

INVESTIGATION - ADAM WALSH HOMICIDE
Hollywood P.D. (Hoffman)

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

NEWS-PRESS PUBLISHING CO,
INC.,

*pls add to
1993 SS case*

Petitioner,

vs

CASE NO 92-1193CA-WCM

JOHN McDOUGALL, as duly
elected Sheriff of Lee
County, Florida,

Respondent.

ORDER DENYING WRIT OF MANDAMUS

Petitioner, News-Press Publishing Co., Inc., requests that this Court issue a Writ of Mandamus commanding the Respondent, John McDougall, Sheriff of Lee County, Florida, to permit the Petitioner to inspect a certain criminal investigative file which is in the Respondent's custody and control. The Respondent has replied that said file is exempt from public disclosure pursuant to Chapter 119 of the Florida Statutes (1991). Respondent has alternatively moved to dismiss the Petition for Writ of Mandamus and has also filed a Declaratory Action as a Counterclaim. This Court has jurisdiction.

Upon review of the caselaw and arguments presented, the Court finds that a Writ of Mandamus is the proper remedy if the Petitioner is able to prove the facts alleged in its petition. Therefore, the Court denies the Respondent's Motion to Dismiss the Petition; furthermore, the Court dismisses the Respondent's

Counterclaim for declaratory relief because it is rendered moot by this order.

The parties have stipulated to the following facts:

The Respondent is the duly elected Sheriff of Lee County, Florida, who has custody and control of a file containing criminal investigative data relative to an alleged sexual battery in Lee County in March or April, 1988. Sometime late in 1988, this file became inactive because: (1) the alleged victim, who was the only witness reporting said crime, died from an unrelated cause; and, (2) although the alleged perpetrator was known, a lack of other evidence made it unlikely that there could be an arrest or prosecution in the foreseeable future. No known public inspections of this file took place during its inactive period.

In February, 1992, three teenagers were abducted to a remote area in Lee County where two of them were killed and the other seriously wounded; the alleged perpetrator of the 1988 sexual battery was arrested and charged with these crimes. The Petitioner learned of the 1988 allegations against the accused, and requested that the Respondent permit the Petitioner to inspect and examine the file containing the 1988 investigation data. While admitting that for a period in excess of three years this file was inactive and therefore available for public examination, the Respondent refused to permit the requested inspection claiming that new developments had reactivated the criminal investigation thereby returning the file to active status and, hence, exempt from public view pursuant to Section 119.07(3)(d).

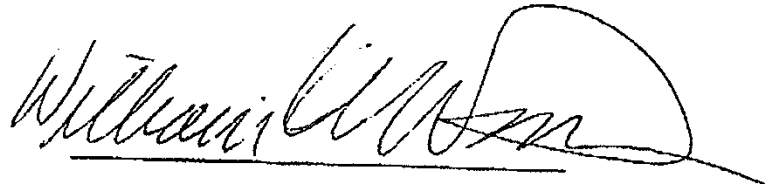
The Petitioner concedes that the investigation of the 1988 sexual battery is once again active, but denies that the file-- which was admittedly available for public inspection upon becoming inactive--can ever reacquire exempt status. To support this position, Petitioner cites Tribune Co. v. Cannella, 458 So.2d 1075 (Fla. 1984) and Tribune Co. v. Public Records, 493 So.2d 480 (Fla.2DCA 1986). But neither of those cases addresses the precise issue posed here: whether an inactive criminal investigation file which has been available for public view can be reactivated so as to become exempt from disclosure under the Public Records Act?

Under the facts and circumstances presented here, the Court must answer that question in the affirmative. The recognized legislative purpose for the exemption of active criminal investigative information is to protect the process whereby the State may develop new leads so as to successfully apprehend and prosecute persons accused of crime. Public Records at page 848; Florida Freedom Newspapers, Inc. v. Dempsey, 478 So.2d 1128 (Fla.1DCA 1985) at page 1131. Fortunately for the Public, new leads have developed in the unresolved sexual battery case of 1988, and this file is once again active. It makes no difference that the file was previously "available" to public examination due to inactivity; the custodian's only proper concern is whether the file is active now. Furthermore, these facts are distinguishable from Downs v. Austin, 522 So.2d 931 (Fla.1DCA 1988) where the State had "gone public" with investigative data at a sentencing hearing; here, fortuitously, no public disclosure of the inactive file occurred. As the Petitioner has conceded

that (1) the 1988 sexual battery case is presently active, and
(2) the contents of this file pertain to that active case, this
Court concludes that the data in question is exempt from public
disclosure per Section 119.07(3)(d), Florida Statutes.

WHEREFORE the Petition for Writ of Mandamus is denied.

DONE AND ORDERED in Fort Myers, Lee County, Florida, this
26th of February, 1992.



