

1 PLANTIFF: MS. MILTON  
2 WITNESS: INVESTIGATOR BRIAN WALKER  
3 COURT:  
4 DEFENDANT: MS. LAKE

5  
6 WARM UP

7  
8 MS. MILTON: The people would call Investigator  
9 Walker.

10 THE COURT: Since my clerk is away, I'll swear you  
11 in.

12 Do you solemnly swear the testimony you are about  
13 to / give in the case now pending before this court  
14 shall be the truth, the whole truth and nothing but the  
15 truth so help you God? /

16 THE WITNESS: I do.

17 THE COURT: Please state your name and spell it for  
18 the record.

19 THE WITNESS: Brian, B-R-I-A-N.  
20 Walker, W-A-L-K-E-R. /

21 THE COURT: Thank you.

22 DIRECT EXAMINATION

23 Q. BY MS. MILTON: Detective Walker, where are  
24 you employed?

25 A. I am employed with the Orange County Sheriff's  
26 Department.

1 Q. In what capacity?

2 A. Currently assigned as an investigator / in the  
3 homicide detail.

4 Q. How long have you been a deputy?

5 A. Over 20 years.

6 Q. Directing your attention to June 27, 2004.  
7 Did you / become involved in a homicide investigation?

8 A. I did.

9 Q. And on June 27, did you actually go to a  
10 location where there was a homicide victim? /

11 A. Yes, I did.

12 Q. Where was that?

13 A. That was at a residence on Hillside Road in  
14 the City of Orange.

15 Q. Directing your attention then to the /  
16 following day, June 28. Were you involved in  
17 investigating that homicide on that date?

18 A. Yes, I was.

19 Q. In the course of your activities on that \*/  
20 date, did you end up conducting an interview of anyone  
21 who is present in the courtroom here today?

22 A. Yes, I did.

23 MS. LAKE: We will agree the / officer interviewed  
24 my client.

25 MS. MILTON: I just wanted him to be able to  
26 identify the defendant.

1 THE COURT: Let's proceed, please.

2 Q. BY MS. MILTON: To whom did you speak to that  
3 / day?

4 A. That's Michael Nelson, the young man seated at  
5 the counsel table dressed in the jail jumpsuit.

6 THE COURT: All right. Indicating the defendant  
7 for the record. /

8 Q. BY MS. MILTON: On June 28, where was  
9 Mr. Nelson when you first came into contact with  
10 him?

11 A. I believe he was outside. There was a  
12 greenbelt area / near the crime scene and he was  
13 somewhere in that area.

14 Q. Were you with any other officers?

15 A. Yes, I was.

16 Q. Where did that interview occur? /

17 A. There was an unmarked unit parked near the  
18 scene and it took place inside that unit.

19 Q. Who was the other investigator?

20 A. That was Dan Thompson. /

21  
22 \*\*END OF WARMUP\*\*

1 EXAM

2 Q. BY MS. MILTON: Officer Walker, where was Mr.  
3 Nelson when you first came into contact with him on  
4 that day?

5 A. Again, I believe he was out in the / greenbelt  
6 area.

7 Q. All right.

8 A. Prior to proceeding into the vehicle.

9 Q. And how is it that he ended up in the vehicle?

10 A. We were performing a / neighborhood canvass  
11 and talking to all the neighbors, and we asked him if  
12 we could interview him regarding the body that was  
13 found. I don't / know specifically what we told him,  
14 but we were investigating a crime and asked if we could  
15 talk to him.

16 Q. All right. And how did / he respond to that  
17 request?

18 A. He agreed to the request and entered our  
19 patrol car.

20 MS. LAKE: Objection. Nonresponsive.

21 THE COURT: Overruled.

22 Q. BY MS. MILTON: All right. Where in the  
23 vehicle did / he sit?

24 A. I believe he was in the front passenger seat.  
25 I just sat right behind him in the back seat. I believe  
26 Officer Thompson / was sitting in the driver's seat.

