that time until today. For over the past 15 years, we speak with
28

MILBREN & SENIUM
1801 Century Park East, 26th Floor
Los Angeles, California 90067
Telephone: (310) 552-5300

1 Mike by telephone or visit him approximately every week. In this
2 regard, I have personal knowledge of the facts stated herein, and
3 can competently testify to them under oath.

4 2. I am at least a third generation American. I was
5 born in Texas and moved to California in 1943. I learned Spanish
6 and English at the same time as a child. I spoke only English at
7 school from Kindergarten through graduation from high school. I
8 spoke Spanish when talking to my mother, and I spoke English or
9 Spanish when talking to my father. I am able to read, write, and
10 speak Spanish fluently. I know enough Spanish to recognize those
11 people who can speak, converse, and/or understand Spanish.
12

13 3. My wife speaks very little Spanish, if any, so we
14 didn't use the language around our home. None of our children,
15 including Mike, speak or understand Spanish. No one in our
16 family has even basic Spanish language or writing skills.
17 Neither my wife nor any of my children, including Mike, have any
18 Spanish dialect or accent, and I do not believe that I do either.
19
20
21

22 I declare under penalty of perjury under the laws of
23 the United States of America that the foregoing is true and
24 correct. Executed on June 11, 1998.
25

26 
27 JOHN MORALES
28

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 21: Declaration of Josie Morales – June 11, 1998

1 MCBREEN & SENIOR
2 1801 Century Park East
3 26th Floor
4 Los Angeles, California 90067
5 Telephone: (310) 552-5300

6 Attorneys for Petitioner
7 MICHAEL ANGELO MORALES
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 MICHAEL ANGELO MORALES,) CASE NO. CV 91-0682 DT
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14) DECLARATION OF JOSIE MORALES
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21 I, Josie Morales, declare and state:

22 1. I am Mike Morales' mother and the wife of John
23 Morales. I have been married to John Morales since 1958, and we
24 have four children, including Mike, our oldest child. I am 59
25 years old. Mike resided with us from birth until he was about 15
26 years old, and we have remained in regular contact with him from
27 that time until today. For over the past 15 years, we speak with
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MCBREEN & SENIOR
1801 Century Park East, 26th Floor
Los Angeles, California 90067
Telephone: (310) 552-5300

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Mike by telephone or visit him approximately every week. In this regard, I have personal knowledge of the facts stated herein, and can competently testify to them under oath.

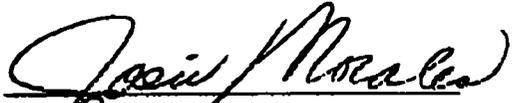
2. I am at least a fourth generation American. I was born in New Mexico. I do not speak Spanish. I spoke Spanish until I started school. Thereafter, my parents only would speak to me in English so I could learn English. I only spoke English while at school, from the time I started school through graduation from high school. I can understand limited Spanish as a result of my exposure to hearing the language as a child; however, I certainly am not conversant in Spanish, nor can I read or write Spanish.

3. The Spanish language never has been used around our home. None of our children, including Mike, speak or understand Spanish. My husband speaks Spanish. I have observed him communicate with his mother while using the language. I understand spoken Spanish, but I cannot converse in the language. Neither my husband, myself, nor any of my children, including

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1 Mike, have any Spanish dialect or accent.
2

3 I declare under penalty of perjury under the laws of
4 the United States of America that the foregoing is true and
6 correct. Executed on June 11, 1998.
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7 
8 JOSIE MORALES
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MCBREEN & SENIOR
1801 Century Park East, 26th Floor
Los Angeles, California 90067
Telephones: (310) 552-5300

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 22: Declaration of Leonard Lucero – April 6, 1994

DECLARATION OF LEONARD LUCERO

I, LEONARD LUCERO, declare:

1. I met Michael Morales while I was incarcerated at San Joaquin County Jail in 1982. We were housed in cells next to each other in the area of the jail known as "The Hole." The Hole is the section of the jail where men charged with violent crimes and men suspected of involvement in gangs were housed. Men with nonviolent and misdemeanor charges who had no gang affiliations were not held in The Hole.

2. During the years 1982 and 1983, I was in and out of San Joaquin County Jail for violations of the Health and Safety Code. I was housed with Mike off and on during that time, often for two to three months at a time. Mike and I became very friendly while housed together in The Hole. We played cards together, and talked about everyday things. Although Mike and I were about as close as guys got in the jail, he never told me anything about his case. We all knew, and I talked about this with Mike, that talking about your case with anyone at all, even with someone you trusted as family, could only cause trouble for you, because either your friend could turn on you, or someone could overhear you.

3. There was a PA System in The Hole so that the Sheriff's Deputies could both make announcements and listen in on inmates' conversations. It was common knowledge among the inmates that the guards could listen in on the inmates, and both Mike and I knew about it.

4. Spanish is my native language. I grew up in a household where both English and Spanish were spoken, and consider myself bilingual. I often spoke Spanish

with the other guys in the County Jail who spoke Spanish. I spoke to Mike using English, though, because Mike Morales could not form even the most basic sentence in Spanish.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed April 6, 1994 in Stockton, California.

A handwritten signature in black ink, reading "Leonard Lucero". The signature is written in a cursive style with a large initial "L".

LEONARD LUCERO

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 23: Confidential Report by Francis M. Connolly –
January 24, 1994**

FRANCIS M. CONNOLLY

CERTIFIED POLYGRAPH EXAMINER

POST OFFICE BOX 1841

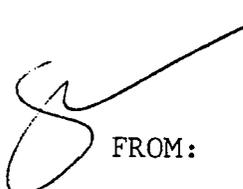
MONTEREY, CALIFORNIA 93942

408/647-1612

January 24, 1994

CONFIDENTIAL REPORT

TO: T. Scarlett Nerad

 FROM: Francis M. Connolly
Certified Polygraphist

RE: Michael Morales v. Vasquez, 89-525-CP

By letter dated January 12, 1994, you requested I analyze materials relating to a polygraph examination administered to Bruce Allan Samuelson on February 8, 1983, relative to the truthfulness of his statement that Morales confessed to him that he killed "Terry". With your letter, you forwarded copies of the question sheet used and the charts produced during this examination. The identity of the polygraph examiner is not revealed in the materials submitted.

Based on my analysis, I offer the following observations:

The examination conducted in this matter was a standard "Bi-Zone" Zone Comparison Technique (ZCT) test, using two relevant questions and two control questions, interspersed with other questions. The relevant questions used are numbered 33 and 35. The control questions are designated as 46 and 47. The other questions used are known as irrelevant (shown as 13, 14 and 15), sacrifice relevant (shown as 39) and symptomatic (shown as 25 and 26).

Concepts of polygraph testing include what is referred to in the literature as "Psychological Set". All this means is that a person's fears, anxieties and apprehensions are channeled toward the situation which holds the greatest immediate threat to his self preservation or general well being. He tunes in that which indicates trouble or danger by having his sense organs and attention tuned for a particular stimulus, and tunes out that which is of a lesser threat to his self preservation or general well being.

The polygraph test is designed to pose a threat to the security of the examinee, regardless of his innocence or guilt and force him to focus his attention on specific questions in the test structure. In the Zone Comparison Test, a structured format is followed, with all test questions being reviewed with the examinee, prior to his being attached to the polygraph instrument via the three components, which are designed to monitor and record on the charts his respiratory patterns, his galvanic skin response and his cardiovascular activity.

The relevant questions in the polygraph test are designed to pose a threat to the security of the lying or guilty examinee, and to force him to focus his attention upon the relevant questions. The control questions are designed to pose a threat to the security of the truth teller or innocent examinee and force him to focus his attention on the control questions. The theory behind the control question is not revealed to the examinee; however, he is informed as to the importance of their use in the test.

Only the relevant and control questions are evaluated to allow the examiner to reach a conclusion as to whether the examinee's psychophysiological responses indicate deception or do not indicate any deception. The evaluation is made by comparing the responses seen at the control questions with the responses observed at the nearby relevant questions. Greater response at the relevant questions, of course, indicates deception; whereas, greater response to the control questions is indicative of no deception.

My analysis of the polygraph charts in this case includes standard numerical scoring applied to the psycho-physiological tracings appearing on those charts. Responses to the relevant questions were compared with the responses to the control questions for each of the three components, i.e. respiratory patterns, galvanic skin response and cardiovascular activity. In this case, two relevant questions were compared with two control questions, so there were six comparisons made on one chart. As the test was administered three times, a total of eighteen comparisons were available on the three charts. For each comparison a 7 point scale is employed, with values on a continuum from +3 to -3. The positive or + end of the scale indicates truthfulness, 0 denotes no decision, and the negative or - end indicates deception. The final decision is made by totaling the scores on the charts.

To make a determination the examinee is deceptive in the Bi-Zone examination, there must be a score of -3 or greater in either "spot" (total of scores comparing one relevant with nearby control on all three charts). Deception can be determined if there is a grand total of -4 for both "spots". To make a determination the examinee is being truthful to the relevant questions, there must be a showing of + in both spots, as well as a grand total of +4 or greater overall. Any evaluation between deceptive and not deceptive is characterized as Inconclusive.

I applied the above numerical evaluation to the charts for this examination. Total score on the three charts for the "spot" as related to relevant question 33 is +1. Total score on the three charts for the "spot" related to relevant question 35 is -3. In view of the fact that the "spot" for question 35 totaled -3, the test conclusion is **DECEPTION INDICATED**, notwithstanding that a +1 is scored at question 33. The preponderant indicator leads me to the conclude Samuelson was untruthful when he claimed he did not get the information about Terry's killing from a source other than Morales. Accordingly, in view of only a +1 score for question 33, it cannot be concluded Samuelson was truthful when he said he was not lying when he said Morales told him about killing Terry.

I will retain all documentation in this matter and will be available for further consultation, if necessary.

FRANCIS M. CONNOLLY

CERTIFIED POLYGRAPH EXAMINER

POST OFFICE BOX 1841

MONTEREY, CALIFORNIA 93942

408/647-1612

Education - Honors:

BA Degree in Humanities, Saint Anselm College, Manchester, New Hampshire, June, 1951.

BA Degree was "Summa Cum Laude" (Highest Honors). Selected for "Who's Who Among Students in American Colleges and Universities, 1950-1951".

Investigative Qualifications:

Served as a Special Agent with the Federal Bureau of Investigation (FBI) from 1951 to 1980. Assignments included Intelligence Analyst, Criminal Investigator, and Interrogation Specialist-Polygraph Examiner. Was selected by FBI and U.S. Department of Justice for special polygraph assignments throughout the United States and overseas. Following retirement from the FBI, served as Polygraph Examiner in the District Attorney's Office, Monterey, California, conducting examinations for prosecutors, public defenders, and all law enforcement agencies in Monterey County.

Polygraph Training:

Basic courses were completed at the U.S. Army School (Now the Defense Polygraph Institute) and the FBI Academy. Advanced courses were completed at the FBI Academy and the Backster School, San Diego, CA. Have attended training seminars sponsored by the Federal Inter-Agency Conference, the American Polygraph Asso. (APA) and the California Association of Polygraph Examiners (CAPE) on a regular basis to qualify for continued certification and license.

Polygraph Experience:

Have administered in excess of 2500 examinations, all being specific issue criminal, national security or foreign counter-intelligence matters. Have lectured on polygraph theory and procedure at the FBI Academy, at area colleges and law schools and at seminars. Am qualified as an Expert Witness in Federal and State Courts in Arizona, California, Hawaii and New Mexico.

Professional Affiliations:

California Association of Polygraph Examiners (CAPE) - Member, 1974 - Present; President, 1987-1988.
American Polygraph Association (APA) - Member, 1977 - Present; Regional Inspector, 1983-1986, Regional Director, 1986-1991, National Co-Chairman, 1991 for Polygraph Training Accreditation.

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 24: Declaration of Luana Horstkotte with Exhibit A –
August 21, 1992**

DECLARATION OF LUANA HORSTKOTTE

I, Luana Horstkotte, declare and state:

1. My business address is Public Defenders Office, 3024 Willow Pass Road, Suite 100, Concord, California 94519.

2. From approximately October 1, 1980 through November, 1983, I was employed as an investigator for a law firm in Stockton, California which originally was called Talley, Holloway, Tauman & Holmes and, subsequently, called Holloway, Tauman, Holmes & Fialkowski. In this regard, I performed work at various times on the case People v. Michael Angelo Morales.

3. Attached hereto as Exhibit "A" is a document which we referred to in the office as a "Face Sheet". These forms were filled out in the ordinary course of business at our office when a criminal file was assigned to the firm. The information provided on the Face Sheet would be obtained from the client during an interview taking place shortly after the arrest.

4. With respect to the Face Sheet attached as Exhibit "A", I filled out the information on this form as it was provided to me by Michael Morales. This Face Sheet was filled out by me during an interview which took place on January 15, 1981. It was my custom and practice to deliver the completed Face Sheet to the attorney assigned to the case for his or her review immediately upon its completion. The Face Sheet then would be placed in the file. Generally, a completed Face Sheet would be given to the attorney handling the case on

1 the day that it was filled out. Based upon my custom,
2 practice, and habit in this regard, the Face Sheet attached as
3 Exhibit "A" would have been given to Craig Holmes, the attorney
4 handling this case, on either January 15, 1981 or on the
5 following day.

6 5. With respect to the information provided to me
7 by Michael Morales which is recorded on this Face Sheet, I have
8 no reason to believe that his answers were not complete and
9 honest.

10 6. On page two of the Face Sheet attached as
11 Exhibit "A" is a heading "Drinking and/or Drugs". I filled in
12 the following information under that heading: "wine & beer -
13 unk. amt. (a lot) 1/2 jt. kj". The meaning of this notation is
14 that on January 15, 1981, Michael Morales advised me that on
15 the date of the offenses for which he was charged, he had
16 consumed wine and beer in an unknown amount; however, he had
17 consumed a significant amount. In addition, he reported
18 consuming a half joint of kj. My understanding of his use of
19 the term "kj" was that he had consumed a joint or cigarette
20 which had been laced with phencyclidine, i.e., "PCP".

21
22 I declare under penalty of perjury that the foregoing
23 is true and correct. Executed on August 21, 1992 in Contra
24 Costa County.

25 
26 LUANA HORSTKOTTE

27
28

OFFENSE 1st PC DATE/TIME OF 1/3/81 @ 12:00

DATE/TIME OF ARREST 1/10/81 @ 11:45

VICTIM'S NAME/PLACE OF OFFENSE Terry Lynn Mitchell @ 1. J. Hicks to jail

WARRANT: SEARCH ARREST OTHER

ADVISED OF RIGHTS: YES NO ?? (but says they ^{WALYER} at the PD)

STATEMENT: VERBAL RECORDED WRITTEN NONE

COMMENTS

CLOTHING

DRINKING and/or DRUGS wine & beer - 1/2 qt. ant. (a lot)

TESTS 1/2 qt. kg

FACTS and WITNESSES

[Empty lined area for notes]

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 25: Declaration of Julio Marquez – June 4, 1992

DECLARATION OF JULIO MARQUEZ

1
2
3
4 I, Julio Marquez, declare and state:

5 1. I have personal knowledge of the facts set forth
6 in this declaration and could competently testify to them if
7 called as a witness.

8 2. I currently reside at 2090 East Tenth Street,
9 Stockton, California 95206. I have known Michael Angelo
10 Morales since approximately 1978 when I was 16 years old. I
11 always have considered Mike a personal friend of mine. I have
12 not seen Mike since the week he was arrested.

13 3. During the years prior to Mike's arrest, I
14 frequently socialized with him. During the months prior to his
15 arrest, I would see Mike at parties and at various friends'
16 houses as often as once per week.

17 4. I last saw Mike the week that he was arrested.
18 I am informed and thereon believe that Mike was arrested on
19 January 10, 1981. During the days prior to January 10, 1981, I
20 personally observed Mike smoking "kj" on at least two
21 occasions. "Kj" is PCP powder sprinkled on parsley which is
22 rolled into a joint or cigarette.

23 5. I remember seeing Mike smoking "kj" outside
24 Herman "Popsie" Marquez' apartment on Popular Street in
25 Stockton at a New Year's party on the days preceding his
26 arrest. Because it was a New Year's party, the date must have
27 been January 1, 1981.
28

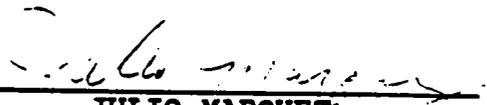
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6. After that occasion, during January 2 and January 3, 1981, I was with Mike at the duplex where I lived on Center Street in Stockton. At that time, I personally observed Mike smoking "kj". I specifically remember this party because my girlfriend had cooked Menudo, and Mike, some of our other friends, and myself shared it at that time. Menudo is a popular Mexican recipe which my girlfriend only cooked for me on that one occasion.