Circuit Judge

The Palm Beach Post

P.O. BOX 24700, WEST PALM BEACH, FL 33416-4700
(407) 820-4100 FAX (407) 820-4340

February 16, 1996


Mr. Michael Satz
Broward County State Attorney
FAX: (954) 831-8047
Re: Public Records Request

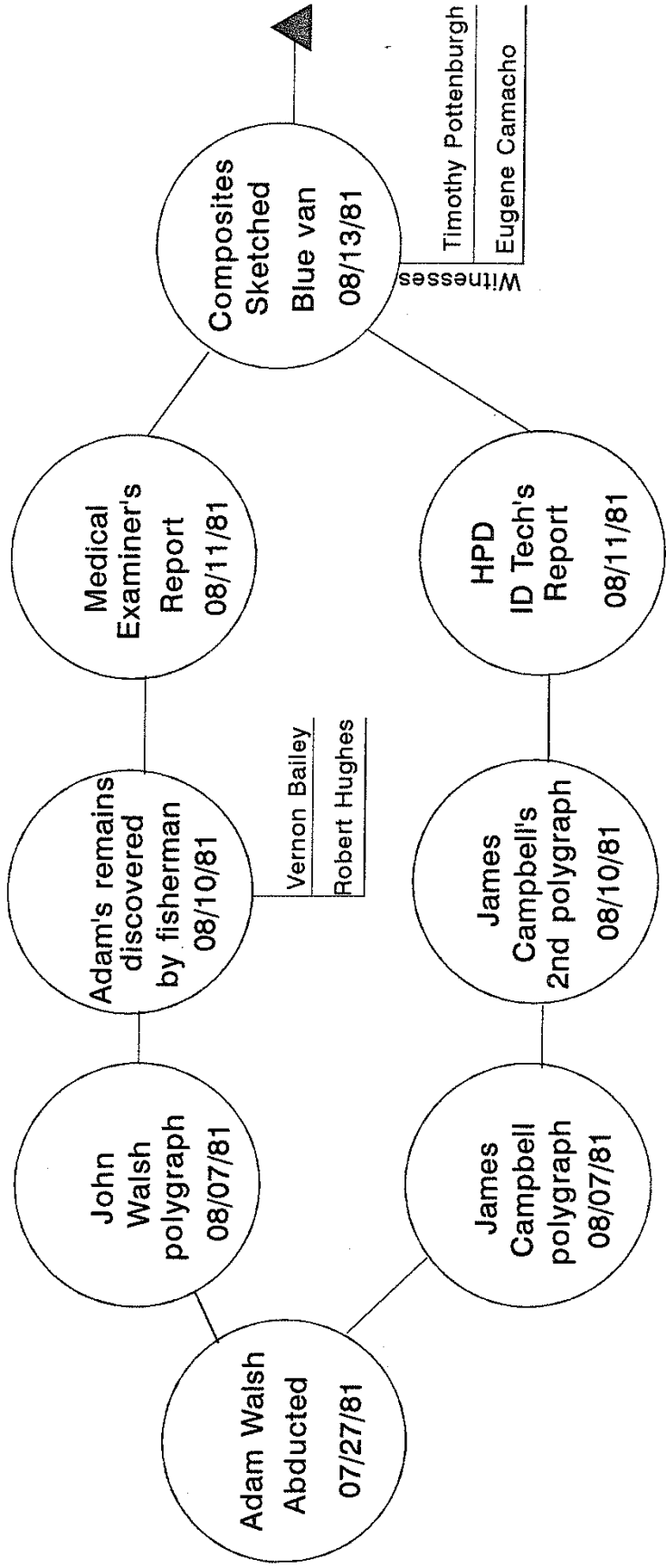
Dear Mr. Satz;

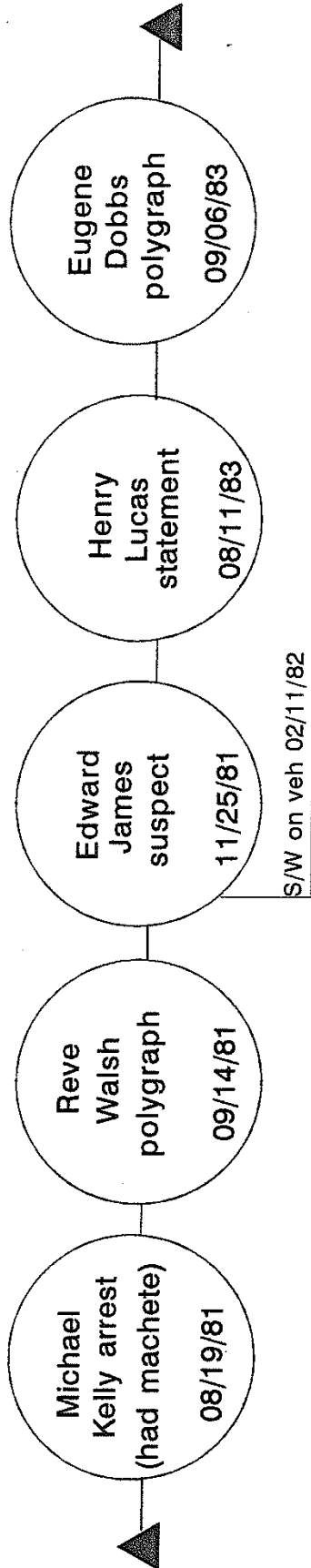
Pursuant to Chapter 119, Florida Statutes, I request an unredacted copy of Michael Christiansen's memorandum from the Jan. 16 meeting between the Walshes and Hollywood police.