1 Q. Why did you interview him inside the car  
2 rather than just out on the street?

3 A. Just strictly for noise. / It is quieter.

4 Q. Prior to him entering the car for the  
5 interview, did you threaten him in any way?

6 A. No, we did not.

7 Q. Did either \*/ you or Officer Thompson make any  
8 promises to him?

9 A. No, I did not.

10 Q. The interview occurred in the vehicle for some  
11 period of time?

12 A. That's / correct.

13 Q. And after that interview was completed, what  
14 happened next?

15 A. After the interview was completed -- well, I  
16 believe during the interview Thompson asked Mr. Nelson  
17 / if we could go back to his house and check his room.

18 Q. All right.

19 A. Which we then did.

20 Q. What happened next?

21 A. We went back to / Mr. Nelson's house and he  
22 showed us his room and some of his property. After that  
23 we left.

24 Q. All right. And was he placed under / arrest  
25 on that date?

26 A. No, he wasn't.

1 Q. Okay. Was he ever physically restrained in  
2 any way?

3 A. No, absolutely not.

4 MS. MILTON: May I briefly approach the witness, /  
5 your Honor?

6 THE COURT: Proceed.

7 MS. MILTON: I have filed with the court some  
8 exhibits attached to the motion. I would like to show  
9 the witness a copy of / the exhibit.

10 THE COURT: That's fine. I assume the defense also  
11 has a copy.

12 MS. LAKE: Yes, I do. Thank you.

13 THE COURT: Let's proceed.

14 Q. BY MS. MILTON: Officer, I would ask you to /  
15 take a look at that and tell us whether you recognize  
16 that.

17 A. Yes, I do.

18 MS. LAKE: Your Honor, may the record reflect that  
19 in my motion \*/ to dismiss there is also a set of  
20 exhibits. We also have that transcript attached to our  
21 papers.

22 THE COURT: The record should reflect that I have /  
23 read and considered the 995 motion filed on behalf of  
24 the defendant, as well as the response filed by the  
25 people. There are / many exhibits attached thereto. I  
26

1 have read and considered all of them, but for the one  
2 submitted this week.

3 MS. LAKE: Thank you, your Honor.

4 THE COURT: Do we / need to mark the exhibits again  
5 for the motion?

6 MS. MILTON: I don't think we need to mark them as  
7 exhibits in this hearing. If the court / is  
8 comfortable with just having them in the motion, that's  
9 fine with us.

10 THE COURT: That's the best way to do it, I think.

11 MS. LAKE: Yes, that's fine. /

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1 START TYPING

2 Q. BY MS. MILTON: Officer, do you see that  
3 exhibit?

4 A. Yes.

5 Q. Is that exhibit the transcript of the  
6 interview with Mr. Nelson in the car?

7 A. Yes.

8 Q. All right. I / would like to direct your  
9 attention to June 29, the next day. On that date, did  
10 you return to the place of Mr. Nelson's residence / in  
11 order to make contact with him?

12 A. Yes, myself along with Officer Thompson.

13 Q. All right. Prior to going to his home on that  
14 date, were / you involved in some investigation into  
15 the use of some credit cards?

16 A. Yes, I was.

17 Q. Those particular credit cards, were they  
18 issued in the name / of someone in particular?

19 A. Yes, they were.

20 Q. Who was that?

21 A. Susan Winfield.

22 Q. And who is Susan Winfield?

23 A. Well, she is the victim of our murder. /

24 Q. All right. And in connection with the use of  
25 those cards, did you travel somewhere and present a  
26 photographic lineup to a store owner?



1 A. Yes, / I did.

2 Q. Was there a person who identified a photograph  
3 from the lineup?

4 A. Yes, there was.

5 Q. And do you remember who that was or where / it  
6 was?

7 A. It was at the Beach House Restaurant. I  
8 believe his name was Travis Johnson.

9 Q. The lineup that Travis Johnson was shown, how  
10 many \*/ photos were in the lineup?

11 A. There were six photographs.

12 Q. Did he pick one of those photographs out as an  
13 individual who used Susan Winfield's credit / card at  
14 his restaurant?