7. During the months preceding Mike's arrest, Mike smoked "kj" numerous times in my presence. Mike smoked "kj" in my presence whenever it was available, including as often as several times per week during the months preceding his arrest. Mike also regularly drank alcohol in my presence, including Thunderbird wine and Budweiser beer. During the year prior to Mike's arrest, I also observed him consume "acid" or LSD, and frequently saw him smoke "Shermans". I am informed, and thereon believe, that a "Sherman" is a cigarette which is dipped in embalming fluid.

8. During the months preceding Mike's arrest, I personally observed him frequently socializing with Manual Vasquez and Paul Coronado.

I declare under penalty and perjury that the foregoing is true and correct. Executed in San Joaquin County, California on June 4, 1992.



JULIO MARQUEZ

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 26: Declaration of Manuel Franco Vasquez –
August 29, 1992**

1
2 DECLARATION OF MANUEL FRANCO VASQUEZ

3
4 I, Manuel Franco Vasquez, declare and state:

5 1. I have personal knowledge of the facts set forth
6 in this declaration and could competently testify to them if
7 called as a witness.

8 2. I currently reside at New Folsom Prison, P.O.
9 Box C-11514, A2 206L, Repressa, California 95671. I have been
10 convicted of violating California Penal Code section 187,
11 second degree murder, and currently am serving a sentence of 15
12 years to life in prison.

13 3. I have known Michael Angelo Morales since
14 approximately 1977 or 1978 when I was about 18 years old. My
15 date of birth is May 29, 1959. I have considered Mike a close
16 personal friend of mine since that time.

17 4. From approximately 1979 until the date of Mike's
18 arrest (which I am informed and thereon believe was January 10,
19 1981), I frequently socialized with him. At various times
20 during the months prior to Mike's arrest, he lived with me at
21 my mother's apartment in Stockton. This apartment was in the
22 JOJ apartments behind Oak Park. I frequently socialized with
23 Mike during that time, and I was with Mike at parties and at
24 various friends' houses as often as three or four times per
25 week.

26 5. I last saw Mike around Christmas of 1980. I
27 specifically remember the occasion because Mike was with me
28 when I was arrested for an alleged armed robbery of a Jack-in-

1 the-Box restaurant in Stockton. I specifically remember being
2 arrested for this incident because I was innocent of these
3 charges, and I should not have been arrested. These charges
4 against me ultimately were dropped by the District Attorney.
5 As a result of that arrest, I remained in the San Joaquin
6 County Jail from the date of my arrest around Christmas of
7 1980, until after Mike's arrest in early January, 1981.

8 6. In the days prior to Christmas, 1980, I
9 personally observed Mike smoking "kj" on several occasions.
10 "Kj" is PCP powder sprinkled on marijuana, tobacco, or parsley,
11 which then is rolled into a joint or cigarette.

12 7. On the night of my arrest, I personally observed
13 Mike smoking a "Sherman". A "Sherman" is a cigarette or a
14 marijuana joint which is dipped into chemicals, which I
15 understand, include embalming fluid and ether. "Shermans"
16 filled with marijuana were referred to as "Lovelies", and
17 "Shermans" filled with cigarette tobacco were referred to as
18 "Super Cools". I specifically remember Mike smoking a
19 "Sherman" on the night of my arrest around Christmas, 1980
20 because I was with Mike when he obtained the "Sherman", and
21 after Mike consumed the cigarette, he was passed out in my car
22 when the police pulled me over and arrested me.

23 8. Approximately three weeks prior to my arrest, I
24 was with Mike when he obtained approximately five "kj" joints
25 at the residence of a person whose name, based upon my best
26 recollection, is "Robert" or "Mike" Vasquez. Mike consumed
27

1 these "kj" joints in my presence, and also shared other "kj"
2 joints with other people during the three weeks prior to my
3 arrest. I specifically remember Mike acquiring these "kj"
4 joints because they were obtained, along with handfuls of
5 "Christmas Trees", which are pills that also are referred to as
6 "speed", as repayment for certain debts or favors owed by
7 Vasquez to several of my friends.

8 9. On the two evenings prior to my arrest, I was
9 in Mike's presence and personally observed him smoking "kj".
10 Mike smoked "kj" in my presence whenever it was available,
11 including as often as several times per week between the time
12 we became close friends in 1979 until the date of my arrest in
13 December, 1980. Mike also regularly became intoxicated in my
14 presence after drinking Thunderbird wine and Budweiser beer. I
15 also saw Mike consume "Christmas Trees" or "speed", "acid" or
16 "LSD", and I frequently saw him smoke "Shermans". Mike
17 regularly used various types of illegal drugs that were
18 available on the street, and I personally observed him do this
19 three or four times per week during 1980.

20
21 I declare under penalty and perjury that the
22 foregoing is true and correct. Executed in Sacramento County,
23 California on August 29, 1992.

24 *Manuel Franco Vasquez*
25 MANUEL FRANCO VASQUEZ

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 27: Declaration of Pablo Stewart, M.D.

DECLARATION OF PABLO STEWART, M.D.

I, Pablo Stewart, declare as follows:

1. I am a physician licensed to practice in California, with a specialty in clinical and forensic psychiatry.

2. I hold a Bachelor of Science Degree from the United States Naval Academy, Annapolis, Maryland, which I obtained in 1973, with a major in chemistry. I received my Doctor of Medicine Degree from the University of California, San Francisco, School of Medicine in 1982. In 1985, I received the Mead-Johnson American Psychiatric Association Fellowship for demonstrated commitment to public sector psychiatry and was selected as the Outstanding Psychiatric Resident by the graduating class of the University of California, San Francisco, School of Medicine. In 1985-1986, I was the Chief Resident, Department of Psychiatry, University of California, San Francisco, General Hospital and had direct clinical supervision of seven psychiatric residents and three to six medical students.

3. Throughout my professional career, I have had extensive clinical, research, and academic experience in the diagnosis, treatment, and prevention of substance abuse and related disorders, including diagnostic, treatment, and community care programs for persons with Major Depressive Disorder and Post Traumatic Stress Disorder, the management of patients with dual diagnoses and the application of psychotropic medication, and the history and use of psychotropic medications in institutionalized populations. I have designed and taught courses on the protocol for identifying and treating psychiatric patients with substance abuse histories and have supervised psychiatric residents in teaching hospitals. I have worked closely with local, state and federal governmental bodies to design and present educational programs about psychiatry, substance abuse, and preventative medicine.

4. I have presented numerous papers before mental health professionals, prosecuting and defense attorneys, probation officers, and judges, and have published in

professional and peer-reviewed journals on topics including dual diagnosis, mental illness, alcohol and drug abuse, and the treatment of substance abuse. These presentations and publications include: "Cultural Considerations in Working with the Latino Patient" (2002); "Psychiatric Complications of the Methamphetamine Abuser" (2001); "The Assessment, Diagnosis, and Treatment of the Patient with Multiple Disorders" (2001); "Co-Occurring Disorders: Substance Abuse Treatment" (2000); "The Dual-Diagnosed Client" (2000); "Mental Illness and Drug Abuse" (1999); "Alcoholism: Practical Approaches to Diagnosis and Treatment" (1999); "Criminal Justice and Substance Abuse" (1999); "Alcoholism: Practical Approaches to Diagnosis and Treatment" (1999); "Impulse Control Disorders" (1999); "Major Depressive Disorder" (1999); "Substance Abuse and Major Depressive Disorder" (1999); "Substance Abuse and Major Depressive Disorder" (1998); "Mental Illness and Substance Abuse Assessment: Diagnosis and Treatment Planning for the Dually Diagnosed" (1998); "Assessment of Substance Abuse" (1995); "Attention Deficit Disorder, Substance Abuse, Psychiatric Disorders and Related Issues" (1994); and "Psychotic Conditions and Substance Use: Prescribing Guidelines and Other Treatment Issues" (1991).

5. I am currently a Diplomate of, and have served as an Examiner for, the American Board of Psychiatry and Neurology. I am active in several professional associations and have served as the President, Secretary-Treasurer, and Councilor-At-Large of the Alumni-Faculty Association, University of California, San Francisco, School of Medicine; Vice President of the Northern California Area, Alumni-Faculty Association, University of California, San Francisco; and Associate Clinical Member of the American Group Psychotherapy Association.

6. Since 1986, I have held academic appointments as Associate Clinical Professor, Assistant Clinical Professor, and Clinical Instructor in the Department of Psychiatry, University of California, San Francisco, School of Medicine. I received the Henry J. Kaiser Award for Excellence in Teaching in 1987 and was selected by the

graduating class of the University of California, San Francisco, School of Medicine as the outstanding psychiatric faculty member for the academic years 1988-1989, 1990-1991, and 1994-1995. I designed, planned, and taught "Drug and Alcohol Abuse" and "Alcoholism," one-unit courses covering major aspects of drug and alcohol abuse; supervised fourth year medical students in the care of dually diagnosed patients at the Psychiatric Continuity Clinic, Haight Ashbury Free Clinic; facilitated a weekly psychiatric intern seminar on "Psychiatric Aspects of Medicine," and lectured on addictionology and substance abuse to the School of Pharmacy, University of California, San Francisco.

7. I have held numerous positions with responsibility for ensuring the quality of clinical services provided by inpatient and community based programs. From 1997 to 1998, I was Director of Clinical Services for San Francisco Target Cities Project. I also served as Medical Director of the Comprehensive Homeless Center, Department of Veterans Affairs Medical Center in San Francisco, where I had overall responsibility for the medical and psychiatric services at the Homeless Center; Chief of the Intensive Psychiatric Community Care Program, Department of Veterans Affairs Medical Center in San Francisco, a community-based case management program; Chief of the Substance Abuse Inpatient Unit, Department of Veterans Affairs Medical Center in San Francisco, where I had overall clinical and administrative responsibilities for the unit; and Psychiatrist, Substance Abuse Inpatient Unit, where I provided consultation to the Medical/Surgical Units regarding patients with substance abuse problems. I served as a Physician Specialist to the Westside Crisis Center, San Francisco, from 1984 to 1987, and to the Mission Mental Health Crisis Center from 1983 to 1984. I am currently the Chief of Psychiatric Services at Haight Ashbury Free Clinic, a position I have held since 1991.

8. From 1988 to 1989, I was Director, Forensic Psychiatric Services for the City and County of San Francisco, where I had administrative and clinical responsibilities for psychiatric services provided to the inmate population of San Francisco. My duties

included direct clinical and administrative responsibility for the Jail Psychiatric Services and the Forensic Unit at San Francisco General Hospital. From 1986 to 1990, I was Senior Attending Psychiatrist, Forensic Unit, University of California, San Francisco, General Hospital where I was responsible for a twelve-bed maximum-security psychiatric ward. My duties in that position included advising the San Francisco City Attorney on issues pertaining to forensic psychiatry.

9. I served as psychiatric consultant to the Institute on Crime, Justice and Corrections at George Washington University, which monitored the agreement between the United States and the State of Georgia to improve the quality of that State's juvenile justice facilities, critical mental health, medical and educational services and treatment programs. I also serve as a Technical Assistance Consultant to the Center for Substance Abuse Treatment; Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; and as Psychiatric Consultant to the San Francisco Drug Court. I was qualified as a Psychiatric Expert witness in federal court in *Madrid v. Gomez*, concerning the implementation of constitutionally mandated psychiatric care at Pelican Bay State Prison.

10. I have been asked by the attorneys representing Michael Morales to evaluate his polydrug use history, and to explain the behavioral impacts of substances used by him in the months, weeks, and hours before the capital crimes of which he was convicted. In order to accomplish these tasks, I conducted a clinical evaluation of Mr. Morales at San Quentin State Prison, and reviewed a number of social history records including probation reports, prison records, sworn statements of individuals familiar with Mr. Morales's substance abuse, and excerpts of the testimony presented at his trial.

11. Mr. Morales experimented with alcohol, in the form of beer, during his early adolescence. Beginning at the age of approximately 16, he began to associate with older individuals who exposed him to fortified wines and binge consumption of beer. Mr. Morales's reaction to being intoxicated varied from affable to aggressive, with

increased aggressiveness – and subsequent impaired memory – appearing to have been dose-related. By the age of 19, Mr. Morales had been introduced to the use of “reds” (Seconal, a potent barbiturate), “bennies” (Amphetamine), “beans” (Dexedrine), LSD, heroin, marijuana and PCP (Phencyclidine). He describes his first experience with PCP as producing a dissociative anesthetic effect, which prevented him from feeling anything as he repeatedly struck his chain-link steering wheel with his bare hand. The intoxication also produced a transitory psychotic state during which the voices of the other customers at a shopping mall sounded muffled, distant and coming from unknown directions. Mr. Morales was unable to determine whether he was moving, or at what speed or in which direction; he felt that he might fall at any moment. By pressing himself against a wall, and with the assistance of his cohorts, he was able to make his way back to his car. He then sat for what seemed like hours, but was not able actually to determine how long, before he eventually managed to drive home.

12. Until his arrest in January 1981, Mr. Morales continued to abuse PCP, as well as alcohol and marijuana cigarettes soaked in embalming fluid. The inhalation of embalming fluid produces PCP-like effects, including visual and auditory hallucinations, feelings of invincibility, pain tolerance, anger, paranoia, and memory problems. Raquel Cardenas, Mr. Morales’s girlfriend for approximately six months before the capital crimes, describes his drug and alcohol abuse as “very serious” during that time. He is described as exhibiting behavioral changes while ingesting alcohol and drugs akin to “an allergic reaction,” with even relatively small amounts of alcohol and PCP producing changes in posture, facial contortions, tensed muscles, agitation and physical aggression. By contrast, Ms. Cardenas never observed Mr. Morales to act aggressively or violently when he was not intoxicated with alcohol or PCP.

13. Ms. Cardenas’s recollection is congruent with descriptions of Mr. Morales’s substance abuse patterns provided by two close friends, Manuel Vasquez and Julio Marquez. Both men report consistent, chronic, heavy use of PCP and embalming

fluid soaked marijuana cigarettes, as well as corroborating Mr. Morales's earlier use of LSD and amphetamines. Mr. Marquez also confirms Mr. Morales's report of abusing PCP during the week preceding the crime. Lillie Garcia, the mother of Mr. Morales's daughter, paints a graphic picture of the long-term chronicity of Mr. Morales's drug abuse and addictions.

14. On January 15, 1981, during Mr. Morales's post-arrest intake interview with an investigator employed by his court-appointed counsel, he reported that on the date of the capital crimes he smoked half of a PCP "joint" and drank "a lot" of wine and beer. This self-description was confirmed by Ms. Cardenas, who observed Mr. Morales drink a bottle of Thunderbird wine just before he left the apartment on the date of the offense, and further observed that Mr. Morales's demeanor mirrored his appearance when he was under the influence of PCP. Patricia Santiago Flores, the women in whose house Mr. Morales was living, also reports that on the day of the offense Mr. Morales smoked PCP, after which Rick Ortega provided him with a bottle wine that he consumed.

15. Mr. Morales experienced a surreal quality to the environment when Mr. Ortega picked him up with Terri Winchell in his car. Mr. Ortega's and Ms. Winchell's voices had the same muffled, distant sound of the voices Mr. Morales heard at the mall the first time he ingested PCP, and he felt himself becoming increasingly agitated and paranoid. Later, Mr. Morales had only fragmentary memories of the ensuing assault: He described putting a belt around Ms. Winchell's head or neck, and striking her, but he did not recall the number of blows or how long the assault continued, and had no recollection of anything that occurred outside of the car.

16. After Mr. Morales returned to the house he shared with Ms. Santiago Flores, the occupants of the house – Ms. Santiago Flores and Ms. Cardenas – observed signs of intoxication from alcohol and PCP. Mr. Morales was verbally aggressive, hyper, loud, and "crazy, like he always acted when he had been drinking and smoking PCP." Ms. Santiago Flores also observed abnormal eye movements and that Mr. Morales was

bumping into walls and furniture. Both the abnormal eye movements and lack of coordination or unsteady gait are known to be among the outward manifestations of heavy PCP intoxication.