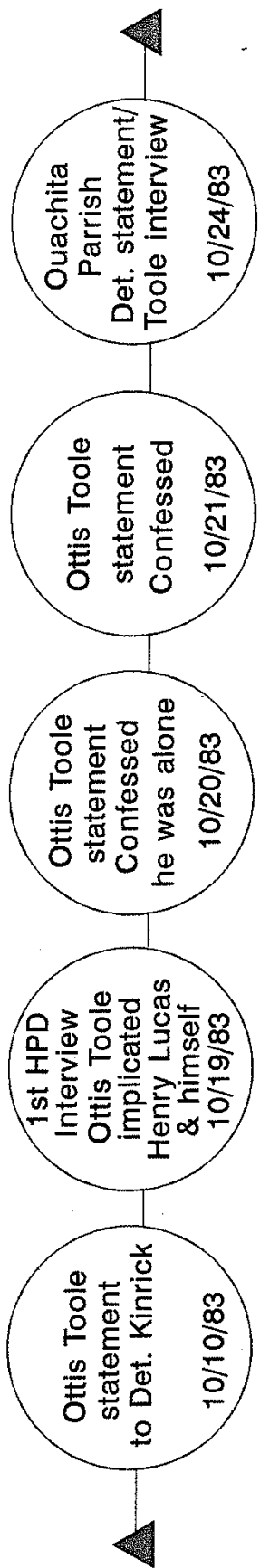
Please call me at your earliest possible convenience at (407) 279-3450

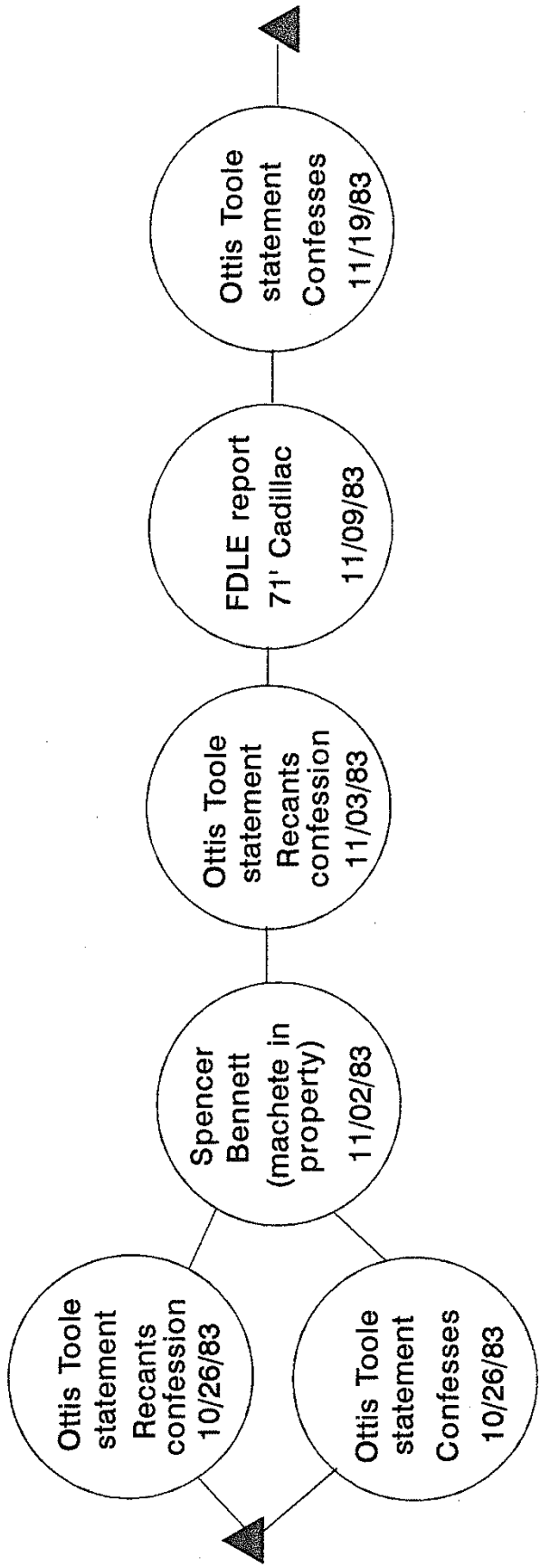
Thank you for your assistance.