15 A. Yes, he did.

16 Q. Is that a transaction that he handled himself?

17 A. That's correct. He was involved in that  
18 transaction.

19 Q. Whose photograph / did he choose?

20 A. He identified Michael Nelson.

21 Q. All right. After that happened, that's when  
22 you went back to Mr. Nelson's residence?

23 A. That's correct.

24 Q. And did / you make contact with him on that  
25 occasion?

26 A. Yes, we did.

1 Q. How did that take place?

2 A. I believe we just told Mr. Nelson that we /  
3 had some further questions that we wanted to talk to  
4 him about.

5 Q. How did he respond to that?

6 A. He agreed to talk to us further. / We told  
7 him that we were taking him to our headquarters in Los  
8 Angeles.

9 Q. Was he handcuffed at any time during this  
10 process?

11 A. No, he / was not.

12 Q. Was he threatened in any way in order to  
13 conduct the interview?

14 A. No, he wasn't.

15 Q. Did you or Officer Thompson promise him  
16 anything / in order to encourage him to agree to an  
17 interview?

18 A. No, we did not.

19 Q. So did he travel with you to Los Angeles?

20 A. That's correct. \*/

21 Q. Where was he in the car?

22 A. I believe he was in the back seat on that  
23 occasion.

24 Q. So you and Thompson were in the front? /

25 A. That's correct.

26 Q. Was Mr. Nelson handcuffed?

1 A. No, he was not.

2 MS. LAKE: Asked and answered.

3 THE COURT: Sustained.

4 MS. LAKE: Move to strike.

5 THE COURT: Stricken.

6 Q. BY MS. MILTON: Where exactly did you go in  
7 Los / Angeles?

8 A. We went to our headquarters in Los Angeles.  
9 We have an interview room on the second floor. We may  
10 have taken him into our / office prior to beginning the  
11 actual interview.

12 Q. Okay.

13 A. But, that would have been for a short period  
14 only before we moved into the interview room. /

15 Q. All right. And the interview room itself, can  
16 you describe it?

17 A. It is just a regular room. At that time it  
18 had a table and / some chairs around it. The room is  
19 set up with audio and video equipment.

20 Q. Okay. I would like to show you a copy of the  
21 / next exhibit. I would ask you if you could glance at  
22 that particular transcript and then tell us if you  
23 recognize that.

24 A. I recognize the / document as being the  
25 transcript of the June 29 interview with Michael  
26 Nelson.

1 MS. MILTON: I have no further questions at this  
2 point.

3 THE COURT: Ms. Lake.

4 CROSS-EXAMINATION

5 Q. BY MS. LAKE: You actually \*/ came into  
6 contact with Mr. Nelson on June 28; is that correct?

7 A. That's when I initially contacted the  
8 defendant, yes.

9 Q. Were you in uniform at / the time or were you  
10 a plainclothes officer?

11 A. No, I am not in uniform.

12 Q. You had a gun and a badge, though; is that  
13 correct? /

14 A. I usually carry a gun and identification, but  
15 whether I was wearing it at the time, I don't recall.

16 Q. Did you show him that badge / when you were  
17 talking to the neighbors and told him you wanted to  
18 speak with him?

19 A. I didn't talk to any neighbors. I was at /  
20 the coroner's office for the autopsy.

21 Q. Now, were you the one that first talked with  
22 Mr. Nelson on that day, on the 28th?

23 A. I think / my partner was the first one that  
24 talked to him. I met him in that greenbelt area. I  
25 believe he was already talking with Officer / Thompson.  
26