17. PCP, the drug that Mr. Morales primarily abused, is referred to first and foremost as a psychotomimetic, i.e., a substance that induces psychosis. The hallmark of its cognitive and behavioral impacts is the ease with which users misinterpret or lose contact with reality. Physically disorienting, dissociative anesthetic effects further operate to make persons under the influence of PCP feel disconnected from their environment, and may produce random, violent, bizarre acts. These reactions are not necessarily dose-related and are variable through time. The drug affects each individual differently and produces varying, unpredictable reactions in the same individual on different occasions. Psychotic mental states and grossly abnormal conduct may occur in anyone using the drug.

18. The psychomotor effects, strong dissociation of mind and body, and bizarre, psychotic or violent behavior associated with PCP intoxication may leave users capable of physical activities involving gross and fine motor functions that are performed independent of and unmediated by the judgment and reasoning functions of the frontal lobes of the brain. An individual may be capable of describing his or her action, even while lacking an appreciation of the nature of the activity.

19. PCP is unique in that it can remain in the human body for many months, even years. Long after it is no longer detectable in the bloodstream or urine, PCP is stored in the brain and the body's fatty tissues and may be released spontaneously back into the blood stream. A variety of factors trigger such a release, including dehydration, physical exertion, alcohol consumption and inadequate nutritional intake.

20. Because PCP is stored in the brain and body fat, smoking a relatively small amount may produce intoxication-related psychosis more rapidly in the chronic user as compared to a first-time user. There is no standardized physiological level of

PCP that correlates to PCP intoxication or that predictably results in distorted behavior. Some PCP intoxicated persons behave normally, while some users may overreact and engage in bizarre behavior.

21. Chronic abusers suffer severely impaired judgment, memory, and cognitive functioning. They experience time distortions and have grey-outs, as opposed to whole blackouts, after which the chronic abuser has “flickering memories,” of an incident in which he remembers one event and then another, but not the time period between the two. Individuals who experience gray-outs frequently resort to secondary memory techniques – usually talking to others – to figure out what happened during the time gap for which they have no memory.

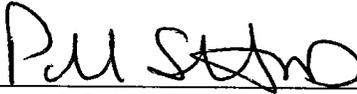
22. The consumption of alcohol along with PCP produces a synergistic effect, resulting in user reactions that may be stronger than the expected reaction to the consumption of only one intoxicant. Alcohol, like PCP, suppresses the inhibitory functions of the frontal lobes, impairs judgment, distorts perceptions of reality, exacerbates impulsive reactions, and compromises working, short-term and long-term memory.

23. The facts of the offense as reported by Rick Ortega, witness observations of Mr. Morales and his own limited recall of events all provide consistent indications that the synergistic effects of PCP and alcohol resulted in a psychotic, disinhibited state during which Mr. Morales was not wholly aware or in control of his actions. Mr. Morales’s already altered mental status was significantly compromised by the rapidity with which he consumed a large quantity of a high potency alcoholic beverage. In turn, he responded on a purely reactive level to his paranoid interpretations of Rick Ortega’s and Terri Winchell’s behavior, and was unable accurately to perceive, assess, or calibrate the nature of his reaction. Mr. Morales’s admission of guilt, in the face of his limited recall of the details of the offense, is medically explainable by the fact that the effects of PCP would have disconnected him from a physical awareness of the assault. The

partially amnesic quality of his recollections is further consistent with the effects of PCP and alcohol in substantially impairing his conscious awareness of events, and raises the possibility that his description of his own conduct is the product of suggested or adopted memory of events.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed this 27th day of January, 2006, at San Francisco, California.



PABLO STEWART, M.D.

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 28: Declaration of Lillie Garcia

DECLARATION OF LILLIE GARCIA

I, Lillie Garcia, declare as follows:

1. I have known Mike Morales since the 1970s. I am the mother of Mike's only daughter, Maria Morales. Mike has maintained close contact with our daughter even from behind prison walls, and has steadily been one of the most important and influential people in her life. Although Mike and I are no longer romantically involved, we have remained very close friends over the years.

2. I met Mike through my friend Lidia Lopez. Lidia, Mike, and I went to high school together in Stockton, California. I will never forget that first day I met Mike. We were at a party at a park, and Lidia introduced me to him. I was smitten with him immediately. He was handsome, polite, and sweet. He asked me out, and we began dating. He told me he was on the rebound from a relationship with a woman named Theresa, and that he had two sons. In the weeks after that, Mike said he was concerned about getting into another relationship right away, but it was too late: we both had fallen very deeply in love with each other.

3. I fell more and more in love with Mike as time went on. He was, and still is, one of the most caring and sensitive men I have ever known. He had a way about him that was very protective and concerned with me as a person. In this way, he was very different from all the other guys I knew, who had more of a love'em and leave'em attitude. Mike had none of that. He was genuinely interested in what I thought and what I felt, and that had a huge effect on me. I had new confidence in myself because of my relationship with Mike. The confidence he gave me has really stayed with me to this day.

4. Mike was so attentive to me that I began to notice he seldom talked about his own problems. Once in a while, he became very visibly really sad and depressed. He looked sad, and sometimes put his head down on his arms for a long time. When he looked up, his eyes were red and teary. When I saw his eyes wet, I got scared. None of



the men I knew ever cried in front of me, and to see Mike like that made me realize that he was in a lot of pain. When I asked him what was wrong, Mike said he got that way when he thought about his family. He said thinking about them made him feel like he was not worth anything. I knew that Mike's father threw him out of the family house, but I did not know why. I tried to get Mike to talk more about his family and why he was sad, but he refused. He said he did not want to burden me with his problems. Sometimes I told him that being in a relationship meant sharing each others problems and I wanted to share his. We even argued about it. But Mike just shook his head and said that he felt selfish talking about his problems. This was very frustrating to me, because I could see more and more that Mike's problems just made him more sad and more upset.

5. As the months passed, Mike alternated between times when he was happy and content, and times when he was terribly depressed. Once I got him to talk a little more about his problems. Mike told me he never felt accepted by his parents. He said that was all he wanted to say about it. A few weeks later, Mike took me to meet his sister at his parents' house. Mike's parents were away and he said that was the only reason why he could be there. After we walked in the house, I saw lots of family pictures on the walls. I said he looked darker than the rest, and Mike said that was how he felt: like the black sheep. He said he believed he had another father and that was why they treated him like an outsider.

6. Mike and I still lived apart back then. He stayed at different friends' houses and occasionally came to my place to sleep. Sometimes he arrived when he was under the influence. At first, I did not think that Mike had any particular problem with drugs. I figured he was just partying. But soon I realized he was not drunk, and was using hard drugs. I found KJs, or PCP cigarettes, lying around my bedroom. I also noticed that he acted stranger and stranger when he came home. He usually got dropped off by his friends Andy or Manuel. They had to walk him right through my door because he was so out of it. His eyes were fixed but his eyelids fluttered a lot. He often did not



seem to recognize me, even when I talked straight to him and told him who I was. He either did not respond at all, or he said words that did not make sense. Some of them were garbled and others were strung together so they did not make any sense at all. Sometimes he threw up on himself. When that happened, he did not seem to even realize it. He walked around as if he were in a trance. When I tried to help him, he yelled words and sounds that did not make any sense.

7. Eventually Mike was coming home twice or three times a week like that. I did not understand what was going on with him, and I felt very hurt when he did not recognize me or talk about his problems. I felt like there was a huge distance between us, and he was pushing me out. Looking back, I think I took his drug problems very personally instead of seeing that he was addicted and desperately needed professional help to kick his habit. Around that time, I found out I was pregnant. I told Mike one day when he was sober and straight. He was elated, and I thought the baby could be a sign of better things for us both. Mike said he was going to go straight off the drugs and booze. About two weeks later, though, Mike was on drugs again. He later told me how hard he tried to stay sober for our daughter's birth. He said he wanted to be a good parent more than anything in the world, but as much as he wanted to he could not stop getting high.

8. I knew from the KJs I found and the way Mike acted that he was taking a lot of PCP. But one day I found some broken needles in the corner of my apartment. I had just given birth to my daughter, and I felt sick when I found them. I just knew then and there that I was not strong enough to keep Mike away from drugs. I cried and cried, because it finally sank in that Mike needed more help than I could possibly give him. I knew I would have to leave him.

9. In many ways, we were already separated. In the fall and winter of 1980, Mike lived on the streets and dropped by occasionally to see his daughter. When he came by, he looked less and less like himself. Mike had always been a good dresser and kept his clothes clean and pressed. But he neglected himself when he was doing drugs.



He never wore a jacket, even when it was very cold out. He wore torn and dirty t-shirts and pants. He looked like a homeless person.

10. The last time I saw Mike before he was arrested was in early January, 1981. I was downtown with our baby daughter. I saw Mike standing on the sidewalk. It was about thirty-five degrees outside, but all Mike had on was a tank-top and some pants. He was barefoot. He looked bad. I said hello and told him to say hi to his daughter. Mike looked right at me and said something that did not make sense. He seemed like he did not recognize me. He looked away while I stood there. I remember crying right there on the street. I was hurt and angry that he could not even recognize my daughter or myself.

11. When I heard that Mike was arrested for killing a girl in Lodi, I could not believe it. I thought they might have gotten the wrong man. The Mike I knew did not have it in him to kill a girl like that. Mike was not violent or forceful in any way with me, and I could not understand how such a thing could have ever happened. After Mike was arrested, I went to visit him at the county jail and later at San Quentin. It was a relief to me to talk with him when he was straight and sober. I found that I was still in love with him, and I visited him as often as I could. Mike said he wanted to see his daughter as much as possible, because he wanted to let her know she had a father, even if he was in prison.

12. Mike began creating beautiful drawings for Maria: portraits of her, and drawings of flowers, and butterflies. He wrote her beautiful long letters that I read to her. She in turn adored her daddy. She loved his letters, and was excited whenever he called her on the phone. She often said her friends had daddies who never spoke with them or paid them any attention, but she knew her daddy loved her because he wrote her almost every day.

13. Mike wrote even more after Maria began to read. He told her stories and gave her guidance on different things going on in her life. When she was a teenager,



Mike wrote her long, wonderful letters about tolerance and forgiveness. When Maria had problems with friends or boys, Mike gave her guidance. Although Mike was in prison, he made enormous daily efforts to be in touch with Maria through letters, phone calls, and their visits together at the prison. Their relationship is one of the closest I have seen, and it is extraordinary given Mike's situation. As a mother, I never felt like I was raising my daughter alone because I knew Mike was so present in Maria's life. My daughter has also told me how hard it has been to have her daddy behind bars, but how lucky she is because of the extraordinary person he is.

14. Mike has suffered and continues to suffer behind bars. He has never seen his daughter have a birthday, graduate or marry. He has not been allowed to see his grandchildren and will never know his daughter's children. Through his pain and punishment, however, he has selflessly devoted himself to bringing joy, guidance and healing to our daughter. Maria and I are overwhelmed with fear, grief and sadness as Mike's execution date approaches. Maria asked me how she can prepare herself for the death of the most important person in her life. There is no way to describe the pain and frustration we feel not knowing the answer to that question. Every minute and every second has become painful knowing that the light in our lives may go out.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration was executed on January 26, 2006.



Lillie Garcia

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

**Exhibit 29: Declaration of Raquel Cardenas with Exhibit A –
April 4, 1994**

DECLARATION OF RAQUEL CARDENAS

I, Raquel Cardenas, declare and state:

1. I met Michael Morales when I was fifteen years old and he was twenty years old. We met during the summer of 1980, about seven months before he was arrested for the murder of Terri Winchell. We met in the "Charter Street" area of Stockton, and soon after we became boyfriend and girlfriend and spent most of our time together. We were very close friends during that time. Mike stood out from the other boys I knew; he was very easy to be with, and he often tried to relax me by making jokes and clowning around. Mike helped me through the difficult time I was having with my family at this time in my life.

2. While I was dealing with my family troubles, though, Mike was dealing with his own problems. He did not get along very well with his parents, and he had very serious drug and alcohol problems. All during the time I spent with him, Mike used a lot of drugs, mostly marijuana and PCP, and drank a lot of alcohol. Drugs and alcohol agitated Mike, and under their influence he became a different person. Watching Mike smoke a cigarette laced with PCP or drink even one bottle of beer or wine was like watching him have an allergic reaction. His body posture and face changed almost immediately. His muscles tensed up and he hunched forward, his face became contorted. He became riled up, full of pent up energy. Mike became violent and

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aggressive after one bottle of beer or wine, or after smoking just a bit of PCP. I never saw Mike mean or aggressive when he was not drunk or on PCP.

3. On the night of the crimes for which Mike was arrested, I watched Mike drink a bottle of Thunderbird wine just before he left the apartment with Ricky. When he left the apartment, he looked like the times that I saw him riled up on PCP. In fact, he looked so much like the way he was on PCP that I think he must have smoked some outside of my presence.

4. During the time Mike was out of the house with Ricky, Pat Flores, also known as Pat Santiago, was with me at the apartment. Pat and I watched television during this entire period. Pat never looked around the apartment for her hammer or any other tool, nor did she ever attempt to rehang or straighten any pictures that were hanging on her walls.

5. When Mike returned to the apartment about an hour later, he still was all riled up, and he had that look of anger and meanness on his face. As he entered the apartment he threw a purse at me and showed me a belt that was broken. He exclaimed in that riled-up way that the "damn belt broke." At the time I had no idea what he was talking about. He was acting crazy, like he always acted when he had been drinking and smoking PCP. After Mike returned that evening, he did not say anything in my presence about what he or Ricky had done. In fact, I never heard Mike tell Pat anything about the crime at any time.

6. After Mike and Ricky got back, Ricky took me home and I did not see

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Mike until the following day. That next evening, I was at Pat's apartment with Mike, Pat, my sister, and her boyfriend. We were all drinking beer, which was kept in the refrigerator. That night no one said anything about knowing about the death of Terri Winchell. In fact I had no idea what happened until the police arrested me and told me what had happened.

7. I spent that night at Pat's house, and in the morning, just after taking a shower, I noticed what looked to be S.W.A.T. teams with guns running into the yard and looking through the windows. Mike and everyone else were still asleep, and so I threw on a coat and went to shake him awake. Before I could wake him the police were in our room and handcuffing us. They handcuffed everyone and dragged us all into the living room. They then tore apart the apartment in what looked like a search. While the police were searching the apartment, a police officer came into the living room and said he found a hammer in the refrigerator crisper. Although I was already confused and frightened, this made me even more so, because I had not seen a hammer in the refrigerator all night, and I was in and out of the refrigerator all night getting beer for myself and everyone else. Because there had been almost nothing but the beer in the refrigerator, it seemed very strange that the police were saying that a hammer I had not seen had been in the crisper. It was extremely unlikely that none of us had seen the hammer in the refrigerator.

8. After what seemed like an hour, we were taken to the police station, and I was questioned by Sergeant Sanford and two other men. At first, they were very nice to

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me. They told me they knew I was not involved in the murder they were investigating and asked me what I knew about the past two days. I answered their questions truthfully, telling them everything I knew, the same information described above. I was told I could leave, but just as the door to the police station closed behind me, I was taken by surprise, handcuffed, arrested, and taken to juvenile hall. At this point I became more frightened than I have ever been in my life. I had no idea what had happened, whether or not Mike was in trouble, or what was going to happen to me.

9. Over the next few days, Sergeant Sanford along with other men came and questioned me several times. They were no longer nice and courteous, but were aggressive and mean with me. They insisted I give them more information, even though I had already told them everything I knew. Each time they came to question me, it was well after I was given my dinner; I was usually asleep when they came. Once they came as late as 10:00 p.m. They took me into an interrogation room and told me over and over that I knew what happened.

10. After their first visit to juvenile hall, they began telling me that I was in trouble and needed protection because there were several girls who were getting thrown into juvenile hall so they could get me. ~~_____~~ B2

~~_____~~ They told me that they were trying to protect me by keeping me in solitary confinement, but they did not know how long it would take before one of those crazy girls found me and got to me. They told me if I started talking they would give me immunity from any murder charges and even put me in a witness protection program.

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They also told me that I would easily be convicted of accessory to murder and put away for a long time if I did not start telling them, "what they wanted to hear."

11. [REDACTED] RR

RR [REDACTED] In juvenile hall, ^{I WAS GIVEN} [REDACTED] an issue of *The Stockton Record* with the story of Terri's murder on the front page. [REDACTED] RR

[REDACTED] Other than what I read in that article, I did not know what Mike's involvement was, and I did not believe that he would have ever hurt anyone like that.