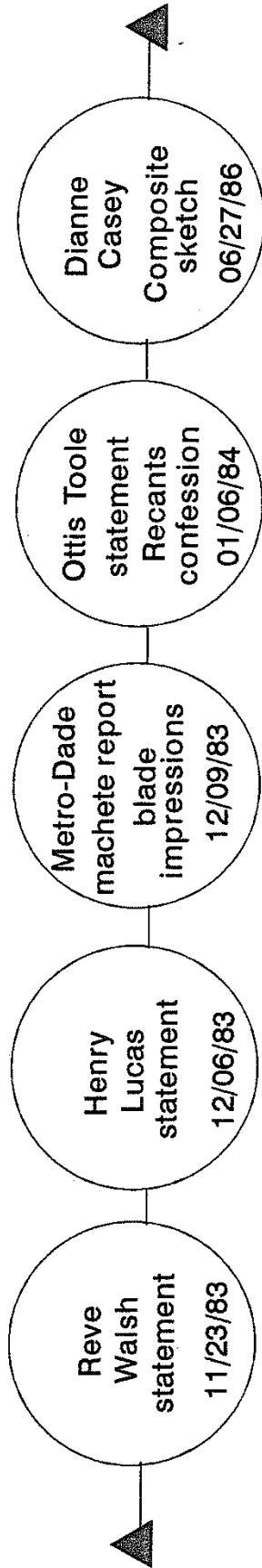

Eliot Kleinberg
Staff Writer











▲
BSO Lab
sheet re:
sword blade
02/23/87

Jeffrey
Dahmer
statement
08/13/92

Toole
machete
DNA tests
Genetic Design
03/29/95

INVESTIGATOR'S MEMO: 1

DATE: 2/13/96

ASSIGNMENT #: 96-02-183 ASA/AOA: Ray DIV: Adm

INVESTIGATOR: Nail UNIT: A PHONE: 6187

DEFENDANT(S): Investigation

CASE NO.: N/A JUDGE: N/A

NARRATIVE:

Undersigned received this assignment on 2/13/96 to hand deliver three letters.

On this date all letters were hand delivered.

San Sentinel
1-23-96

Family holds hope for arrest

Walshes informed of 'developments'

By SCOTT GLOVER
Staff Writer

America's Most Wanted host John Walsh was told by Hollywood police detectives last week that there have been recent "impressive developments" in the case of his son, Adam, who was murdered 14 years ago, an attorney said on Monday.

John and Reve Walsh came to Hollywood for an update on the investigation of the murder of Adam, who disappeared from a local shopping mall on July 27, 1981. The boy's severed head was found two weeks later in a canal off Florida's Turnpike. His body has never been recovered.



The Walshes are optimistic that Adam's killer will be caught, Adam said John Walsh's attorney, George Terwilliger.

"They remain hopeful that there will be an arrest," said Terwilliger, of Washington, D.C. "They were told there have been some impressive developments in the case."

Neither police nor Terwilliger would describe those developments on Monday.

Stephanie Norris, a police spokeswoman, sought to downplay the lawyer's comments.

"The case is as active today as it was three to six months ago," Norris said. "I think the meaning of 'impressive developments' is open to interpretation."

Norris said police still intend to comply with a judge's order to make the de-

PLEASE SEE WALSH /2B

(over)

WALSH

FROM PAGE 1B

Police to release murdered boy's file in February

partment's case files public on Feb. 16, barring any major breaks in the case. By state law, criminal case files must be opened to the public if there is no hope of an arrest or prosecution in the foreseeable future.

Several newspapers, including the *Sun-Sentinel*, have sued the city in an effort to open the files on Adam's unsolved murder, arguing there is no imminent possibility of an arrest.

In October, Broward Circuit Judge Leroy Moe told police officials they have until Feb. 16 to produce a viable suspect in the case or they must make their mountain of files public.

Adam's much-publicized disappearance from a Sears across the street from a Hollywood police station led to a massive, years-long investigation but never an arrest.

Since August 1994, the case has been assigned to Detective Mark Smith of the department's cold case squad.

At the hearing before Moe in June, Smith said he had "two or three" suspects, including one whose possible connection to the

murder had arisen in the past six months.

In the wake of Adam's disappearance and murder, his father, John, became a national spokesman for missing children and later host of the TV show *America's Most Wanted*.

Despite his public role, he has spoken little about the details of his son's case over the years. His attorney would not say whether Walsh is opposed to the files being made public next month.

"John's only concern is if anything would occur that's going to interfere with the ability of the police to close the case," Terwilliger said. "All he wants is some credible closure to this all."

