

#20 Statement of James L. MARTIN

(Adam Walsh)

May 30, 1997

INVESTIGATIVE REPORT #20

TO: RALPH J. RAY, JR.
Chief Assistant State Attorney

FROM: PHILIP J. MUNDY
Investigator

SUBJ: Statement of James L. MARTIN

RE: Homicide Investigation of Adam WALSH

ENCL: Transcript of telephone interview of James L. MARTIN

James L. MARTIN, then age 12, was interviewed in 1981 by Det. HOFFMAN at which time Det. HOFFMAN reported that MARTIN said he saw some boys fighting at the video games on the day Adam WALSH was abducted and a female security person responded and ejected them. MARTIN was shown a photo of Adam WALSH but could not make a positive identification of him. There was no indication that MARTIN had been re-contacted after TOOLE surfaced, specifically for the purpose of displaying a photo line up to him.

Mr. MARTIN is currently residing in Virginia where he was contacted by telephone and agreed to a taped interview.

Mr. MARTIN can only state that while he was at the video games Adam WALSH may have been there at some time, however, to this day he cannot identify him as someone he saw on July 27, 1981.

Mr. MARTIN does state that he saw Mrs. WALSH walking the store with a security guard or a Sears employee and that he heard a page for Adam WALSH. He has no recollection of anyone questioning him about the boy's disappearance during the time he was in the store.

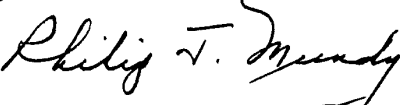
When questioned about some black children at the video game area and a disturbance he can only say that he seemed to recall some black children in the area at some point in time and has no firm recollection of a disturbance.

Mr. MARTIN says that he is definitely not one of the boys that was ejected from the store on that day.

Finally Mr. MARTIN advises that he would not be able to make any kind of an identification

of any adults that might have been in the vicinity that day. This was the primary purpose of contacting Mr. MARTIN and it does not seem that displaying a photo line up to him would be fruitful.

From Mr. MARTIN's interview it can be concluded that 1) he cannot say with certainty that he saw Adam Walsh, 2) he was definitely not one of the children ejected from the store by Kathy Shaffer, and 3) he would not be able to identify any adults that might have been in the vicinity of the games while he was there.


INV. PHILIP J. MUNDY

cc: Det. John Kerns, Hollywood Police Department

ENCLOSURE

ONE

Statement
JAMES L. MARTIN

Inv. Phil Mundy
February 28, 1997

THIS WILL BE A TELEPHONE INTERVIEW WITH MR. JAMES L. MARTIN, WHITE MALE, DATE OF BIRTH: 8/26/68 OF ROUNDTREE, VIRGINIA, PHONE NUMBER (540)338-9213 AND STATE ATTORNEY INVESTIGATOR PHIL MUNDY ON FRIDAY, FEBRUARY 28, 1997 AT ABOUT 4:45 p.m., REFERENCE STATE ATTORNEY INVESTIGATION NUMBER #96-02-262.

THE FOLLOWING NOTATIONS WILL DISTINGUISH SPEAKERS:

**PM: PHILIP MUNDY
JM: JAMES MARTIN**

PM: What I would like to do just try to refresh your memory for a minute, I have police reports and such in front of me here and according to a Detective Hoffman ...

JM: What year was that by the way?

PM: 1981. I know that is why ...

JM: Let me change gears here and put on my real person head.

PM: He writes a report indicating that he interviewed you on September 3rd, and I don't expect you to remember the date, but I hope you might remember something of the interview. In any event basically what he was asking you was to relate to him what occurred on Monday, July 27, 1981 which is the day that Adam Walsh was abducted. Without me giving you any hints, what do remember today about that?

JM: About that day, July ...

PM: Yea if anything at all.

JM: It was probably like a standard summer day in Florida, I don't believe I was working, I was probably very young so a lot of times... I lived across from the Sears Mall I would just walk over there because my mom worked at a bookstore at the time so I could visit her.

PM: Was that Walden's?

JM: That was Walden's bookstore, and I would go over to Sears and like any standard kid I would love video games, they have a little video game Keeosh where they would let kids go up there and play with it to their hearts content, so I was doing that. I don't remember the approximate time, it was probably late morning or early afternoon around then and I was playing Atari or something like that and I was one of the kids who actually played for hours on end. I was there for some long time and I would play and keep on winning and during that whole entire time kids would

up and keep on playing with me so we would be playing the same game and I do recall playing a game with a kid who fit the description of Adam Walsh.

PM: When you say fit the description, did somebody give you a description of Adam?

JM: It was only... yes of course.

PM: Ok do you remember who that might have been?

JM: No. I honestly heard it over the television.

PM: Oh ok.