1 Q. Then the three of you moved into the car; is  
2 that correct?

3 A. Yes.

4 Q. Did you introduce yourself to Mr. Nelson and  
5 show him that / you were an officer, or do anything  
6 like that?

7 A. I believe I was wearing my identification  
8 around my neck at the time.

9 MS. MILTON: May the record \*/ reflect that the  
10 witness was pointing to something hanging around his  
11 neck.

12 THE COURT: The record may so reflect.

13 Q. BY MS. LAKE: That's when you moved into the  
14 vehicle and / had a discussion; is that correct?

15 A. Yes.

16 Q. Now, the next day you completed your  
17 interviews with the store owners; is that correct?

18 A. That's not correct. /

19 Q. On the 29th you showed the photo lineup to the  
20 store owners; is that correct?

21 A. To one person at a restaurant.

22 Q. Had you spoken to / the other witnesses on the  
23 28th, or were they after that?

24 A. It was later than that.

25  
26

1 Q. Okay. So when you arrived back into Nelson's  
2 house, / you had already completed the photo lineup  
3 and you knew that he had been identified by this  
4 restaurant manager for using a credit card from / Ms.  
5 Winfield; is that correct?

6 A. That's correct.

7 Q. Did Officer Thompson also know that fact?

8 A. Yes, that's correct. He was present when it  
9 happened.

10 Q. Were you / displaying your badge around your  
11 neck?

12 A. Correct.

13 Q. Okay. Did you display your gun at the time as  
14 well?

15 A. I don't recollect if I was wearing / my gun or  
16 if it was exposed. Many times when we are wearing  
17 casual clothes, jeans, the gun is not showing. It is  
18 under loose \*/ clothing.

19 Q. The patrol vehicle you had, it is a standard  
20 police vehicle, correct?

21 A. Just a regular sedan. I don't know the model,  
22 but it was / just a four-door sedan.

23 Q. When you pulled up to his residence, both of  
24 you exited the vehicle?

25 A. I believe we did, yes.

26

1 Q. Did you both / arrive at the residence  
2 together?

3 A. Yes.

4 Q. And did you knock on the door?

5 A. I believe we did, yes.

6  
7 2 Q. Are you positive that you knocked on  
8 / the door?

9 A. I know we didn't barge in.

10 Q. Are you positive you didn't walk into the  
11 garage?

12 A. I don't believe we did. I don't recall /  
13 walking through the garage. I recall being in the  
14 garage, but I believe that was the previous day.

15 Q. You approached the residence and you entered /  
16 in through the garage; is that correct?

17 A. I don't know if we entered through the front  
18 door or the garage. I know at some point / we walked  
19 around the garage, but I don't know if that was going  
20 out or coming in.

21 Q. Officer Walker, when you entered the  
22 residence, did / you knock before walking into the  
23 house?

24 A. I believe we did.

25 Q. Well, do you have any independent recollection  
26 of what you did that day?

1 MS. MILTON: Objection. \*/ Asked and answered.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: As far as contacting Mr. Nelson,  
4 whether we went through the front door or the garage, I  
5 don't / recall specifically.

6 Q. BY MS. LAKE: Well, then who let you into the  
7 residence?

8 A. I don't recall. I recall that we contacted  
9 Mr. Nelson.

10 Q. Well, did you contact him / at the front door?

11 A. I don't recall.

12 Q. Did you contact him up in his bedroom?

13 A. I don't believe we went to his bedroom that  
14 day. / I know that we were in his bedroom the prior  
15 visit.

16 Q. Well, where in the house did you initially  
17 contact Mr. Nelson?

18 A. I don't recall / specifically that day whether  
19 it was in the garage or in the front by the door.

20 Q. Well, how did you get into the house? Did /  
21 you open the door yourself?

22 A. No.

23 Q. Then who opened the door?

24 A. I don't recall. It possibly was somebody else  
25 present in the house.

26 Q. I am / not asking for possibilities.



1 A. I testified I don't recall.

2 MS. LAKE: Your Honor, I move to strike the  
3 response as a guess to my question.

4 THE COURT: Just a / minute. Make your objection  
5 and state the grounds for the record.

6 MS. LAKE: Move to strike. Speculation.

7 THE COURT: Sustained. Stricken.

8 Q. BY MS. LAKE: Did you open the door yourself?

9 A. No, I \*/ did not.

10 Q. Did Officer Thompson open the door himself?

11 A. No. I don't recall him opening the door at  
12 all.

13 Q. Did Mr. Nelson open the door? /

14 A. Again, I don't recall who actually opened the  
15 door.

16 Q. Who opened the door to let you in?

17 MS. MILTON: Objection. Asked and answered.

18 THE COURT: Sustained.

19 Q. BY MS. LAKE: Isn't it really / true that you  
20 went through the open garage door?

21 A. I recall the garage door being open. I don't  
22 know if that was on that day / or the day before.

23 Q. Isn't it true that you started rooting around  
24 the garage looking for things before you contacted Mr.  
25 Nelson?