LAW OFFICES
GABEL & HAIR

GEORGE D. GABEL, JR.
MATTOX S. HAIR
JOEL B. TOOMEY
ROBERT M. DEES
SHELLEY BONEY FORTE
TIMOTHY J. CONNER
SUZANNE M. JUDAS
MICHAEL L. BERRY, JR.
KAREN H. WILLIAMS
ROBERT B. BIRTHISEL
KARL B. HANSON, III
BROOKS C. RATHET

SCOTT M. LOFTIN
(1878-1953)
HAROLD B. WAHL
(1907-1993)

904/353-7329
FACSIMILE 904/358-1637
LAWOFFCS@GABELHAIR.COM

76 SOUTH LAURA STREET, SUITE 1600
JACKSONVILLE, FLORIDA 32202-3421

November 11, 1996

Ralph J. Ray, Jr., Esquire
Chief Assistant State Attorney
Broward County Courthouse
201 S.E. 6th Street, Suite 640
Fort Lauderdale, FL 33301-3302

Dear Ralph,

You may be interested to learn that your Adam Walsh case ended up in Media Law Reporter. A copy of the reported opinion is enclosed.

It looks like we may try our bad faith case in March. Judge Miller is trying to get a retired judge to hear the case since it will last approximately four weeks.

Best regards.

Very truly yours,

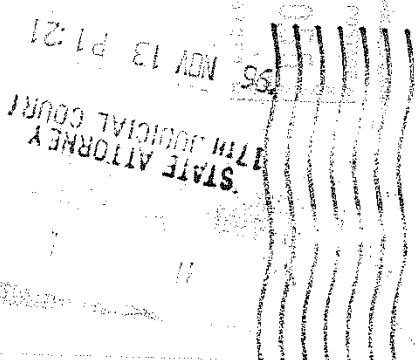
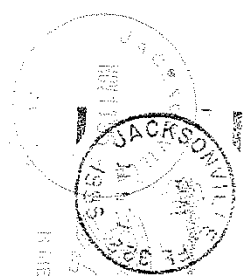
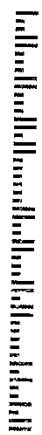


George D. Gabel, Jr.

GDGJr/dh
Enclosure

LAW OFFICES
GABEL & HAIR
76 SOUTH LAURA STREET, SUITE 1600
JACKSONVILLE, FLORIDA 32202-3421

Ralph J. Ray, Jr., Esquire
Chief Assistant State Attorney
Broward County Courthouse
201 S.E. 6th Street, Suite 640
Fort Lauderdale, FL 33301-3302



Victims Rights St. Constitutional
amendment

IN THE CIRCUIT COURT FOR THE
SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR BROWARD
COUNTY, FLORIDA

CASE NO. 95-06324 CACE (13)

THE MOBILE PRESS REGISTER, INC.)
and JAY GRELEN,)
)
Plaintiffs,)
)
vs.)
)
RICHARD WITT, as chief of police of the)
City of Hollywood, Florida,)
)
.Defendant.)
_____)

Order Requiring Production of Public Records

THIS cause was considered by the Court on the following motions: Plaintiff's Renewed Motion for an Order Requiring Production of Public Records and Defendant's Status Advisory.

HEARING was held on October 18, 1995.

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is

ORDERED AND ADJUDGED as follows:

Defendant shall by no later than 12 noon on February 16, 1996, make available for inspection and copying all records requested by the plaintiffs and any other records relating to

Case No. 95-06324 CACE (13)

the Adam Walsh murder investigation in existence as of February 16, 1996. Jurisdiction is reserved to consider any motion for costs or attorneys' fees.

Done and ordered in chambers at Fort Lauderdale, Broward County, Florida, this ____ day of October, 1995.

DEALYN MOE
TRUE COPY
OCT 24 1995

Leroy H. Moe
Circuit Judge

Copies furnished to:

Thomas R. Julin
Counsel for Mobile Press Register, Inc., Jay Grelen,
Sun-Sentinel Co., and WFTV, Inc. d/b/a Palm Beach Newspapers, Inc.

Kathleen Pellegrino
Counsel for Sun-Sentinel Co.

Jerold I. Budney
Counsel for The Miami Herald Publishing Company

Joel Cantor
Counsel for Richard Witt



J.W. 2

IN THE SEVENTEENTH JUDICIAL CIRCUIT IN
 AND FOR BROWARD COUNTY, FLORIDA
 CIVIL DIVISION

CASE NO. 95-06324

THE MOBILE PRESS REGISTER)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD H. WITT, Chief of)
 police,)
)
 Defendant.)

ORIGINAL

Transcript of Proceedings beginning at 1:30
 P.M., and concluding at 2:55 p.m., on Monday, June 12,
 1995, taken in the Broward County Courthouse, Fort
 Lauderdale, Florida, before the Honorable Judge Moe,
 Circuit Court Judge, Reported by Jeri Corona,
 Shorthand Reporter.