JM: It dawned on me later probably the next couple of day or something, hey that description ... first off it was very coincidental that I was at the mall the same time he was abducted. I realized gosh it was in the same area because I remember seeing Mrs. Walsh walking frantically around with a security guard.

PM: You do remember that?

JM: I do remember that. I remember hearing the page the overhead page asking for Adam Walsh to ...

PM: Before you had seen Mrs. Walsh, do you have an idea of how long you were in t he Sears store particularly at the video games before seeing Mrs. Walsh?

JM: I would say, it is hard it is really hard to say, I would say anywhere as little as 30 minutes as much as 1 hour and a half playing.

PM: But as little as 30 minutes?

JM: About 30 minutes or so.

PM: And you see Mrs. Walsh because you later found out who she was?

JM: Exactly.

PM: You had never seen either Mrs. Walsh or Adam Walsh before?

JM: I may have but I didn't realize at the mall no.

PM: Now when you are playing the games this video game, what was it an Atari game or something?

JM: Atari I think.

PM: I am just curious, do you remember what kind of game it was. The only thing I remember at that time was the pong game.

JM: Ping Pong game?

PM: Yea which game did you have?

JM: I was probably playing, it was an Atari brand, the actual name of the cartridge is probably I don't remember the name. It could either been a little battleship type. It was a game where you could choose from like 10 to 12 different model games and all the games are based either like your like a gunner on the ground, a stationary fixed gunner and you would shoot up into the planes that were cycling overhead. I don't remember the name of it.

PM: Was that situation there, was it set up there where two people play the same game?

JM: Yes either or.

PM: So were you playing it alone?

JM: Probably, knowing me sometimes I was playing it by myself. The other times when other kids would come by they wanted to play, I would just hit the reset button and you could have two kids playing at one time.

PM: Did there come a time when you did play with some other kid?

JM: Yes. I think I actually played with him.

PM: Do you recall while you were there did more than one child come up and play along with you?

JM: Besides him?

PM: Yea besides him.

JM: Yes I think in addition to Adam other kids came up and played with me.

PM: Did some of those kids leave and then come back?

JM: Oh it was, that is I believe so.

PM: While you were playing, would there come times where there would be other children standing around either watching or waiting to play?

JM: I can't say definitely Phil. I would say so.

PM: That's fine. I know we are talking you know 15 years ago and if you don't remember something I rather you just tell me you don't remember. I don't want you to force something.

JM: No, I am really trying to think but that is always the case and it is like the king of the playground so to speak, you know if you are the winner you keep on playing till you are defeated kind of thing. I kept on playing and a lot of kids would gather from time to time.

PM: Do you remember if you could just try to focus in or picture this boy that you believe was Adam Walsh, do you remember what he was wearing or anything particular about his physical description?

JM: I don't remember particular clothing or apparel or that kind of stuff, I just remember he was shorter than I was and I believe he had brown hair, Caucasian. And I believe he may have had a hat on. Maybe.

PM: You don't remember anything about the clothing or the hat?

JM: No I don't. I mean

PM: More attention on the video game I suppose.

JM: Probably he probably had short pants on. Most kids wore short pants because it was hot.

PM: Well this was July we are talking about. And do you remember anything happening or do you remember if there were a couple of black children who were playing or appeared or anything about that?

JM: I do recall a couple of black kids congregating around, I mean I was so focused and fixated on the game I wasn't really paying too much attention to what was going around me but I do recall seeing a couple of black kids. Perhaps razing one of the other kids too.

PM: Did anything happen about that?

JM: No. To me it appeared to be kind of harmless.

PM: You said something about you saw Mrs. Walsh, what happened with that, what did you see with that?

JM: I believe I just looked over my shoulder. I mean I heard the overhead page a couple

of times and then I looked over my shoulder and I saw some young 30 year old woman walking you know kind of walking pretty fiercely and frantically with I believe either a plainclothes person or like a mall security guard or Sears rep.

PM: Was that person a man or woman?

JM: I don't ... I want to say it was a woman but I can't say definitely. I said that must be the woman you can't find a little boy. You know I didn't even think that ...

PM: At what point did you know there was a little boy missing?

JM: I didn't really for me as a little kid when there was an overhead page I didn't interpret that to mean, oh that kid could have been kidnaped, I thought the kid just walked away or something. But it was probably later that day when I realized, I think I saw something on the news or something later you know like later like 5:00 or something that in fact a child had been abducted.

PM: Did anyone question you while you were at the Sears store about you know I mean

JM: No. I don't remember if any security guards or Sears representatives came up to the area and begin questioning people in general.

PM: Now you were still playing the game when you saw Mrs. Walsh?

JM: Yes. As far as I can remember, I may have stepped aside and let other kids play but I was probably still standing there.

PM: When you saw Mrs. Walsh and again I know it is a stretch, do you recall what she was wearing?