12. That evening I was interrogated again. My nerves were completely shot. I desperately wanted to get out of juvenile hall and go home. Sergeant Sanford ranted and raved at me, as he had done before, and then he suddenly started yelling at me that I was withholding information (which I was not), that I knew very well what my Mike had done. Sergeant Sanford yelled at me, "Your boyfriend strangled her, did you know that? And then he knocked her out with a hammer, and then he stabbed her." And then told me in a very cruel and threatening way that Mike had also raped her. I was devastated and in shock about the whole thing. Sergeant Sanford then said that he was going to show me to make sure I knew. He leaned over me, and started slapping gruesome photograph after photograph in front of me like they were a stack of cards, yelling at me, "This is what your boyfriend did" each time he slapped another photograph down. I do not remember how many photographs there were, but there were several. They were close-up pictures of a dead girl, mostly naked and with wounds and blood all

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over her body.

13. After he told me and showed me what he believed Mike had done, I agreed to help him by making a statement that Mike had admitted these things to me, even though he never did. [REDACTED] RR

[REDACTED] They became very nice to me again and talked to me about immunity and the witness protection program. That same night, we went together to the police station and we went through everything we went through at juvenile hall and in the car on the way over, only this time it was recorded. I later testified to the same things at Mike's trial as I did in my statement. Before I testified, I [REDACTED] RR
[REDACTED] reviewed a transcript of [REDACTED] statements.

14. I was granted immunity from prosecution in exchange for my testimony against Mike. But ^{A large part of} the testimony I gave against Mike at his trial was coerced out of me by members of the Stockton Police Department and the Office of the District Attorney. Because I complied with their demands, my testimony was largely false. Attached to this declaration as Exhibit ^A are portions of my trial testimony. I have circled and initialed the portions of my testimony that I ^{gave that were} [REDACTED] false. Except for this one arrest, I have never been arrested or in trouble with the law in my entire life.

15. [REDACTED] RR
[REDACTED] RR

[REDACTED] I testified that Mike told me he was going to "hurt this girl," that he was going to

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"strangle her," that he was going to "use his belt," and that he was going to "put it around her neck." I also testified that "Rick was supposed to take the girl to the mall." In fact, Mike never did tell me any of this, and I had no knowledge ~~of~~ ^{of} this ~~██████████~~ *AL*

16. While in juvenile hall, I read in *The Stockton Record* that this is what the police believe had happened, and Sergeant Sanford and a man from the District Attorney's Office told me this is what happened, but Mike never told me these things. I also testified that when Mike and Rick returned on the evening of the crime, Mike told me to go outside to look at Ricky's car. I testified that "I opened the door and I seen a spot of blood." I testified that I saw the spot of blood "on the door." In fact Mike never did tell me to, and I never did go look at Ricky's car. Ricky did give me a ride home in his car, and from the time I got into the car until the time I got out of the car, I did not see any blood in Ricky's car.

17. I testified that Mike told me "how he killed her." I testified that he told me that he "tried to strangle her with--with the belt and so he hit her over the head." I testified that he told me he hit her over the head "with a hammer," and that "she knocked out." I testified that he told me that "he just kept hitting her, then he dragged her out of the car," and that "he left her in the vineyards." I testified that Mike told me that ^{Ricky} ~~he~~ "was driving," that "he hit her with the hammer to knock her out," and that it "took a while." In fact, Mike never told me any of this, I got this information from *The Stockton Record* and from the authorities during my many interrogations.

18. I also testified that "[i]t's hard to tell when Mike's drunk," and that drinking

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"relaxed him." In fact, nothing could be further from the truth. Alcohol and drugs had a very major and negative effect on Mike.

19. I realize that it was wrong for me to say things about Mike that were not true, and I am making this statement in order to set things straight. I testified as I did only because my interrogators threatened, intimidated, and coerced me; because they refused to accept the truth about what I knew; and because ^{I believe} they knew and accepted that  I was making false statements.

I declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct. Executed this 8 day of April, 1994 in Lodi, California.


RAQUEL CARDENAS

1 THE CLERK: Would you be seated, please, and state your
2 name.

3 State your name, please.

4 THE WITNESS: Raquel Cardenas.

5 THE CLERK: Would you spell your first and last names,
6 please.

7 THE WITNESS: C-a-r-d-e-n-a-s.

8 THE CLERK: And Raquel?

9 THE WITNESS: R-a-q-u-e-l.

10 THE CLERK: Thank you.

11

12 DIRECT EXAMINATION

13

14 BY MR. GARBER:

15 Q. When were you born?

16 A. ~~February 20th, 1964.~~

17 Q. Directing your attention to Thursday, January 8th,
18 1981, did you go to someone's house on that day?

19 A. Yes, I did.

20 Q. Whose house was that?

21 A. Pat Santiago.

22 UNIDENTIFIED JUROR: Who?

23 THE COURT: Pat Santiago.

24 Would you move a little closer to the mike, please.

25 BY MR. GARBER:

26 Q. Do you know what street she lived on?

27 A. On Ryde street.

28 Q. And what city was that in?

- 1 A. In Stockton.
- 2 Q. About what time did you get there?
- 3 A. About 11 o'clock.
- 4 Q. Was that in the morning or evening?
- 5 A. In the morning.
- 6 Q. Who was at that residence at the time you got
- 7 there?
- 8 A. Mike.
- 9 Q. And that's Mike who?
- 10 A. Morales.
- 11 Q. Was anyone else there?
- 12 A. No.
- 13 Q. That afternoon at about 4:30, did something happen?
- 14 MR. HOLMES: Object as leading the witness.
- 15 THE COURT: Overruled.
- 16 You may answer.
- 17 BY MR. GARBNER:
- 18 Q. Did something happen?
- 19 A. There was a phone call.
- 20 Q. ~~Who answered the call?~~
- 21 A. ~~I don't remember.~~
- 22 Q. Were you there at the time the call was answered?
- 23 A. Was I there?
- 24 Q. Yes.
- 25 A. Yes.
- 26 Q. Okay. And did someone talk on the phone?
- 27 A. Yes.
- 28 Q. Who talked on the phone?

1 A. Mike.

2 Q. And after the call was over, did he tell you
3 anything about the call?

4 A. He said it was Rick.

5 MR. HOLMES: Object --

6 BY MR. GARBER:

7 Q. Rick who?

8 A. Ortega.

9 Q. And did he say anything about it?

10 A. He told me Rick was gonna come over later.

11 MR. HOLMES: Object to any statements of whoever might
12 have been on the other end of the phone.

13 MR. GARBER: I think this is --

14 THE COURT: No. The objection is overruled.

15 BY MR. GARBER:

16 Q. Did he say what Rick was going to do?

17 MR. HOLMES: Asked and answered.

18 THE COURT: Overruled.

19 You may answer.

20 BY MR. GARBER:

21 Q. Did he say what Rick was going to do?

22 A. ~~He said it was Rick.~~

23 Q. Did he say anything else?

24 *RR* X A. ~~He said he was gonna come over later.~~

25 Q. Did Mike tell you something about what Mike was
26 going to do?

27 *RR* X A. ~~He said he was gonna come over later.~~

28 X Q. Did he say what the favor was going to be?

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A. He said that, um, ~~he was gonna hurt this girl.~~
Q. Did he say what he was going to do to the girl?
A. Yes.
Q. What did he say he was going to do?
A. He said he was going -- ~~he was gonna strangle her.~~
Q. Did he say how he was going to strangle her?
A. ~~He was gonna use his belt.~~
Q. And did he say what he was going to do with the
belt?

RR

X 10 RR A. He was gonna put it around her neck.

RR

Q. And did he say ~~he was going to use anything else~~
~~other than the belt?~~

A. ~~No.~~

Q. Did -- did he tell you something about -- anything
about someone being gay?

MR. HOLMES: I'll object as leading.

THE COURT: Overruled.

BY MR. GARBER:

Q. Did he tell anything about someone being gay?

A. We had a conversation once.

Q. When was that?

A. A few months ago -- well, before that happened.

Q. A few months. And where was that conversation?

A. At my sister's.

MR. HOLMES: Object as being irrelevant, some
conversation a few months ago.

MR. GARBER: This relates to motive, your Honor.

THE COURT: Overruled. You may answer.

1 BY MR. GARBER:

2 Q. What was it that Mike said to you --

3 MR. HOLMES: There will be a continuing objection for the
4 record regarding this conversation.

5 THE COURT: That's fine. Okay.

6 BY MR. GARBER:

7 Q. What did Mike say to you?

8 A. We were talking about gay people, and he told me
9 that he had a friend that, um -- um -- that he was feeling close
10 for his best friend and that he was trying to talk him out of
11 it.

12 Q. Did Mike tell you anything about what had happened
13 to this person?

14 A. ~~He told me he had gotten hurt by a girl, and his~~
15 ~~best friend -- that he was feeling close to his best friend~~
16 ~~since he got hurt by that girl.~~

17 Q. Did Mike tell you who this person was?

18 A. No, he didn't.

19 Q. Did he tell you who the girl was?

20 A. No, he didn't.

21 Q. Now, back to January the 8th, after the phone call,
22 did someone else come to the -- someone come back to the
23 residence?

24 A. Pat came home.

25 Q. And that is Pat who?

26 A. Santiago.

27 Q. And about what time did she get there?

28 A. ~~Approximately~~

- 1 Q. Did someone else come over after that?
- 2 A. Rick came -- came back.
- 3 Q. And that is Rick who?
- 4 A. Ortega.
- 5 Q. About what time did Rick Ortega come over?
- 6 A. About six o'clock.
- 7 Q. Did -- how long did Rick stay at that time?
- 8 A. About ten minutes.
- 9 Q. What did he do after the ten minutes?
- 10 ~~DR~~ X A. Him and Pat went to the store.
- 11 Q. How long were they gone?
- 12 A. About 15 minutes.
- 13 Q. Did they have something when they came back?
- 14 A. They had some wine.
- 15 Q. What happened after Pat and Rick returned?
- 16 A. Mike started drinking.
- 17 Q. What was he drinking?
- 18 A. That wine.
- 19 Q. About how much did he drink?
- 20 A. ██████████
- 21 Q. How much was in the -- what size of a bottle was
- 22 it?
- 23 A. I don't remember.
- 24 Q. What happened after he finished drinking?
- 25 A. He went into the room and --
- 26 Q. Did anyone go with him in the room?
- 27 A. I don't remember.
- 28 Q. How long did Mike stay in the room?

1 A. A few minutes.

2 Q. What happened when he came out of the room?

3 A. I think they left.

4 Q. Did either of them tell you where they were going
5 at that time?

6 A. No.

7 Q. About what time was it that they left?

8 A. 6:30.

9 Q. Was there any mention of a mall at that time?

10 MR. HOLMES: Objection as leading.

11 THE COURT: Overruled.

12 BY MR. GARBER:

13 Q. Was there any mention of a mall at that time?

14 A. Rick was supposed to take a girl to the mall.

15 Q. And who told you that?

16 A. I don't remember.

17 Q. How long were they gone when they left at 6:30?

18 A. About an hour.

19 Q. What happened when they returned?

20 A. Mike came in and, uh, he put a purse on the table.

21 Q. What did he do then?

22 A. He dumped everything out of the purse and started
23 searching it.

24 Q. What did it -- where did he dump the purse?

25 A. On the coffee table.

26 Q. What did he do after he dumped the purse?

27 A. He threw a belt at me.

28 Q. Did he say anything at that time?

1 A. He told me the belt broke.

2 Q. What did he do then?

3 A. He showed me a picture.

4 Q. What kind of a picture was that?

5 A. It was an ID, high school ID.

6 Q. Was there a name on it?

7 A. Yes.

8 Q. What was the name?

9 A. Terri Winchell.

10 Q. Did he say anything at that time?

11 A. No.

12 Q. Did you notice anything about his hands at that
13 time?

14 A. They looked like he had blood on 'em.

15 MR. HOLMES: Object as speculation and conclusion. This
16 witness is not qualified.

17 THE COURT: Well, I think the witness is testifying about
18 an appearance, not a conclusion. Overruled.

19 BY MR. GARBER:

20 Q. Where was Rick Ortega at that time?

21 A. He was sitting down.

22 Q. And what was the next thing Mike did after that?

23 A. He went into the bathroom.

24 Q. Did you see what he was doing in the bathroom?

25 A. No.

26 Q. What did Rick do then?

27 A. I don't remember.

28 Q. Did you ever go outside?

1 A. Yes.

2 Q. Why did you go outside?

3 X A. To look at the car.

4 Q. Did someone tell you to do that?

5 A. Yes.

6 Q. Who was that?

7 A. Mike. *RL*

8 Q. And what car was it you looked at?

9 A. Rick Ortega's.

10 Q. What kind of a car was that?

11 A. A Monte Carlo.

12 Q. What color was it?

13 A. A light green.

14 Q. What did you see in the car?

15 Y A. I opened the door and I seen a spot of blood.

16 Q. Where was the blood?

17 A.

18 X Q. Did you see any other blood?

19 A. I don't remember.

20 Q. Did you go back into the residence?

21 A. Yes.

22 Q. And what happened when you went back into the
23 residence?

24 A. I sat down.

25 Q. ~~What was that doing at that time?~~

26 A. ~~He was in the kitchen.~~

27 Q. What was he doing in the kitchen?

28 A. I heard water running in the sink.

1 Q. Did you see anything in the sink?

2 A. No, I didn't.

3 Q. What was Mike doing at that time?

4 A. I don't remember.

5 Q. Did Mike tell you something about what had
6 happened?

7 A. Yes.

8 Q. What did he tell you?

9 *Q* X A. He told me how he killed her.

10

11

1 Q. And what did he say?

2 A. He said he tried to strangle her with -- with the
3 belt and it broke so he hit her over the head.

4 Q. Did he tell you what he hit her with?

5 A. With a hammer.

6 Q. Did he tell you what happened when he hit her with
7 the hammer?

8 A. She knocked out.

9 Q. Did he tell -- did he tell you how many times he
10 hit her?

11 A. I don't remember.

12 Q. Did he -- what else did he say about hitting her?

13 A. That he just kept hitting her, then he dragged her
14 out of the car.

15 Q. Did he say what he did with her after he dragged
16 her out of the car?

17 A. He left her in the vineyards.

18 Q. Did he tell you where the girl was when he started
19 to hit her?

20 A. She was in the front seat passenger.

21 Q. Passenger?

22 A. Yes.

23 Q. Did he tell you where he was?

24 A. Behind her.

25 Q. Did he tell you where -- if anyone else was in the
26 car?

27 A. Rick.

28 Q. Did he tell you where Rick was?

1 A. He was driving.

2 Q. Did he tell you something about knocking her out?

3 A. Yes.

4 Q. What did he say?

5 A. That he hit her with the hammer to knock her out.

6 Q. I am sorry?

7 A. He hit her with the hammer to knock her out.

8 Q. And did she knock out?

9 A. Yes.

RR 10 Q. Did he say that that happened at first or -- or
11 what?

12 A. He said it took awhile.

13 Q. Did he say anything about her?

14 A. He just said she was a tough girl.

15 Q. Did he tell you what the girl was doing while this
16 was going on?

RR 17 A. She was screaming for Rick.

18 Q. Did he say what she was screaming?

19 A. She --

20 MR. HOLMES: Object. That would be hearsay.

21 THE COURT: You are not offering this for the truth of
22 the matters --

23 MR. GARBER: No, your Honor.

24 THE COURT: Again, ladies and gentlemen, you are going to
25 receive this statement solely for the fact that the statement
26 was made, not for the truth of the contents of the statement.

27 MR. HOLMES: I will object to the relevancy, then.

28 THE COURT: Overruled.

1 BY MR. GARBER:

2 Q. Did he tell you what she was screaming?

3 *OR* A. Rick's name.

4 Q. Anything else?

5 *OR* *+* A. Just told Rick to make him stop.