APPEARANCES:

THOMAS R. JULIN, Esquire, on behalf of the Plaintiff
 ADAM LEVIN, Esquire, on behalf of the Plaintiff as
 co-counsel.
 JOEL CANTORY, Esquire, on behalf of the Defendant.
 JAY GRELEN

1 THEREUPON, the following proceedings were had.

2 THE COURT: All right. Are we ready
3 on the Mobile Press Register versus --

4 MR. CANTOR: Defendant is ready, your
5 Honor.

6 Your Honor, Joel Cantor representing
7 individual defendant, Chief Richard Witt,
8 chief of the Hollywood Police Department.
9 The case of Mobile Press Register versus
10 Chief Richard Witt, Hollywood police
11 chief.

12 MR. JULIN: Your Honor, Thomas Julin
13 of Steel, Hector and Davis for the Mobile
14 Press Register, and Jay Grelen, and also
15 for the Sun Sentinel Company and the Palm
16 Beach Post.

17 With us today is also Jay Grelen, one
18 of the plaintiffs and reporter for the
19 Mobile Press Register; and Adam Levin, an
20 associate in my office.

21 THE COURT: Are there any other
22 parties to the Walsh case?

23 MR. JULIN: These are the only --

24 THE COURT: The Register and the
25 reporter?

1 MR. JULIN: The Register and the
2 reporter. There has been -- motions have
3 been filed by Palm Beach Post and the Sun
4 Sentinel to join as plaintiffs to the
5 case. And I spoke with Mr. Cantor about
6 it and he indicated there is no objection
7 to that motion being granted.

8 THE COURT: All right.

9 MR. JULIN: Your Honor, this is
10 before the court on our motion for an
11 order requiring the defendant, the chief
12 of police of Hollywood, to release the
13 records of the Adam Walsh murder
14 investigation.

15 This case is a public records
16 enforcement case and we have for your
17 Honor basically a dispute over an
18 interpretation of a single exemption to
19 the public records law.

20 I think the essential facts are not
21 in dispute in this case as far as the
22 crime at issue here took place in July of
23 1981, an investigation of the crime
24 commenced by the Hollywood Police
25 Department, and that investigation

1 continued for a number of years.

2 It is now fourteen years
3 approximately after the date of the crime
4 and the contention of the plaintiffs here
5 is that this can no longer under the
6 public records law be considered an active
7 criminal investigation that the defendants
8 are engaged in.

9 The crime remains unsolved. The
10 crime had been assigned to the cold case
11 squad of the Hollywood Police Department
12 and our contention is, and we'll show your
13 Honor, that this is not an active
14 investigation.

15 THE COURT: How do you plan to do
16 that? Are you going to present testimony
17 or evidence?

18 MR. JULIN: Your Honor, as far as
19 procedure goes I would propose this. In
20 these cases under the Barfield decision
21 versus the City of Fort Lauderdale Police
22 Department the Fourth District Court of
23 Appeal held that the burden of showing an
24 exemption is applicable is on the
25 defendant in the case, and I understand

1 that the defendant has witnesses here that
2 are available to testify as to whether an
3 active criminal investigation is underway
4 or not.

5 And we would propose, as far as
6 procedurally things are concerned, it
7 would be appropriate for the defendant to
8 call any witnesses or offer any testimony
9 that would be supportive of their
10 contention that there is an active
11 criminal investigation underway.

12 The statute that we're dealing with
13 is clear in its definition of active
14 criminal investigation. We're dealing
15 with Section 119.0113 D-2 which provides
16 that criminal investigative information
17 shall be considered active as long as it
18 is related to an ongoing investigation
19 which is continuing with a reasonable good
20 faith anticipation of securing an arrest
21 for prosecution in the foreseeable future.

22 Now, in this case -- this case is
23 somewhat unique in Florida history. We
24 have not been able to find any Florida
25 cases which have addressed whether a

1 criminal investigation can remain active
2 for a period of fourteen years. There
3 have been a number of decisions, the
4 Barfield decision being one of them, where
5 there was a fairly short period of time
6 from the date of the crime to the date
7 that the records were requested where the
8 courts have concluded that that short
9 period of time, typically a period of
10 months, is not a sufficient time to --
11 that there has not been enough past time
12 to allow the police to conduct and
13 conclude their investigation.

14 We submit in this case, where you
15 have had the fourteen year lapse of time,
16 that the defendant will not be able to
17 meet its burden of showing that there is
18 still an active criminal investigation
19 underway.

20 In fact, we do have evidence to offer
21 from Mr. Grelen who had a conversation
22 with the chief of police about what he was
23 told as far as the status of the
24 investigation goes. But we think that
25 properly the burden is on the defendant.