JM: No idea. Sorry. God that is a long time ago.

PM: And this would have been around I think you said noonish?

JM: Yea. Somewhere around there. I can't believe it has been so long ago.

PM: I know, I know.

JM: The mall didn't open probably until 9:30 or 10:00 at least.

PM: You mentioned that you use to go to the mall quite often because you lived near by, and I noticed that back in 1981 you mentioned to the police you had gone to Woolworths, do you remember telling them that?

JM: I don't remember telling that but it is probably the truth.

PM: How about lunch that day, according to the report you were going to meet your mom, but apparently that fell through?

JM: Yea ok.

PM: So do you remember what you did?

JM: Gosh no.

PM: Again like I said if you don't recall I don't want you to force it, tell me that might not be ...

JM: I don't recall.

PM: There is some talk about there was some sort of a little disturbance apparently at the video game area and somebody had to come, do you remember anything about that?

JM: Very vaguely.

PM: What do you recall if anything?

JM: Just the idea of there could have been a disturbance, it makes me perhaps one, I trying to stretch my memory, maybe it could have been as a result of some of the black children raving the other child. I was just you know happy it wasn't me.

PM: The interview you had with the detective or detectives back in 1981 is that not real clear in your mind?

JM: It is very vague.

PM: This mall apparently you browsed through it you know fairly often, did you ever have any problems with any adults while you were there? You know the strange type thing?

JM: No.

PM: Did the police ever ask you to look at any photographs of you know of adult people?

JM: No.

PM: Besides the interview that you had with them the first time in September of 1981 ...

JM: Was that interview at my home?

PM: I believe it ...

JM: I remember giving a statement at my home.

PM: I think so but it is not clear but I think so. Yea your parents were present it says, it doesn't say where but it gives your address so I am assuming that they probably came to your home.

JM: I do recall that after I told my parents we went over to the police department which was just a spit distance away, and it was that evening that I believe I spoke to someone and that is when I spoke with the parents and told them what I knew.

PM: You spoke to the Walsh's?

JM: Yea they thank us and everything.

PM: Where did you speak to them?

JM: I think it was the second, third or fourth floor of the police department.

PM: Was that the day of the abduction?

JM: No I believe it was the day that I came forward.

PM: Which would have been a couple of days later?

JM: Whenever that day was yea.

PM: When you browsed the mall do you recall if there was any kind of store that had wigs for sale?

JM: Wigs?

PM: Yea.

JM: Gee.

PM: I know that is a strange question. But I have a reason for asking.

JM: Not particularly however I did use to work in a candle store which is on the corner of ... in the mall in the corner of Bourbon Street and the main path in the mall. You know later when I was during the winter months off from college and I believe there was a little shampoo or hair store around there which may have had wigs or something.

PM: When I say wigs it could have been a display as opposed to a full blown wig shop.

JM: Are you saying a display of a wig or a display of a mannequin who happened to have wigs on.

PM: It could have been that too.

JM: Since there are a lot of apparel stores which have mannequins which have wigs on.

PM: Well I mean this probably would have been something without a full body mannequin would have just been you know from the neck up.

JM: Like a bust shot or something?

PM: Yea that sort of thing.

JM: That is really hard to say Phil, I don't recall.

PM: That is ok. Do you recall an incident on the same day at the video games where a security person came and had words with the black children?

JM: I can't say definitely. I do recall that there were black children there and they were raving one or maybe two other kids and it is so hard it is so long ago I believe there could have been an altercation. Harmless altercation but I think someone could have come by and told the kids to quite down and stuff, it is so hard to remember.

PM: Do you recall if the black children left on their own accord you know just hang around for a while and then wandered off or were they put out of the store or do you recall anything about them leaving?

JM: I don't recall the manner in which they left.

PM: Do you recall the police showing you any photographs of Adam?

JM: I don't recall that but I would assume it would be standard operating procedure when I went to the police station.

PM: Did you ever do you recall telling the police or today do you recall actually you know positively seeing Adam?

JM: Could you repeat the question.

PM: Can you say today with certainty that you definitely saw Adam Walsh there that day?

JM: No. And the reason being is I feel confident in saying that I saw a child that kind of fit the description but since I wasn't even paying attention to him really I can't say with a 100 percent certainty.

PM: Well you were only 12 years old at the time too. You didn't wear a watch at that time did you?

JM: I have no idea. Probably not.

PM: The reason I asked is because of the time element. The detectives in 1981 apparently questioned you about your time. I was sitting here today saying gee I wonder how this kid would know you know what time it was and time is not exactly high on the priority in the summer.

JM: That is a fair statement.

PM: Now I don't know if you will remember anything like this, when you were in Sears that day and again I know you are focused on the video games but did you notice any males adult males that might have just been like hanging around?

JM: Loitering like that?