26 A. I don't recall / that, no.

1 Q. Isn't it true that you walked into the main  
2 house through the garage, and then contacted Mr. Nelson  
3 inside the house?

4 A. No, I / don't recall that.

5 Q. Isn't it true that no one let you into the  
6 house, that you let yourself into the house?

7 A. No.

8 Q. But, you don't / have any independent  
9 recollection of who opened the door when you first went  
10 in?

11 A. No, I do not.

12 Q. You don't have any independent recollection  
13 who / let you in?

14 A. That's correct.

15 Q. And you don't know where you contacted  
16 Mr. Nelson inside the house?

17 A. I don't really recall where exactly we  
18 contacted \*/ him.

19 Q. You have a conversation with Mr. Nelson at  
20 that point saying that you have some further questions  
21 to ask him; is that correct?

22 A. That's / correct.

23 Q. Is it your testimony that you asked him to  
24 come down to the station?

25 A. We told him we were going to the headquarters  
26 in / Los Angeles.

1 Q. You are absolutely positive about that?

2 A. Yes.

3 Q. You are positive that you didn't ask him to go  
4 to Mc Donald's with you to get / a soft drink and to  
5 answer some additional questions?

6 A. I did not.

7 Q. Did your partner do that?

8 A. I don't recall him saying that either.

9 Q. Isn't / it true that you asked Mr. Nelson to  
10 go get his wallet to bring along so that he could  
11 purchase himself a drink as you / are asking him some  
12 more questions at the Mc Donald's?

13 A. No. I recall asking him to get his wallet,  
14 but not to purchase anything.

15 Q. Well, why / did you ask him to get his wallet?

16 A. Because it would have identification in it.

17 Q. Well, he is 15; is that correct?

18 A. He would have / school identification.

19 Q. But, you know he is 15; is that correct?

20 A. That's correct.

21 Q. And you knew he didn't have a driver's  
22 license; is that correct? /\*

23 A. Yes.

24 Q. It wasn't your intention to arrest him for the  
25 crime of credit card fraud when you arrived up at the  
26 residence?

1 A. No, it definitely was / not.

2 Q. It was your intention to transport him to the  
3 police station to question him about the incident?

4 A. That's correct.

5 Q. Was his mother present?

6 A. His / mother was not there.

7 Q. You didn't leave a note saying that you are  
8 taking this child?

9 A. No, I don't believe so.

10 Q. Did you make any / efforts to secure the  
11 residence before you left?

12 A. I don't recollect if we did.

13 Q. Did you have Mr. Nelson close the garage or  
14 close the / house?

15 A. I don't recall if he did or not.

16 Q. Mr. Nelson is transported in the back of the  
17 patrol car?

18 A. Correct.

19 Q. Then you put him / in an interview room?

20 A. That's correct.

21 Q. When you walked into the interview room, did  
22 you explain to him that he was being taped or  
23 anything?/

24 A. I don't believe we specifically told him, no.

25 MS. LAKE: No further questions.

26 THE COURT: Redirect.

1 MS. MILTON: Just a couple things.

2 REDIRECT EXAMINATION

3 Q. BY MS. MILTON: Who was the lead detective on  
4 this case?

5 A. Officer / Thompson.

6 Q. Was your partner doing most of the talking  
7 with Mr. Nelson?

8 A. Yes. It was his case and I was assisting.

9 MS. MILTON: Nothing further, your Honor. /\*

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