6 Q. Anything else?

7 A. No.

8 Q. When did you first find out that something was
9 going to happen to a girl?

10 A. I don't remember.

11 Q. Before that day did you have any idea this was
12 going to happen?

13 A. I don't remember.

14 Q. How long had you known Mike before this?

15 A. ~~Seven months.~~

16 Q. What was your relationship with Mike?

17 A. He was my boyfriend.

18 Q. Do you see Mike in court today?

19 A. Yes.

20 Q. Would you point at him, please?

21 A. He is right there.

22 MR. GARBER: May the record reflect she has identified
23 the defendant?

24 THE COURT: Yes.

25 MR. GARBER: May I have People's Number 23, 58 and number
26 1?

27 Q. Raquel, I'd like to you take a look at People's
28 Number 1 and ask you if you recognize this photograph?

1 A. Yes.

2 Q. And whose photograph is that?

3 A. Terri Winchell.

4 Q. Did you ever -- did you see that photograph on
5 January 8th?

6 A. Yes.

7 Q. Where was it?

8 A. It was in her purse.

9 Q. Was it this exact photograph?

10 A. Yes.

11 Q. Or was it a little different?

12 A. It was an ID.

13 Q. Okay. I'd like you to take a look at People's
14 Number 28a and ask you if you recognize this purse?

15 A. I don't remember.

16 Q. Okay.

17 Q. I'd like you to look at People's Number 23b and 23a
18 and ask you if you recognize this belt?

19 A. Yes.

20 Q. And what -- what belt is this?

21 A. It's a belt Mike through at me.

22 Q. Did you see what Mike did with the purse after he
23 finished emptying it out?

24 A. No, I didn't.

25 Q. Did you see what Mike did with the belt after he
26 through it at you?

27 A. No.

28 Q. Did you ever see that belt again?

1 A. No.

2 Q. Did you ever see the purse again?

3 A. No.

4 Q. Did you ever see anything from that purse --

5 A. No.

6 Q. -- again?

7 You say that Mike had been drinking something that
8 day?

9 A. Yes.

10 Q. Did he have any trouble in talking after that?

11 A. I don't remember.

12 Q. Did he have any trouble walking?

13 A. No.

14 Q. Was his speech slurred?

15 A. He was relaxed.

16 Q. Did the drinking appear to have affected him at
17 all?

18 A. A little.

19 Q. How -- how did it appear to have affected him?

20 A. It relaxed him.

21 Q. Did he appear to be drunk?

22 RR X A. ~~It's~~ **It's hard to tell when Mike's drunk.**

23 Q. Was there anything unusual about him that you
24 noticed before they left at 6:30?

25 RR X A. No.

26 Q. What about when they returned at about 7:30 or so?
27 Was there anything unusual about how he acted at
28 that time?

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REX A. No.

Q. Did he ever pass out --

A. No.

Q. -- during that time?

A. No.

Q. Did he ever fall down?

A. No.

MR. GARBER: Can I have People's Number 13, please?

THE COURT: You plan on starting a new line of questioning?

MR. GARBER: Yes, your Honor.

THE COURT: I think maybe we are going to let the jurors go to lunch now. I am letting you brake a little early because I want to you return a little early, ladies and gentlemen, to make up for some of the time we are going to loose tomorrow. Take your lunch recess now and please return at 1:00 o'clock.

And during the recess remember the admonition of the Court that you are not to talk about the case or make up your minds and we will reconvene at 1:00 p.m. this afternoon.

(Lunch recess.)

- -t- -

1 VENTURA, CALIFORNIA; THURSDAY, MARCH 24, 1983; 1:02 P.M.

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6

THE COURT: People are recalling a witness rather than putting Raquel Cardenas back on?

7

MR. GARBER: Yes, your Honor. We would recall Mr. Erwin.

8

9

THE COURT: I think I excused you, sir, which means the clerk has to impose the oath again.

10

11

SAMUEL RICHARD ERWIN,

12

recalled out of order as a witness on behalf of the

13

People, having been first duly sworn, was examined and

14

testified further as follows:

15

16

THE WITNESS: I do.

17

18

THE CLERK: Would you be seated, please, and state your name.

19

20

THE WITNESS: My name is Samuel Richard Erwin, E-r-w-i-n, Jr.

21

22

FURTHER DIRECT EXAMINATION

23

24

BY MR. GARBER:

25

26

Q. Mr. Erwin, this morning I showed you some of these exhibits, People's No. 130a and 130c through j, and you indicated you did not recognize them.

27

28

Do you recognize them now?

1 A. Yes, sir, I do.

2 Q. And during the luncheon recess, did you have
3 occasion to take a look at them?

4 A. Yes, sir.

5 Q. And did you compare them with these other rolled
6 inked impressions?

7 A. Yes, sir, I did.

8 Q. Were you able to identify any of those latent
9 prints?

10 A. Yes, sir, I was.

11 Q. How many prints -- or what prints were you able to
12 identify?

13 A. I identified two latent impressions on Exhibit
14 130h.

15 Q. And what card did you compare those with?

16 A. With Exhibit ~~130~~ 135.

17 Q. And who's the name on 135?

18 A. Terri Lynn Winchell.

19 Q. Were you able to identify any other latents?

20 A. No, sir, I was not.

21 Q. Thank you.

22 MR. GARBET: I have no further questions.

23 THE COURT: Cross-examination.

24 MR. HOLMES: No questions.

25 THE COURT: All right. May --

26 MR. GARBET: Nothing further, your Honor.

27 THE COURT: May I excuse the witness again?

28 MR. HOLMES: Yes.

1 THE COURT: All right. Mr. Erwin, you're excused.

2 THE WITNESS: Thank you.

3

4

RAQUEL CARDENAS,

5

the witness on the stand at the time of the recess,

6

having been previously duly sworn, resumed the stand

7

and testified further as follows:

8

9

DIRECT EXAMINATION (Resumed)

10

11 BY MR. GARBER:

12

Q. I'd like to show you a fingerprint card, People's

13

No. 129. Do you recognize this card? You can take a look at it

14

if you want.

15

A. I've never seen it before.

16

Q. Does it have --

17

MR. HOLMES: I can't hear the answer.

18

THE COURT: Would the reporter read back the last answer.

19

20

(Record read.)

21

22 BY MR. GARBER:

23

Q. Can you take a look at this signature?

24

A. It's my signature.

25

Q. Okay. Were your fingerprints taken at some time?

26

A. Yes.

27

Q. And are these your fingerprints on this card?

28

A. Yes.

1 Q. Okay. I'd like you to take a look at People's No.
2 133, and does this look at all like the card you saw January the
3 8th?

4 A. No.

5 Q. If there were a picture on it and a name, would it
6 look similar?

7 A. I don't know.

8 Q. Okay. You can just put those on the table in front
9 of you.

10 I'd like you to take a look at this purse, No. 13a.
11 Do you recognize this purse?

12 A. It's my purse.

13 Q. It's your purse.

14 And inside of it is a knife, No. 13b. Do you
15 recognize that knife? You can take it out if you want.

16 A. It's a knife I had in my purse.

17 Q. Who gave you that knife?

18 A. Mike.

19 Q. You can put that back in.

20 *BR* Did he tell you why he gave you that -- that knife?

21 A. He -- he gave it to me when we were gonna go to the

22 ~~store~~ told me to put it in the store just in case we got
23 jumped ~~at something.~~

24 Q. What day was that?

25 A. Friday the -- January 9th.

26 Q. Okay. I'd like you to take a look at People's No.
27 21a. Do you recognize this?

28 A. No.

1 Q. Now, on that next Saturday, were you at the Ryde
2 Avenue address when the police came?

3 A. Yes.

4 Q. And were you arrested?

5 A. Yes.

6 Q. And did you talk to the police at that time?

7 A. No.

8 Q. Did you talk to them shortly after that?

9 A. Yes.

10 Q. Did you tell the police everything that you knew
11 about this at that time?

12 ~~Q.~~ A. The second time.

13 Q. ~~The second time.~~

14 A. The second time.

15 Q. What about the first time? Did you tell them
16 everything you knew the first time?

17 A. No.

18 Q. Why was it you didn't tell them?

19 A. 'Cause ~~I was scared.~~

20 Q. Why were you scared?

21 A. I don't know.

22 Q. Were you scared of anyone, any one person?

23 A. ~~I was just scared.~~

24 Q. Okay. And were you charged with something --

25 A. Accessory.

26 Q. -- after you were arrested? Accessory?

27 A. Yes.

28 Q. How old were you when you were arrested?

1 A. I was 16.

2 Q. So that was through Juvenile Court?

3 A. Yes.

4 Q. And have you been given immunity for testifying --

5 A. Yes.

6 Q. -- in this case?

7 A. Yes.

8 Q. Is there anything you've told us that has not been
9 the truth?

10 A. No.

11 Q. After you were released, did you move out of
12 Stockton for awhile?

13 A. Yes.

14 Q. And where did you live at that time?

15 MR. HOLMES: Object to -- it's irrelevant.

16 THE COURT: Would you like to be heard on this?

17 MR. GARBER: Yes, your Honor.

18

19 (The following proceedings were held at the
20 bench, outside the hearing of the jury.)

21

22 THE COURT: All right.

23 MR. GARBER: Her family was paid \$100.00 a month for four
24 months for living expenses as a result to get her out of town
25 for her safety. It relates to her motive for testifying or an
26 incentive as far as testifying.

27 THE COURT: Safety from whom?

28 MR. GARBER: From Mike Morales. Well, it's from his

1 gang. I'm not going to put it on the record, but that's where
2 it was from.

3 THE COURT: I think the problem is that that's what the
4 jury's going to speculate, is that she was in danger from the
5 defendant or his friends.

6 MR. GARBER: Is the defense going to ask that?

7 MR. HOLMES: Why she moved out of town?

8 MR. GARBER: Why -- if she got funds.

9 THE COURT: My feeling right now is to exclude it. If
10 it's brought out by cross-examination, then I think it would
11 reopen the area again.

12 I think if you both leave it alone, it's not a
13 matter that the jury need worry about.

14 MR. GARBER: Okay.

15 MR. HOLMES: So if the fact that there were promises of
16 money and getting her into the program would open the door to
17 all this information regarding his gang activity -- is that
18 what --

19 MR. GARBER: Well, I think --

20 THE COURT: Wait a minute. My understanding is that the
21 reason she moved was so that the -- the authorities could
22 relieve her mind about the danger. Otherwise, she wouldn't have
23 moved. She wouldn't have been paid.

24 MR. GARBER: Yes. I think -- I think he has a right to
25 bring out the fact that her family was paid.

26 THE COURT: And my feeling is if you do, then -- then the
27 prosecution's got the right to bring out why she was paid.

28 MR. GARBER: I would just bring out that it was just --

1 MR. HOLMES: These were -- this money was offered before
2 she even -- she even testified. This was part of the
3 negotiations that went on between her and the police and then
4 subsequently her attorney as an inducement.

5 Whether in fact there was any -- whether she
6 decided to take advantage of it is another issue, I think.

7 But in terms of whether that was offered, I think,
8 is a preliminary matter that can be gone into without whether
9 she actually did decide to --

10 MR. GARBER: I think we could establish that she was
11 given that money to pay for her expenses out of town for four
12 months and leave it at that. We won't need to get into gangs or
13 anything.

14 THE COURT: Well, ordinarily it would be -- no. My
15 ruling is this: That the prosecution is not to bring it out on
16 direct. If it comes out on cross, then the prosecution can
17 bring out the fact as to why she's paid. Otherwise, it would be
18 an unfair inference.

19 MR. GARBER: All right. I will not bring out anything
20 about gangs. I will just bring out it was to get her out of
21 town, period.

22 THE COURT: But only on redirect.

23 MR. GARBER: Yes.

24 THE COURT: Okay.

25
26 (The following proceedings were held in open
27 court in the presence and hearing of the jury.)
28

1 MR. HOLMES: Could we approach the bench?

2 THE COURT: All right. Would you like this on the
3 record?

4 MR. HOLMES: Yes.

5

6 (The following proceedings were held at the
7 bench, outside the hearing of the jury.)

8

9 MR. HOLMES: In terms of going into the moving out of
10 town, would that be only if she were to be asked if she received
11 money or in the event that she was -- at the time she was in
12 custody offered money if she wanted to as part of an inducement
13 to testify?

14 THE COURT: The fact that she moved out of town all by
15 itself is irrelevant, and I'm going to sustain your objection to
16 the prosecution's question to that extent.

17 If you couple the fact that she moved out of town
18 plus she was given moving and/or living expenses, then the
19 prosecution has the right to rebut the inference that she's
20 favoring the prosecution because of payment.

21 MR. HOLMES: Uh-huh. But I'm not talking about
22 necessarily asking her whether she has in fact received money
23 but whether at that earlier stage she was offered the
24 opportunity to participate in a program that would -- that would
25 pay her money, not whether -- not whether she received any money
26 and how much, but just isn't this something you said if you
27 wanted, you could get.

28 THE COURT: Well, that's the same problem. Then you --

1 you've got the right to put on evidence as to why they made that
2 offer, to rebut the negative inference that it raises.

3 MR. GARBER: I'll leave out anything about gangs
4 regardless of what he covers. I will not get into that.

5 MR. HOLMES: Okay. So any mention of, in other words,
6 the victim-witness program would -- would -- in -- in your
7 opinion, open the door for the -- for them to bring out the fact
8 that she moved then.

9 THE COURT: Well, monetary consideration certainly would.
10 I don't know who else might be involved there.

11 Can you be a little more specific if there's
12 something other than monetary consideration?

13 MR. HOLMES: Well, it -- I think there may be one
14 inference that could be drawn if she is in fact receiving money,
15 but another if it's just part of a package of things that she
16 said could be made available to her.

17 THE COURT: Well, tell me what question you propose to
18 ask.

19 MR. HOLMES: Just when -- when she was questioned, did
20 they, besides giving her immunity, offer to release her after
21 testifying and offer, if she wished to -- to pay for -- for any
22 moving expenses or any of the things that are related to the
23 victim-witness program, finding a job, that sort of thing.

24 THE COURT: Okay. Well, releasing her from custody is
25 okay, but anything that has to do with payment of expenses or
26 reimbursement for expenses would open the door to their reason
27 for doing that.

28 But anything that has to do with the immunity issue

1 or release from criminal penalties, release from custody,
2 anything of that nature, you've got a right to explore into, but
3 not the money without opening the door to the inference.

4 MR. HOLMES: Okay.

5

6

-- s --

1 (The following proceedings were held in open court
2 within the hearing of the jury:)

3

4 THE COURT: Just so that the jury will know where we are,
5 the Court has sustained the objection to the pending question,
6 assuming anybody remembers what it is.

7 BY MR. GARBER:

8 Q. I am going to move ahead now to June of 1982, this
9 last June.

10 Did Mike Morales make some sort of contact with
11 you?

12 A. Yes.

13 Q. How was that?

14 A. He called me.

15 Q. Did you recognize his voice?

16 A. Yes.

17 Q. What did he say?

18 A. We were talking and he was telling me that if I
19 could get out of town some way so that I won't be handed a
20 subpoena.

21 Q. Did he tell you anything else?

22 A. He just told me that he forgave me the first time
23 but he wouldn't forgive me the second time.

24 Q. And the first time being what?

25 A. That I had testified.

26 Q. When was that that you testified?

27 A. At the preliminary hearing.

28 Q. That was in front of just a judge?

1 A. Yes.

2 Q. Thank you.

3 MR. GARBER: I have no further questions.

4 THE COURT: Excuse me. You may cross examine.

5 We are having a little trouble hearing you again,
6 though. Could you move the mike down a little closer to you, or
7 you move a little closer to it?

8 Thank you.

9

10 CROSS EXAMINATION

11

12 BY MR. HOLMES:

13 Q. Miss Cardenas, you mentioned I think when the
14 prosecution was questioning you that you had had a conversation
15 with Mike about --

16 Let's see. How was that put?

17 -- some months before about a friend who was
18 homosexual?

19 A. Yes.

20 Q. Do you remember when that conversation was?

21 A. A couple of months before all this happened.

22 Q. Okay. Sure it wasn't about a year before this
23 happened?

24 A. No.

25 Q. Okay. Was this conversation about a guy that Mike
26 knew?

27 A. What?

28 Q. Was this conversation about a guy that Mike knew?

1 A. Yes.

2 Q. Okay. And did -- did Mike indicate to you that
3 this -- this guy had been going with a girl?

4 A. Yes.

5 Q. And did he also indicate to you that this girl had
6 more or less dumped him?

7 A. Yes.

8 Q. **And he was hurt by this?**

9 A. Yes.

10 Q. Okay. And did he also indicate to you that as a
11 **result of this girl dumping him that he -- he turned gay?**

12 A. Yes.

13 Q. And didn't he indicate that the guy went so far
14 homosexual that he began to dress as a woman?

15 A. No.

16 Q. Didn't he indicate to you that the -- that the
17 individual began to dress differently than he did prior to this
18 being hurt by the girl?