PM: Yea.

JM: No. Not really you know I kind of had my mind on playing the game.

PM: I understand. So would it be fair to say that if anybody would have shown you photographs of adult males today you wouldn't be able to pick anybody out being in that store at that particular time on that particular day?

JM: No not really. Maybe what I would recall if you showed me a picture of Mrs. Walsh I like oh that is the woman I saw walking around but ... it is so hard.

PM: You said you lived nearby just for the heck of it, oh wait I think I have your address. That was 3230 Harrison Street?

JM: Yes it is. I haven't heard that address in a long time.

PM: There was a park nearby, were you familiar with that park?

JM: What is it called?

PM: I believe it is David Park?

JM: Yea Davis or David yea.

PM: It was right down the street from the mall.

JM: Yea right across the street from the Southeast Bank at the time and a movie theater

I believe.

PM: Did you have occasion to hang out over there at all?

JM: Not really, occasionally for softball. You know hitting around with the guys and maybe playing some basketball. I was older I probably went over there to play basketball. But when I was 12 maybe.

PM: Is there anything that still sticks in your mind about that day or the events that occurred shortly after it? When I say that I mean the day he was actually abducted?

JM: No, nothing really sticks. It is unfortunate I wasn't paying enough attention I guess, if you think back on it. That we could have intervened them if we were just paying attention.

PM: Did the police ever come back and re-interview you?

JM: No. Not to my recollection.

PM: That was the only contact that you remember having?

JM: Yes.

PM: I just want to be sure I am not missing any statements or anything.

JM: It is kind of weird when people came to my house and took a deposition or whatever you call it with the stenographer I believe that was like reps like attorneys from Sears.

PM: You recall doing that?

JM: Beg pardon?

PM: You recall giving them a deposition?

JM: I recall doing that yes. And I think that was at a separate incident than my police report.

PM: Do you remember how long after the July, 1981 that the Sears thing occurred?

JM: I don't however my parents would. I can give you a ball park it could have been a week or two or three weeks.

PM: I could probably get a copy of that because you said there was a stenographer?

JM: I do recall a stenographer.

PM: That was at your home?

JM: It was myself, my parents, a stenographer because you can't miss those big machines they use and I believe it was an attorney from Sears. And the reason I say that is I think my parents told me he was an attorney.

PM: I see. Well I think that is all about... Oh one more thing, while you were at Sears and particularly while you were at the Atari game, did anybody you know come by?

JM: I don't remember.

PM: You know another child or somebody's parent, someone you knew?

JM: I don't recall. I am sorry.

PM: When you left the store do you remember if you left by yourself or were you did you walk out with another boy?

JM: No. I believe I left by myself. I don't ... who is the detective on the case now?

PM: Now, you mean this year?

JM: Correct.

PM: Currently there is a Hollywood detective Mark Smith working the case.

JM: Yea he said whatever it was the other month or two or three months ago when he first made recontact it seemed like he thought that I was escorted out of the Sears Mall.

PM: But that didn't happen?

JM: No that wasn't the case.

PM: You are sure of that?

JM: Yea I am pretty sure about that because I wasn't an unruly kid and I wouldn't have done anything that ...

PM: Now while you were playing that Atari game and I have watched kids play it even back then, is it possible that while you were playing with this other boy or even while you were there and there were other kids playing with you, could other children been standing nearby waiting to play that you did not notice?

JM: Correct. That is definitely true.

PM: Would the same statement be true with an adult that might have been standing nearby?

JM: Correct. The only thing I would have noticed out of the ordinary it was a parent meaning that normally if someone was back looking I probably wouldn't have noticed it and it would have gone unnoticed or if it was something out of the ordinary like maybe an adult making noise or a kid making noise or like a red page or that kind of stuff that is when I eventually would have turned around but just for someone just sitting there I wouldn't have noticed him.

PM: I see. Ok I think that is all I can think of anyway.

JM: I really hope it helps.

PM: Well it clears up a few things for us and like I said the police reports I have there was some questions that I wanted to run past you which we have done and I just wanted to see

JM: Did it bring up any ideas for you?

PM: Not really it just you know places you there at the time and gives me a better idea of what you were doing at that time. And that is what I needed to know.

JM: I don't remember the part about me meeting my mom. It was so long ago meeting my mom for lunch.

PM: Well there is things that they mention in the police report that apparently they were told back in 1981 and you know that is where I am getting these questions from. Ok I am glad I got a hold of you and I meant to come by but as I said my schedule turned into a disaster and I couldn't get up there but I think we pretty much covered it so unless something else comes to mind you won't hear anymore about it.

JM: Please don't hesitate to contact me again.

PM: Ok sir, thanks a lot.

JM: My please have a good weekend. Bye bye.

PM: Bye.

STATEMENT TERMINATED