1 THE COURT: You will assume the
2 burden of going forward then?

3 MR. CANTOR: Yes, we will, your
4 Honor.

5 THE COURT: Do you care to make an
6 opening statement?

7 MR. CANTOR: Yes, I do, your Honor.

8 Your Honor, clearly and even out of
9 the articles that have been published by
10 Mr. Grelen, this investigation is
11 currently active. There are three primary
12 cases that will affect this issue, Judge,
13 and I would like to present them now as we
14 review through them during the course of
15 our argument.

16 One being the Barfield case which is
17 in our district. Another one, Florida
18 Freedom News Papers versus Dempsey and the
19 other case is out of Lee County Circuit
20 Court opinion that was affirmed on appeal
21 that is News Press Publishing versus
22 McDougall.

23 This case, your Honor, is currently
24 being actively investigated, has been
25 investigated feverishly by Detective Mark

1 Smith who is present in this courtroom who
2 has also supplied this court with an
3 affidavit verifying that he is actively
4 pursuing this investigation in good faith.
5 In good faith with the impression that he
6 is going to bring this case to a final
7 determination in the foreseeable future.

8 Your Honor, I believe that meets the
9 burden and certainly shifts that burden
10 back. But, if need be, your Honor,
11 certainly we're prepared to offer Mark
12 Smith, Detective Mark Smith, to testify
13 before this court not as to the
14 intricacies to what he is actually
15 investigating, but certainly to further
16 verify what he has suggested in his
17 affidavit, the attached affidavit.

18 THE COURT: Will you accept the
19 affidavit as substantive proof?

20 MR. JULIN: No, your Honor, we don't.
21 We think that the statute conflicts that
22 evidence be offered by affidavit.

23 THE COURT: Do you care to reply to
24 the opening statement?

25 MR. JULIN: Your Honor, I would only

1 say as far as the affidavit is concerned
2 the affidavit simply indicates that there
3 has been an investigation of some type on
4 the part of the detective to review
5 reports in evidence and that says he is
6 continuing to review the investigation
7 that had been conducted by the Hollywood
8 Police Department.

9 Essentially what happened here is the
10 Hollywood Police Department conducted an
11 investigation, which was concluded, and
12 then it was assigned to what I think the
13 evidence will show, to the cold case
14 squad.

15 The case had become cold and I think
16 at this point and time where the cold case
17 squad investigated it for almost a year
18 that at this point it is no longer
19 reasonable to contend that there is an
20 active criminal investigation.

21 None of the cases cited by the
22 defendant here would support the
23 proposition that a criminal investigation
24 can remain active for a period of fourteen
25 years unless there is an exceptional

1 circumstance where they can show your
2 Honor that there really is some additional
3 new evidence that has come to life which
4 they're tracking down and this had given
5 them the believe that they're going to
6 secure an arrest in the foreseeable
7 future.

8 The standard has never been simply
9 that the case is unsolved. The standard
10 has been do they have a reasonable good
11 faith belief in securing an arrest.

12 MR. CANTOR: And I agree with that,
13 your Honor. And just one last response,
14 if I might, your Honor. The McDougall
15 case, which I just handed to you which was
16 affirmed correctly on an appeal, this is a
17 1988 homicide where during the course of
18 the investigation the victim passed away.

19 Over four years later two sexual
20 battery victims alleged the same homicide
21 perpetrator was involved as a defendant in
22 their case. The local police department
23 in Lee County decided to reactivate that
24 homicide file after it had remained
25 absolutely dormant for four years.

1 The District Court of Appeals and the
2 Circuit Court both affirmed then. And in
3 very specific language on page two of that
4 case, your Honor, while admitting that for
5 a period of excess of four years this file
6 was inactive, the main thing to look at on
7 page three, custodians only proper concern
8 is whether the file is active now.

9 And clearly, your Honor, even out of
10 the words of Jay Grelen, one of our
11 plaintiffs in this particular matter, this
12 case is currently under investigation.
13 Again, Detective Smith has suggested that
14 in verification and will do so, your
15 Honor.

16 THE COURT: All right. Call your
17 first witness.

18 MR. CANTOR: Your Honor, the defense
19 will call Detective Mark Smith.

20 THE COURT: All right. Come on up
21 here and be sworn in and have a seat over
22 there, please.

23 THEREUPON:

24 MARK SMITH

25 a witness herein, being of lawful age and being first

1 duly sworn by the court testified on his oath as
2 follows:

3 DIRECT EXAMINATION

4 BY MR. CANTOR:

5 THE COURT: Have a seat and make
6 yourself comfortable.

7 MR. CANTOR: With the court's
8 permission I would like to inquire with
9 this witness.

10 Q. (By Mr. Cantor) Detective Smith, you're
11 currently employed by?

12 A. The City of Hollywood Police Department.

13 Q. In the capacity of?

14 A. A detective in the homicide division.

15 Q. Okay. With this case that seems to be the
16 subject matter of this pending public records
17 litigation, Detective Smith, how long have you been
18 currently investigating this case?