19 A. No.

20 Q. Didn't he indicate to you that he became very
21 **affected and acted very effeminate?**

22 A. No.

23 Q. Do you remember any of the -- any of the details
24 about what he said about what happened to this guy after the
25 girl dumped him?

26 A. ~~No.~~

27 Q. Okay. Did you have several conversations with him
28 about homosexuality?

1 A. I just remember that one, that talk.

2 Q. Okay. Didn't you and Mike talk about that on more
3 than one occasion?

4 A. Probably.

5 Q. Okay. Wasn't that because you had a sister or
6 relative who had some homosexual tendencies?

7 A. Yes.

8 Q. So these sort of conversations were not really out
9 of the ordinary, then?

10 A. No.

11 Q. Now, you were shown a photograph here.

12 Remember this photograph?

13 A. Yes.

14 Q. You were shown this same photograph at the
15 preliminary hearing, were you not?

16 A. I don't remember.

17 Q. Do you remember being shown a photograph of Terri
18 at the preliminary hearing?

19 A. No.

20 Q. You don't remember being shown a photograph?

21 A. No.

22 Q. Okay. Were you shown anything with regard to this
23 identification card that -- that's been testified to here?

24 A. I don't remember.

25 Q. Were you -- were you shown that belt at the
26 preliminary hearing?

27 A. No.

28 Q. You weren't?

1 A. I don't think so.

2 THE COURT: Clerk's found it now.

3 MR. HOLMES: Okay. If I could have a moment to --

4 Q. Asking you to take a look at this exhibit here,
5 Number 23a and b.

6 Were you shown this belt at the preliminary
7 hearing?

8 A. I don't remember.

9 Q. Did you tell the Court at the preliminary hearing
10 that you didn't recognize the belt?

11 A. I don't remember.

12 Q. Miss Cardenas, do you remember being asked --

13 MR. HOLMES: Directing counsel's attention to the bottom
14 of page 49.

15 Do you remember being asked the following question:

16 "I'd like you to take a look at this bag marked
17 People's Number 2 for Identification. There is a belt inside
18 the bag.

19 "Do you recognize this belt?"

20 Answer, ~~Yes~~

21 Question, "Have you ever seen a belt that looked
22 like this?"

23 Answer, "No. That day."

24 Do you remember -- do you remember those questions
25 being asked you at the preliminary hearing.

26 MR. GARBEN: Your Honor, I am going to ask that counsel
27 read the entire series of questions. This is out of context.

28 THE COURT: Well, it can be read during redirect.

1 MR. GARBER: Thank you, your Honor.

2 THE WITNESS: I don't remember.

3 BY MR. HOLMES:

4 Q. You can't remember.

5 The -- the purse that was, you say, dumped on the
6 table -- on the coffee table, do you know where that coffee
7 table was?

8 A. In the living room.

9 Q. In the living room. Okay.

10 Is that coffee table right there?

11 A. Yes.

12 Q. Okay. And do you recognize this diagram?

13 Does that look at all familiar?

14 A. Pat's house.

15 Q. Okay. Do the things depicted in this picture, the
16 furniture, look generally in the same position as they were when
17 you were there that day?

18 A. Yes.

19 Q. Okay. And this is the coffee table you say the
20 purse was on?

21 A. Yes.

22 Q. And where were you seated when the -- where you say
23 this purse was dumped on the table?

24 A. I think it was on the -- the end of the table, the
25 dinner table. I think I was sitting there.

26 Q. You were seated up here?

27 A. Yes. I think I was. I am not sure. I don't
28 remember.

1 Q. Okay. That's where you say Rick and Mike came into
2 the -- into house, right?

3 A. Yes.

4 Q. And the purse was dumped on the coffee table, with
5 you seated up here, right?

6 A. Yes.

7 Q. And then you said that a belt was thrown at you,
8 right?

9 A. Yes.

10 Q. And you were still seated up here, right?

11 A. Yes.

12 Q. Do you remember where Fat was?

13 A. On the sofa.

14 Q. So she was right in front of it, then, is that it?

15 A. More towards -- towards me. She was on the end.
16 About this.

17 Q. This -- the northern end of the sofa, then?

18 A. Um-hum.

19 Q. Now, you said you didn't recognize the purse that
20 Mr. Garber showed you here today.

21 Isn't it a fact that the purse that you saw dumped
22 on the table didn't have any handles on it?

23 A. I don't think it did.

24 Q. Okay. The -- did Mike sit down on the -- on the
25 sofa then when that purse was dumped out?

26 A. I don't remember.

27 Q. You don't remember.

28 What about Rick?

1 Where was he seated?

2 A. At the bar.

3 Q. Okay. This -- this picture that you were shown,
4 was that -- was it -- did Mike walk over and show it to you?

5 A. Yes.

6 Q. Okay. Now, you said some conversations took place
7 supposedly in the living room there.

8 Mike told you supposedly what -- what he did, is
9 that correct?

10 A. I don't think it was at that time.

11 Q. Okay. Didn't you just testify this morning on
12 direct examination when Mr. Garber was asking you questions
13 that -- that Mike was saying all these things about what he did
14 to Terri when you were in the -- in the house there?

15 A. That was on the way to the store.

16 Q. That's -- you are saying that was on the way to the
17 store?

18 A. Yes.

19 Q. So there was no conversation -- that's your
20 testimony now, that there is no conversation in the house about
21 what happened?

22 A. I don't think so.

23 Q. Okay. Now, when you say on the way to the store,
24 this is as you were being taken home; is that correct?

25 A. Yes.

26 Q. You and Mike and Rick got in Rick's car and drove
27 over to some store, right?

28 A. Yes.

1 Q. And Mike -- Mike or Rick or -- did all of you go in
2 to this store?

3 A. I think just Mike.

4 Q. Okay. And did he get another bottle of wine?

5 A. I think so.

6 Q. Okay.

7 A. And some beer.

8 Q. Pardon?

9 A. I think he bought beer.

10 Q. It was beer.

11 A six pack?

12 A. I don't know.

13 Q. Then you took -- are you saying on the way to the
14 store or on the way back to Pat Flores' house that these
15 conversations took place?

16 A. They were on the way to the store.

17 Q. Okay. That's when the three of you were in the
18 car, then?

19 A. Yes.

20 Q. Okay. So there was some discussion going on at
21 that point?

22 A. Yes.

23 Q. And Mike, after getting the beer, went back to --
24 to the Ryde Street address there depicted on the diagram, right?

25 A. Yes.

26 Q. And then from -- you didn't go inside at that
27 point, right?

28 A. No.

1 Q. Then you and Rick went -- went home; is that
2 correct?

3 A. Yes.

4 Q. He took you home?

5 A. Yes.

6 Q. And I imagine there was some conversation with
7 Rick, then?

8 A. Yes.

9 Q. How long was it that you were in the house
10 before -- before you and Rick and Mike left to go home?

11 That is, after -- after this -- this purse you say
12 was dumped out you say on the table?

13 A. About 15 minutes.

14 Q. Okay. Now, when Mike -- when Mike and Rick left
15 together was Mike wearing a jacket?

16 A. When him and Rick left?

17 Q. Uh-huh. They were gone for an hour or so?

18 A. Yes.

19 Q. Okay. Was Mike wearing a jacket?

20 A. Yes.

21 Q. All right. Was -- was this a blue jacket?

22 A. Yes.

23 Q. Okay. Was it that heavy blue jacket?

24 A. I don't remember. He had two, I think.

25 Q. Okay. You couldn't see through this jacket, right?

26 A. No.

27 Q. And it came down below the belt area, right?

28 A. Yes.

1 Q. Okay. So when Mike and Rick left you couldn't see
2 ~~what he~~ had a belt on or not; is that correct?

3 A. No.

4 Q. And you didn't see -- you didn't see Mike when he
5 left with Rick take anything with him?

6 A. No.

7 Q. You didn't see any hammer?

8 A. No.

9 Q. You didn't see any knife?

10 A. No.

11 Q. Now, when -- where you were -- when Mike and Rick
12 were gone for a period of time it was just you and Pat there,
13 right?

14 A. Yes.

15 Q. Okay. And what -- what did you do?
16 Did you just sit around and talk?

17 A. ~~We watched TV.~~

18 Q. Okay. Where were you seated during this -- this
19 period of time?

20 A. At the same place.

21 Q. You were sitting at the kitchen table there?

22 A. Yeah.

23 Q. Okay. And I guess the TV is shown on that diagram,
24 right?

25 A. Yes.

26 Q. And you were watching TV from the kitchen table?

27 A. Um-hum.

28 Q. What does RC mean?

1 Do you know what that thing was?

2 A. A recliner.

3 Q. Okay. Was that a black recliner?

4 A. I don't remember.

5 Q. Okay. Was Pat still sitting on the sofa during
6 this period of time?

7 A. I think so.

8 Q. Okay. From the time that Mike and Rick left to the
9 time they got back, did -- did she get off the sofa?

10 A. I don't remember.

11 Q. Okay. Did -- did she go looking through the house
12 for a hammer?

13 A. Not that I remember.

14 Q. Did she say anything about wanting to -- to nail in
15 some picture that was in the -- in the living room there?

16 A. No.

17 Q. So to your recollection the only thing that
18 transpired during that hour was you and Pat just sitting there
19 watching television, right?

20 A. Yes.

21 Q. You don't recall her saying anything to you about a
22 hey, I can't find my hammer or anything like that?

23 A. No.

24 Q. Was -- do you remember any picture in the place of
25 Pat and her children and her husband --

26 A. No.

27 Q. -- a group picture or family picture?

28 A. No.

1 Q. Now, you -- you testified, I believe, that -- that
2 you went out and looked in the car, right?

3 A. Yes.

4 Q. And you said you saw one spot, right?

5 A. That I could remember.

6 Q. Okay. Can you give us an estimation of how big
7 that spot was?

8 The size of a quarter, fifty-cent piece, nickel,
9 dime?

10 A. About a penny.

11 Q. Penny. Okay. And this was -- this was where?

12 A. It was on the door.

13 Q. Okay. That's the only thing you remember seeing,
14 then?

15 A. Yes.

16 Q. Okay. And was this right after the two of them got
17 back after being gone for about an hour?

18 A. A couple of minutes.

19 Q. A couple of minutes. Okay.

20 And you don't remember Pat going out and looking at
21 the car, do you?

22 A. No.

23 Q. She pretty much stayed inside there on the sofa
24 watching television, then, right?

25 A. Yes.

26 Q. When you testified at the preliminary hearing about
27 this wine that Mike drank, did you -- did you characterize him
28 as having a buzz on?

1 A. Yes.

2 Q. Okay. And did he seem to have that buzz on when
3 he -- when he came back?

4 A. Yes.

5 Q. Other than -- than wine, Mike -- Mike uses other
6 drugs, doesn't he?

7 A. Yes.

8 Q. Okay. He uses KJ, doesn't he?

9 A. Yes.

10 Q. Okay. Now, do you know KJ also to be called by any
11 other names?

12 A. I think it's called Sherman.

13 Q. Sherman?

14 A. I am not sure.

15 Q. Okay. And is it called PCP?

16 A. Yes.

17 Q. It's called also angle dust?

18 A. Yes.

19 Q. Okay. You knew Mike for what?

20 About, would you say, eight or nine months?

21 A. About seven or eight.

22 Q. Seven or eight months --

23 A. Um-hum.

24 Q. -- as of that time?

25 A. Yeah.

26 Q. And did he take it fairly frequently?

27 A. Pretty much.

28 Q. Okay. You what?

1 Smoke that?

2 Is that how you --

3 A. Yes.

4 Q. -- consume it?

5 It's put in some sort of cigarette paper and --

6 A. Yes.

7 Q. -- mixed up with parsley and something and then
8 smoked, right?

9 A. Yes.

10 Q. And did he usually carry a cigarette or two of
11 these around?

12 A. Sometimes.

13 Q. Okay. When Rick came in did you -- did you notice
14 any -- any reddish spots that appeared to be blood on -- on Rick
15 at all?

16 A. On his collar he had a spot.

17 Q. Okay. Was he -- was this a shirt collar or a
18 jacket collar?

19 A. I think it was a sweater.

20 Q. Okay. Was this a light colored sweater so you
21 could see the spot?

22 A. It was beige.

23 Q. Beige. Okay. Did -- did he ask Pat how to take
24 that spot off?

25 A. Yes.

26 Q. Did he take that -- that shirt off or sweater off
27 and give it to Pat --

28 A. Yes.

1 Q. -- for her to wash?

2 A. Yes.

3 Q. And during this period of time when they were in --
4 you say they were only there about 15 minutes and that's when
5 you and Rick and Mike then went home, right?

6 A. Yes.

7 Q. During that period of time Rick was at the sink
8 right at some point during that period of time?

9 A. Yes.

10 Q. Okay. And was Pat telling him how to wash things?

11 A. I heard her tell him to run it over hot water.

12 Q. Okay. You didn't see what it was that was in the
13 sink, though; is that correct?

14 A. No.

15 Q. And, in fact, you didn't -- you never saw anybody
16 bring any weapons into the house when -- when Mike and Rick came
17 back; is that true?

18 A. No.

19 Q. You never saw --

20 A. I never saw --

21 Q. -- a hammer being brought into the house?

22 A. No.

23 Q. You never saw a knife being brought into the house?

24 A. No.

25 Q. Now, you mentioned that you have given some
26 statements to the police, right?

27 A. Yes.

28 Q. You testified at the preliminary hearing where

1 there was a judge and then you also gave a transcribed -- a
2 couple of transcribed statements to the police?

3 A. Yes.

4 Q. A transcribed statement being something where
5 the -- there is somebody taking down what you are saying --

6 A. Yes.

7 Q. -- like the man sitting in front of you there?

8 Do you remember -- you said today that -- that Mike
9 said that he had hit the girl with a hammer, right?

10 A. Yes.

11 Q. Okay. And you also said that he told you that --
12 that she was knocked out right away, right?

13 A. It took -- I remember him telling me it took a
14 couple of hits.

15 Q. Didn't you tell the police on one occasion that --
16 that he thought it would only take a couple of hits but it ended
17 up taking 15 or more?

18 A. Yes.

19 Q. Did you tell that to the police?

20 A. Yes.

21 Q. Okay. Are you saying that's what he said or are
22 you saying something different today?

23 A. No. That -- that's what I am saying.

24 Q. Okay. So what you testified to this morning, now
25 you are -- that's not exactly what you meant; is that correct?

26 A. No.

27 Q. So what you are saying is that he supposedly told
28 you that he thought a couple blows would knock her out but it

1 took about 15 or more?

2 A. Yes.

3 Q. And all these conversations you say took place in
4 the car, right?

5 A. Yes.

6 Q. Now, the -- among the statements that you gave to
7 the police was a statement indicating that -- that you didn't
8 know -- know anything about the murder, right?

9 A. Yes.

10 Q. Okay. And -- and when was that that you gave that
11 statement to the police?

12 A. When they arrested me.

13 Q. Okay. You were arrested on what day, Saturday?

14 A. Yes.

15 Q. Okay. By the way, you were in the house when Mike
16 was arrested and -- and Pat Flores or Santiago was there and her
17 children were there, right?

18 A. Yes.

19 Q. Okay. And at that time did Mike have a cut on his
20 hand --

21 A. Yes.

22 Q. -- or his finger?

23 A. Yes.

24 Q. And he got that what?

25 Sometime -- you were out partying Saturday night?

26 A. Friday night.

27 Q. Friday night?

28 A. Um-hum.

1 Q. And is it sometime during the evening hours that --
2 that he ended up getting cut?

3 A. Early in the morning.

4 Q. Okay. So when -- when he came back from the
5 Thursday night when he and -- he and Rick came in to the house
6 after being gone for an hour, he -- he didn't have any cuts on
7 him?

8 A. No.

9 Q. When you were -- when the police came in there
10 that -- that morning, about what time was it?

11 A. About 8:00 o'clock.

12 Q. Okay. And you and Mike were asleep at that time,
13 right?

14 A. He was.

15 Q. Okay. About how long were you in the house before
16 they took you down to the police station?

17 A. About a half hour.

18 Q. Okay.

19 A. All -- all night. I had been there the whole night
20 since Friday.

21 Q. Okay. But I mean once the police came into the
22 house it was about --

23 A. Half hour before we left.

24 Q. Half hour before you left?

25 A. Yeah.

26 Q. And they -- did they question you at the house at
27 all?

28 A. No.

1 Q. Okay. So it was later after they got you down to
2 the police station that they -- they first questioned you,
3 right?

4 A. Yes.

5 Q. And -- and was Sergeant Sanford the officer who
6 questioned you?

7 A. Yes.

8 Q. Okay. And at that time you didn't -- you didn't
9 know you were going to be arrested, right?

10 A. Yes.

11 Q. Yes, you did or --

12 A. No, I didn't.

13 Q. You didn't realize you were going to be arrested?

14 A. No.

15 Q. Okay. And at that time you didn't -- you told them
16 you didn't know anything about this phone call at 4:30, right?

17 A. That's right.

18 Q. And at that time you didn't indicate that Mike had
19 made any statements to you, right?

20 A. That's right.

21 Q. And you didn't indicate that -- that you had
22 seen -- that you were involved in cleaning any weapons or
23 anything of that sort, right?

24 A. That's right.

25 Q. Now, after that brief conversation, that's what you
26 told Sergeant Sanford without a court reporter, right?

27 A. Yes.

28 Q. And then after -- about how long did you talk with

1 him?

2 A. About 40 minutes.

3 Q. Okay. And he didn't indicate to you after that
4 that -- that he was going to arrest you, did he?

5 A. No.

6 Q. He just said let's get a court reporter in here so
7 we can take this down, right?

8 A. No.

9 Q. He didn't say that?

10 A. No.

11 Q. Okay. Did a court reporter come in to take a
12 statement from you, though, that -- that same day?

13 A. I don't --

14 Q. Same afternoon?

15 A. I don't remember.

16 Q. Okay. Remember -- remember on Saturday about a
17 little after 2:00 o'clock in the afternoon a court reporter by
18 the name of Thomas Place and Sergeant Sanford and a deputy
19 district attorney talking to you?

20 A. Yes.

21 Q. A guy with a beard?

22 A. Yes.

23 Q. Mike Platt?

24 You remember his name?

25 A. No. I don't remember him.

26 Q. Just remember he was a deputy district attorney,
27 right?

28 A. Yes.

1 Q. Or he identified himself as such?

2 A. Um-hum.

3 Q. Okay. And it's at that time that you basically
4 gave him a statement that was transcribed?

5 A. Yes.

6 Q. And that was basically, then, the same thing that
7 you had told Sergeant Sanford earlier that day, right?

8 A. Yes.

9 Q. Okay. In other words, you basically, in your
10 recorded statement, said that there -- that you weren't aware of
11 any phone call from Rick and that sort of thing?

12 A. Um-hum.

13 Q. And you indicated that -- that you didn't see
14 anyone at the sink area?

15 A. Yes.

16 Q. And you didn't indicate that anybody was involved
17 in -- in cleaning anything?

18 A. Yes

19

20

- -t- -

1 Q. You told them, though, that -- that Rick and Mike
2 went to the store and got some beer and that you later went
3 home, though; right?

4 A. Yes.

5 Q. Now, they also asked you at that point whether Mike
6 had a belt, didn't they?

7 A. Yes.

8 Q. Okay. And you indicated to them at that time that
9 Mike had a belt about an inch and a half thick, didn't you?

10 A. Probably.

11 Q. Okay. And about -- that statement didn't take too
12 long, did it?

13 A. No.

14 Q. Maybe 45 minutes to an hour, something like that?

15 A. Yeah.

16 Q. Okay. And after that statement, though, that's
17 when you first found out that you were -- you were going to be
18 arrested; right?

19 A. Yes.

20 Q. And was it Sergeant Sanford here that advised you
21 that you were going to be arrested?

22 A. Yes.

23 Q. Okay. And did he tell you what you were being
24 arrested for?

25 A. Um -- accessory to murder.

26 Q. Okay. And at that point, they just took you right
27 off to juvenile hall; right?

28 A. Yes.

1 Q. Okay. And at that point, you also found out
2 that -- that Mike was being arrested; right?

3 A. Yes.

4 Q. And you were also aware that -- that Rick had been
5 arrested; right?

6 A. Yes.

7 Q. And you were out at juvenile hall for a few days
8 before you got another visit from Sergeant Sanford; right?

9 A. Yes.

10 Q. Okay. And during that period of time, you had seen
11 some publicity about the case; right?

12 A. Yes.

13 Q. In fact, you had seen a big article in the Stockton
14 paper, and it showed pictures of -- of Michael and Rick; right?

15 A. Yes.

16 Q. And it gave an account of -- of Terri's murder;
17 right?

18 A. Yes.

19 Q. And do you remember when it was that you were paid
20 another visit by -- by the police officers? Was that --

21 A. A few days later.

22 Q. -- Tuesday? Did they come out on the 13th?

23 A. About that time.

24 Q. Okay. And it was Sergeant Sanford and another
25 police officer; right?

26 A. Yes.

27 Q. That was -- I don't know whether he's a sergeant or
28 what? Wagner?

1 A. Yes.

2 Q. Name sound familiar?

3 Okay. Was that in the evening hours, then?

4 A. Yes.

5 Q. Okay. And you hadn't been to court yet or anything
6 of that sort; right? You were just waiting for them to take you
7 to court?

8 A. I don't remember.

9 Q. Okay. Did -- did they bring any pictures with
10 them?

11 A. Yes.

12 Q. Okay. What sort of pictures did they bring with
13 them?

14 A. Pictures of -- um, Terri Winchell.

15 Q. Okay. How many did they bring?

16 A. A couple.

17 Q. Okay. Can you tell me what -- what sort of
18 pictures they were?

19 A. Pictures of how they found her.

20 Q. Okay. Were these pictures of her in the field,
21 then?

22 A. I think so.

23 Q. Okay. And it showed her without any clothes on;
24 right?

25 A. I think so.

26 Q. Was that one of the first things they showed you,
27 that, "This is" -- "Do you want to see a picture of Terri?"

28 A. No.

1 Q. Those -- those pictures made you, I imagine, pretty
2 upset; right?

3 A. Yes.

4 Q. And they indicated to you that -- that the charges
5 involved were pretty serious; right?

6 A. Yes.

7 Q. And they also indicated to you that -- that they
8 didn't believe what you had told them the first two times;
9 right?

10 A. Yes.

11 Q. Okay. And they also told you that -- that they
12 thought Mike had raped the girl; right?

13 A. Yes.

14 Q. And that bothered you a lot; right?

15 A. Yes, it did.

16 Q. And they told you, didn't they, that -- that they
17 had witnesses to show that you were involved in this whole
18 thing?

19 A. Yes.

20 Q. Okay. And that they had proof basically that you
21 were involved in this whole thing; right? That's what they --
22 what they indicated to you?

23 A. He knew I knew something.

24 Q. Okay. And it's at that time, then, that -- that
25 you decided to -- to give another statement to them; right?

26 A. Yes.

27 Q. Okay. And you talked to Sergeant Sanford and --
28 and Wagner out there at the juvenile hall --

1 A. Yes.

2 Q. -- for a period of time?

3 About how long would you say you talked to them?

4 A. An hour.

5 Q. Okay. And they -- they told you, though, that
6 they'd be able to help you, didn't they?

7 A. I don't think it was then.

8 Q. Didn't they indicate that -- that they'd help you
9 with your court case, that if you -- if you cooperated, maybe
10 something could be done as far as your case is concerned?

11 A. I don't think it was then that he told me that. It
12 was later.

13 Q. Okay. Was it Sergeant San -- Sergeant Sanford and
14 Officer Wagner both?

15 A. I don't remember.

16 Q. Okay. Do you remember being asked at the -- do you
17 remember being asked at the preliminary hearing if -- these same
18 sort of questions about Sergeant Wagner and Sergeant Sanford
19 coming out to talk to you?

20 MR. GARBNER: Could we have a page reference, your Honor?

21 MR. HOLMES: Page 60.

22 THE WITNESS: I don't remember.

23 BY MR. HOLMES:

24 Q. I wonder if I could, referring to page 60 and 61,
25 let the witness take a look at those, see if it refreshes her
26 recollection.

27 A. Read the whole thing?

28 Q. Uh-huh. I forgot there's a page 62, the first part

1 of that.

2 Q. Have you had a chance to --

3 A. Yes.

4 Q. Okay. Does that -- does that refresh your
5 recollection about what Sergeant Sanford and Sergeant Wagner
6 talked about with you out there?

7 A. Yes.

8 Q. Okay. And when they came out, then, they did talk
9 to you, didn't they, about helping you with your court case?

10 A. Yes.

11 Q. And they did indicate that perhaps you could be
12 given immunity; right?

13 A. Yes.

14 Q. There were some discussions later once you got an
15 attorney and some discussions with Mr. Fraser from the DA's
16 office about the actual procedure, but that's the first time
17 that it was mentioned, though, when Sergeant Sanford and Wagner
18 were out there; right?

19 A. Yes.

20 Q. Okay. And they indicated to you that they could
21 also get you into a -- a witness program, did they not?

22 A. Yes.

23 Q. And they indicated to you that they could relocate
24 you or -- or pay your rent or things of that sort?

25 A. Yes.

26 Q. They also indicated to you that maybe if you'd
27 cooperate with them, help them, that you could get released from
28 custody; right?

1 A. Yes.

2 Q. And it was after that, then, that you decided to
3 give -- give a second statement then; right? They had a court
4 reporter come back and you gave a second version then of what
5 happened?

6 A. Yes.

7 Q. And shortly after that, then you went to court and
8 an attorney was appointed for you?

9 A. Yes.

10 Q. Okay. And your attorney was able to get copies of
11 the reports and that sort of thing; right?

12 A. Yes.

13 Q. Relating to the -- more reports about -- about the
14 crime itself; right?

15 A. Yes.

16 Q. And your attorney showed you statements of
17 different witnesses and that sort of thing; is that correct?

18 A. I don't remember.

19 Q. Okay. Did she show you copies of your own
20 statements?

21 A. Yes.

22 Q. Okay. And you pursued this idea of getting
23 immunity; right?

24 A. Yes.

25 Q. And you had some discussions with -- with another
26 district attorney about getting immunity; is that correct -- Mr.
27 Fraser? Do you remember that name?

28 A. I remember the name.

1 Q. Okay. Sort of a curly-headed guy that has
2 crutches?

3 A. Yes.

4 Q. Okay. And you made the arrangements to get
5 immunity with him, then; right?

6 A. Yes.

7 Q. And they told you that once you were given
8 immunity, then, that the charges would be dismissed against you;
9 right?

10 A. Yes.

11 Q. And at that point, once you'd been given immunity,
12 that you'd be released?

13 A. Yes.

14 Q. Well, actually they indicated to you that you'd
15 have to testify first; right?

16 A. Yes.

17 Q. And then you'd be released; --

18 A. Uh-huh.

19 Q. -- is that correct?

20 A. Yes.

21 Q. Okay. And finally, when was it? In March that you
22 testified and that you were released?

23 A. Yes.

24 Q. Now, you mentioned that -- that sometime in June of
25 this year, Michael phoned you; is that correct?

26 A. Yes.

27 Q. Okay. He was in jail at the time, wasn't he?

28 A. Yes.

1 Q. In fact, to your knowledge, he hasn't been out of
2 jail since that morning in January when everybody was taken down
3 to the police station; right?

4 A. Yes.

5 Q. And had -- had you been seeing him out at -- at the
6 jail at all?

7 A. Yes.

8 Q. Okay. On what sort of basis would you say?

9 A. What do you mean?

10 Q. Well, once a month? Once a week?

11 A. Every Wednesday.

12 Q. Okay. You're how old now?

13 A. 19.

14 Q. 19. Okay. You indicated at the time that this
15 happened you were -- you were Mike's girlfriend; right?

16 A. Yes.

17 Q. Okay. I imagine, though, with -- with him in
18 custody, that -- that you've been seeing other people, though;
19 right?

20 A. No.

21 Q. You're not dating anybody else?

22 A. No.

23 Q. Okay. After this phone call, did -- did you
24 continue to go out to see him at the jail?

25 A. No.

26 Q. Wasn't the -- the purpose of this to sort of break
27 off the relationship so you could get on -- on with your life
28 because you didn't know how long he was going to be in jail?

1 A. I don't know. I -- I just stopped going. My mom
2 didn't want me out there any more.

3 Q. When -- when Mike came back with -- with Rick --
4 never mind.

5 MR. HOLMES: No further questions.

6 THE COURT: All right. Excuse me just a moment.

7 Ladies and gentlemen, some of you look kind of like
8 I feel. I think it might benefit all of us if we just took a
9 seventh-inning stretch here. I don't mean for you to go off of
10 for a recess. Just stand and stretch for a few minutes and get
11 the bugs out.

12 MR. GARBER: Your Honor, could we see the Court for a
13 minute.

14 THE COURT: All right. Let's take ten minutes.

15

16 (Conference at the bench, not reported.)

17

18 THE COURT: Okay. We'll recess now for ten minutes.

19

20 (Recess.)

21

22 THE COURT: You may resume your examination.

23 MR. HOLMES: I had rested.

24 THE COURT: Had you? Okay.

25 MR. HOLMES: I thought I did.

26 THE COURT: That's right. I rested, too. That's the
27 problem.

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 Any redirect?

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MR. GARBER: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. GARBER:

Q. Since this has happened, have you got a new boyfriend?

A. Yes.

Q. Okay. So you have been dating other people, then?

A. Yes.

MR. GARBER: Okay. I'd like to read into the record from the preliminary examination, March 13th, 1981, page 50. Actually, it starts at page 49, line 28.

"Question. I'd like you to have a look at this bag marked People's No. 2 for identification. There's a belt inside the bag.

"Do you recognize this belt?

"Answer. No.

"Question. Have you ever seen a belt that looked like this?

"Answer. No. That day.

"Question. That day? Meaning which day?

"Answer. When he threw it at me."

Down to line 12.

"Question. What was it you said?

"Answer. It looked like the belt he threw at me.

"Question. This belt in the bag marked

1 People's No. 2?

2 "Answer. Yes."

3 Q. Do you recall that testimony?

4 A. Yes.

5 Q. And today we have this belt in People's No. 23, and
6 on the back you can see People's No. 2 from the preliminary --

7 MR. HOLMES: I object to that, your Honor, as testimony
8 in hearsay.

9 MR. GARBER: It's just preliminary.

10 THE COURT: No. Overruled. Counsel is reading from the
11 record. The bag is so marked.

12 BY MR. GARBER:

13 Q. Is this the same belt that we were referring to at
14 the prelim?

15 A. Yes.

16 Q. Okay.

17 MR. GARBER: For the record, your Honor, that related to
18 the testimony of Raquel Cardenas.

19 Q. The -- the blood on Mike's finger, when did you
20 first see that?

21 A. His cut?

22 Q. Yes.

23 A. Saturday morning.

24 Q. About what time Saturday morning?

25 A. About two o'clock in the morning.

26 Q. And what were you doing at that time?

27 A. I was asleep.

28 Q. What happened?

1 A. Mike came in and -- um -- he was dripping with
2 blood.

3 Q. Where did the blood drip?

4 A. On me.

5 Q. Is that what woke you up?

6 A. Yes.

7 Q. Did you see anyplace else that the blood dripped?

8 A. I don't -- I don't remember.

9 Q. Where were you at that time?

10 A. In bed.

11 Q. And what residence was that?

12 A. At, um, Pat's house.

13 Q. On Ryde?

14 A. Yes.

15 Q. During that time between about 6:30 and 7:30 on
16 that Thursday after Mike and Rick had left, you said you and Pat
17 were watching television?

18 A. Yes.

19 Q. Were the two of you watching television the entire
20 hour?

21 A. That I remember.

22 Q. Do you know if Pat ever got up at all?

23 A. I don't think so.

24 Q. Do you know if you ever got up?

25 A. I don't think so.

26 Q. Do you remember if anyone went to the bathroom?

27 A. Probably.

28 Q. So that would have been some period of time then

1 during that hour?

2 A. Yes.

3 Q. Did you see Mike Morales use any PCP Thursday,
4 January 8th, 1981?

5 A. I never seen him, no.

6 Q. Thank you.

7 MR. GARBER: Nothing further.

8 THE COURT: Recross.
9

10 RECCROSS EXAMINATION

11

12 BY MR. HOLMES:

13 Q. Miss Cardenas, you say this was about two in the
14 morning that he came into the bedroom with -- with a cut finger.

15 Is that when he went to bed, then?

16 A. I don't remember.

17 Q. Okay. Was he trying to wrap something around the
18 finger to -- to stop the bleeding?

19 A. Yes.

20 Q. Okay. When Mr. Garber said could somebody have
21 gone to the bathroom, you said, "Probably." Are you saying
22 probably because it's not unusual that people go to the bathroom
23 or --

24 A. Yes.

25 Q. -- do you actually remember somebody going to the
26 bathroom?

27 A. Because she could have gone. I don't know. I
28 don't remember.

**EXHIBITS IN SUPPORT OF PETITION FOR
EXECUTIVE CLEMENCY**

MICHAEL A. MORALES

Exhibit 30: Declaration of Patricia Felix – January 25, 2006

DECLARATION OF PATRICIA FELIX

I, Patricia Felix, declare as follows:

1. I testified for the prosecution in the capital trial of Michael Morales in the early 1980's. During that time, I went by the name Pat Flores. I knew Mike when he lived with my children and me at our home in Stockton, California. Mike and I became good friends that year, and I liked and trusted him with my children.

2. When I knew Mike Morales, I had a very different lifestyle from what I have now. I have recently found God in my life, and my whole outlook about myself has changed. In the 1980s, I was a single mother. I had to hustle and struggle just to keep my family fed and clothed. I had problems with several men in my life. They treated me badly, and I had to spend a lot of time just trying to avoid them. One of the worst was the father of my children, Cesar Santiago, Sr. When I was with Cesar, he beat me up and threatened to kill me and my children. I grew very scared of him. He made me feel like I was not worth anything and he followed me and the children wherever we moved.

3. In the late 1970s, I became involved a man I met at a barbecue. His name was Andy Flores. Andy was cute and funny. He also like to party, and we began to spend a lot of time together. I found out that Andy sold all different kinds of drugs. He sold KJs, or PCP powder rolled in parsley or sometimes weed. He also made Shermans for people and sold them. Shermans were cigarettes dipped in embalming fluid. Andy sometimes sold cocaine and heroin, too. Andy liked me, and began to offer me all sorts of drugs for free. I felt so down and depressed on account of my relationship with Cesar that I wanted to escape into the way the drugs made me feel as often as I could. I got high any chance I could with Andy. I smoked, injected and drank anything at all. I was on public assistance then, and I got a monthly payment plus WIC pay for my children. Andy came over and slept at my place a lot. When Andy came over, we partied a lot. I got really high about three or four times a week.

4. Andy brought me to parties in Stockton where he sold drugs. The parties were pretty wild. Most people went to these parties just to get drugs and get high. Some of the people were just occasional users who liked to party, and other people were stoners who spent their life getting wasted. The most common drugs at the parties were PCP and LSD. It was not unusual to see some stoned people stripping off their clothes, or two people who were high out of their minds fighting each other. Other people got paranoid and saw things that were not there, or cried or shouted into the air at things or people that did not exist. I joined in, and had some wild trips on drugs. Andy usually stayed more sober so he could sell. He sometimes had to carry me home because I was so stoned I did not know where I was or who I was.

5. Andy introduced me to Mike at one of these parties. When I first met him, Mike was drunk and smoking Shermans and KJs. He could hardly talk and looked like he was in a trance. Mostly he sat in one place and stared straight ahead. Later that night, I was across the room when I saw something out of the corner of my eye. People were looking at Mike, who was standing staring at the wall. He had a wine glass in his hand that he had crushed. His hand was bleeding really badly, but it was as though he did not even realize it. He did not seem to feel it at all. He just stared straight ahead at the television.

6. Andy began to bring Mike over to my apartment and we got stoned together. My husband Cesar still came around and threatened me, and I was very depressed about it. I liked to get high just to forget about him and the children. When Andy came over, he also brought his sister Ruth. Ruth did not like to get stoned as much as I did. She stayed sober more, so I tended to leave the children with her. She did not like it though. She often said she hated being the babysitter for a bunch of wasted losers.

7. Once, Mike came over and said he needed a place to live. He said he could not live with his parents and he could not stay with his girlfriend. He seemed sad when he said this. When I asked him more about it, he started to cry. He said he was worthless. It seemed to me that he was coming off of a bad breakup with a girlfriend. I told him I knew what that was like, and if he wanted to, he could stay with me and my children. Mike said he did not have much money to pay for a room, but he had some weed and kjs that he could give me in exchange.

8. Mike also offered to take care of my kids when I was gone. The children liked Mike immediately. He did not use any drugs when I took him up on his offer and he was talking care of them. He was great with them. He was very gentle and patient, and played with them for hours and hours. He was easy with them in a way that I was not. My children called him "Uncle Mike" and followed him around. Mike was very caring and attentive to my children. He took care of them when they got sick and seemed completely devoted to them when he was babysitting them. I never saw him angry, heavy-handed, or even irritable with my children. I admired how patient he was with them, and I trusted him completely.

9. To this day, I am very grateful to Mike for saving my son's life when he almost choked to death. My son Cesar was tossing a plastic super ball in the air and catching it in his mouth. Something happened and little Cesar swallowed the ball and it got caught in his throat. Cesar was only about six years old at the time, and he stopped breathing. My daughter yelled and we all came running. Cesar was turning blue and he fell on the floor. I was so panicked that I could not react. Mike grabbed Cesar, held him upside down and walloped him. The ball came shooting out and my son was fine. I thanked Mike over and over for the presence of mind he had to step in and do that for my son, and I was very, very grateful.

10. Mike seemed so much happier when he was playing with my children than at any other time I was with him. I remember many times when I tried to coax Mike away from playing with my children so I could get him to get high with me. Those seem to be the only times when Mike did not seem to want to do drugs at all. He was his happiest with them, and did not want to stop a game to get high.

11. Other times, though, when he was not supervising or playing with my children, Mike seemed to want to take as many drugs as fast as he could. He smoked PCP, took cocaine, weed, heroin and uppers. Sometimes he seemed intent on taking a whole mix of them together. I sometimes told him not to do that, because when I did it it made me sick. Mike often said he wanted to get as high as possible. Once I asked him why he got stoned so much and he said because when he got really super high he did not feel like himself, and that was what he wanted: he did not want to be him.

12. Sometimes Mike got really down when he was living with me. A couple of times, he broke down crying. He said he missed his girlfriend, his parents and his children, but he could not get out of the rut he was in. He said he felt like he could not do anything right, and that his life was a waste. When he started talking like that, I usually told him to smoke a kj and forget out it all. Mike sometimes said he did not want to, but he always did it anyway. He once said he felt he had no other possibilities in life other than getting wasted. Not too long after Mike moved in he got a new girlfriend named Raquel.

13. Sometimes Mike did really crazy things when he got high. He once went outside naked and climbed up an electrical pole and tried to grab the wires. I shouted at him, and asked him what he was doing. Mike's eyes were flickering and his face was twisted. He said he was fixing his car. He shouted at me to stop fucking up his car. None of what he was doing or saying made any sense. Luckily for him, he lost his balance and fell to the ground before he got to the wires. He sprained his ankle and broke



a finger in the fall, but he did not realize this until the next day. He was so high he did not feel what was happening to him.

14. Most often he acted like he was in a trance when he got high on his kjs. He put his arms out in front of him and paced. He got sweaty and his eyes flickered really fast. He looked so weird sometimes that he seemed like an alien. He got very arrogant towards me and yelled at me, but none of what he said made any sense. He just spoke in strange garbled words. When I said I could not understand him, he yelled and screamed and then stared into space again. All in all, Mike was rude and arrogant when he was high, but when he was himself he was one of the nicest people I knew.

15. By the end of 1980, my relationship with Andy was on again, off again. We got into fights a lot, mostly about drugs. Andy accused me of stealing drugs from him. Once, when Andy was sober, he belted me across the face. Mike came in as it was happening and pulled Andy off of me. Mike was sober and could see what was going on. He threw Andy out. After that beating, I felt much better having Mike around me to protect me and my children. I knew that at least I could count on Mike when he was sober.

16. Around that same time, my ex-husband Cesar told me he was going to send the police after me and take my children away. He said I was a junkie and was not a good mother. When he said things like that I got so sad, and so scared that my children would be taken away that I panicked. I tried to clean up my act. Each time I stopped taking drugs for a couple of days, but then fell off the wagon again. I could not keep myself together, and that alone was making me nervous. I thought the police might come at any time, find out about my drug habit, and take my children away. I wanted to stop that from happening, but I did not know how.

17. After Christmas in 1980, Mike seemed to be high more and more often. He went for days and weeks getting high one day and then getting sick the next. Mike seemed to get sicker and sicker from his drugs as time went on. He vomited a lot of the



time, and got it all over the house. Usually, he did not even realize he was throwing up. He walked around outside with puke all over him. It was like he did not realize what his body was doing to him.

18. In January 1981, Mike never put anything around my neck or otherwise pretended to harm me in any way. I never saw him handle a belt, a hammer, or a knife during that time. On the day of the crime, Mike's cousin Ricky came over several times. I had met Ricky a few times before, because he and Mike were friends. Once Ricky made a remark to me about some guy on television. It was sort of an admiring remark, something unusual for a man to say about another man. I told Ricky that he must be gay. Ricky just laughed nervously. From then on, I teased Ricky about that whenever I saw him.

19. On the second or third time that Ricky came over on that day, he asked me if I would go with him to buy some wine at the store. Ricky was not yet twenty-one, and he said he would get carded if he went alone. I had smoked a lot of weed that day and was a little high. Mike smoked some kjs while I smoked weed. He was staring, his eyes were flickering a lot, and he was sweating a lot. I did not like to be around Mike when he got like that because he could be so arrogant. So when Ricky asked me to go with him to the store, I went even though I was a little high.

20. Along the way, Ricky acted nervous but he was chatty. He talked about work. Then he said he was going to scare someone. He also said he wanted to get Mike really "fucked up" so he would not know what was going on. Ricky also said Mike was "pretty scary when he's fucked up." After we got to the store, I bought a bottle of wine for Ricky and Mike and some other wine and beer for me. Then we went home.

21. After we got back, Mike was even in worse shape. He was holding his arms in front of him and moving the furniture and bumping into it. He was talking his crazy talk -- garbled words that did not make any sense. I did not want to deal with him so I got drunk and smoked straight weed. I laid down on the couch and watched

television with Raquel. I must have passed out fast because I did not hear or see Mike and Ricky leave.

22. I did not hear or see much of anything that night because I was so wasted. I laid on the couch almost the entire night and slept or looked up once in a while to see the television. At one point, I did wake up and hear Mike and Ricky go in and out of the apartment. At another point, Mike woke me up again and started yelling gibberish at me. It was clear to me he was out of his mind, so I ignored him and went back to sleep. I never looked for anything in the apartment that night, including a hammer or a knife. I never got up to look at Rick's car, and I never had any further conversations with either him or Mike that night. I never heard Mike make any statements about anything having to do with killing Terri Winchell. I never saw him wash the hammer or the knife that night.

23. The next day, I woke up and felt sick from a bad hangover. I said hello to Mike and did some chores. At some point later that day, Ricky Ortega came over and talked with Mike while I cleaned up the house. I heard Ricky say that Terri Winchell was gone and that the police might come over. I remembered what Ricky said about wanting to scare someone and I put two and two together. I got very scared right there and then because I thought he meant that the police would come to my house and then they would find out about the drugs and take my children from me. I grabbed Ricky's arm and asked him why he was bringing all of this down on me and my children. Ricky said nothing was going to happen.

24. I started throwing away beer cans and bottles, bongos and drugs. I picked some clothes off the floor and saw they were bloody. Something fell out of them, and then I saw it was a credit card belonging to Terri Winchell. I was about to say something to Ricky or Mike, but then I thought I could use the credit card, so I hid all of it. While I was cleaning, I saw one of my little boys playing with a hammer on the kitchen floor. I did not think much of it and did not take it away from him. I was distracted thinking

about what might have happened and what might happen. I hardly slept that night because I was so nervous.

25. Early the next morning, the police did come. I heard them coming before they even knocked on the door. There were a lot of them. They stormed in and woke everyone else up. One police officer immediately pulled me outside and told me to sit on a lawn chair. I asked if I could get my children, and he said no. Policemen went in and out with guns and big plastic bags. In the meantime, two policemen asked me questions. They said they knew I knew everything about Terri Winchell's death. I told them I did not know anything about it, but they insisted I did. Then they described how Terri died and told me that only a junkie like me could help kill a girl like that. They said the least worst thing that could happen to me would be that my children would be taken away from me. When they said that, I lost it. I started crying, and I heard my children cries from inside the house. The police said that the most likely end to all of this was that I would go to jail and my children would go to another jail.

26. The police kept me outside there for about an hour and a half, questioning me. I saw that Raquel was being questioned by another officer around the other side of the apartment. I was so scared the whole time. I begged them to let me get to my children, but they refused. They told me that they knew I did drugs and they knew I had problems with my ex-husband. I asked if they knew him, and they said yes. I got so scared when they said that, because I thought then that my husband surely would have told the police about my drug use. I felt bowled over by what they were saying and I was desperate to keep my children. Finally, they told me I could take my children next door, but I had to go to the police station with them. They handcuffed me and put me in the car.

27. The ride to the police station was very long and the policemen talked to me almost the whole time. They claimed that they had found drugs in the house and unless, I helped them, I would go to jail. They also said Michael Morales was a killer and a rapist and that I was to blame for harboring him. They asked me if I took good care

of my children and if I knew what Mike had done to them. I told them I knew Mike and knew he would never hurt my children. I told them he was great with my children, and that I trusted him. They laughed at me and told me that I spoke like a true junkie. They told me the only way I could save myself was by telling the truth. I told them I had told the truth. They said that they found weapons in the house that were used on Terri Winchell, and that Mike said he told me all about how he killed her. I told them that Mike had spoken to me two nights ago but that neither one of us could understand each other because we were both wasted. One of the police officers said at one point that anything I said about Mike or me doing drugs that day or any other day would land my children and me in jail.

28. The police told me in the car that I needed to confirm what Mike and Raquel had already told them: that Raquel and I found blood in the car, that Mike admitted to killing Terri Winchell, and that Mike had used my hammer and knife. The police said they knew Mike had practiced strangling me and using the hammer. I said that was not true. The police said that they had statements from Raquel, who was more sober, so they believed her and I should too. They said I could not trust my own memory because I had too many drugs in my system.

29. The police and district attorney questioned me on several occasions. Throughout these conversations, the police scared me and convinced me that I would go to jail and never see my children again if I did not say what they wanted me to say. I was so scared that I believed I had to say what they wanted me to, even if it was not true. The police and the district attorney who was with them reassured me that I was doing the right thing by saying what they told me to say. They said that it was settled that Ricky and Mike killed Terri Winchell, and there was no question of guilt. They recorded a couple of my statements they made me give. They said I was not harming anyone, and in fact was only saving myself and my children by cooperating with them. They also told me



that although they wanted a death sentence for Mike Morales, it would never actually get that far. They said Mike would live a long time and would not actually be put to death.

30. The police also told me to say some things that to this day make me feel sick to my stomach, like that Mike bragged about the crime. They also told me to say that Mike scared me. This makes me sad, because although Mike was taking a lot of drugs, he was a great, gentle person when I saw him sober.

31. One of the things the police said that scared me the most was that Raquel had said things told them everything about the crime and about the drugs in the house. The police told me Raquel was in jail because she did not help them and do as they asked. I knew then that going to jail was a real possibility. I was so scared for my children and I. I lost a lot of weight during that time because I was so nervous and anxious.

32. At one point, the police said they would pay me money to move into a house if I testified against Mike and Ricky. I told them I would be interested in that. In 1983, a man from the district attorney's office did give me a check after I testified on one day in the Ventura trial involving Mike Morales. I received two checks, each for about a couple hundred dollars.

33. Although I was only trying to protect my family and myself, I am sorry for the lies the police made me tell in Mike's case. They made me lie about many things including Mike tapping the hammer into his hand before Terri Winchell went missing; Mike wrapping his belt around my neck and practicing choking; that I saw his broken belt; that Mike talked about the murder and how he killed Terri Winchell; about me hanging a picture in my apartment; that I noticed that my hammer gone or was wet; that I noticed my knife at all; and that I saw in Mike's clothes and in Ricky's car.

34. I am sorry the police and District Attorney would not let me be honest with the court about my relationship with Mike and what I know about him as a person. I am also sorry I was not able to be honest about Mike's drug use, and my drug history. I

am grateful that, with my new-found faith, I can be completely honest about all of this now.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration was executed on January 25, 2006.



PATRICIA FELIX