19 A. Since August of 1994.

20 Q. Okay. So approximately ten months?

21 A. Yes.

22 Q. Over that -- during that ten month period,
23 have you been -- without getting into the
24 intricacies of your investigation, have you been
25 going out of town to interview suspects, have you

1 been -- just generically, what have you been doing?

2 A. As you stated, I have traveled out of
3 town. I have traveled out of state. I traveled
4 within the state as recently as a month and a-half
5 ago. I went out of state about six months ago with
6 this case and that's about it.

7 Q. Detective Smith, with as much time as you
8 have been devoting to this case, notwithstanding
9 the case you're currently testifying for right now,
10 the homicide case for Mr. Magrino, but have you been
11 devoting as much time to this case as any of your
12 other cases that you have on your calendar?

13 A. I would say so. I mean, I have been as
14 far as I've approached the prosecutors, the state
15 attorneys office about this case. I've dealt with
16 Mr. Magrino on this case and I would say I'm
17 spending about as much time as I am on any other
18 case that I have.

19 Q. Detective Smith, are you proceeding in
20 this investigation in good faith with the
21 anticipation that you will either secure an arrest
22 or eventual prosecution in this case?

23 A. Absolutely. In that I don't know why I
24 would be investigating it now if I wasn't expecting
25 something like that.

1 Q. Prior to you jumping on this case in
2 August -- let me -- just -- the plaintiff's counsel
3 mentioned something about cold case. Is there any
4 such things as a cold case squad?

5 A. Not necessarily cold case squad. But
6 we -- I think it is generally called --
7 investigating an old case is called investigating a
8 cold case. I have investigated maybe a dozen older
9 cases, unsolved cases over the six years that I have
10 been there. This is considered one of those as
11 well.

12 Q. Let me ask you, Detective, is that
13 sometimes mentioned or is an investigator brought in
14 as a cold case detective to bring sort of like a new
15 fresh face or outlook to the case?

16 A. That's exactly what it is. The fact that
17 in murder one there is no statute of limitations.
18 Any murder case we have is considered -- actually
19 considered open. It is never closed. Whether it is
20 investigated or not is another story.

21 Q. Okay. With your current -- with your
22 activity that you have been involved -- let me just
23 even ask you, prior to your ten months that you have
24 been devoting to the case recently, were you also
25 aware of approximately two, two and half years ago

1 when the previously assigned detective was up
2 interviewing Jeffrey Dahmer (phonetic) up in
3 Minnesota as a potential suspect in this crime?

4 A. Yes, I had personal knowledge of that.

5 Q. How long ago was that?

6 A. About two years ago.

7 Q. Is it your knowledge that this case has
8 been actively investigated through the years as
9 opposed to what plaintiff's counsel is suggesting,
10 that it has been sitting dormant?

11 A. It has not been sitting dormant. We get
12 calls all the time on this case. There isn't a
13 month that doesn't go by that we don't get a call.

14 Q. The interview with Jeffrey Dahmer two and
15 a half, three years ago, did that require one of our
16 homicide detectives to go up and actually go to
17 Minnesota and interview Jeffrey Dahmer?

18 A. I believe we went to Wisconsin.

19 Q. Or Wisconsin, I'm sorry.

20 A. Yes.

21 Q. Okay. Detective Smith, what affect on
22 your investigation would the revelation of the Walsh
23 file? What affect would it have on your
24 investigation?

25 A. Oh, if there is another witness out there,

1 if there is another someone that would have come
2 forward and spoken to me, the fact that it would be
3 opened up I think would harm the investigation
4 without a doubt.

5 Q. Okay. Would it possibly impede your
6 eventual final determination of this case?

7 A. I'm sure it could.

8 Q. Judge, I'll tenure any cross examination.

9 MR. JULIN: Thank you.

10 CROSS EXAMINATION

11 BY MR. JULIN:

12 Q. Detective Smith, good afternoon.

13 A. Good afternoon.

14 Q. Detective Smith, you testified that you
15 started working on this case in August of 1994?

16 A. That's correct.

17 Q. Was there something that precipitated your
18 investigation at that time or your assignment in the
19 investigation at that time?

20 A. You're asking me why I got assigned to the
21 case?

22 Q. Yes. How did you happen to start working
23 on it in August of '94?

24 A. Well, the decision was made by the
25 division manager at that time, who was Major Maher,

1 Major Brian Maher, who was in charge of the
2 detective bureau. He made the decision along with
3 my immediate lieutenant who assigned me the case.

4 Q. Did they tell you why they were assigning
5 you to that case at that time?

6 A. No. I don't remember. I don't remember
7 why. They brought me and told me that they wanted
8 me to work the Adam Walsh case.

9 Q. Now, Detective, isn't it true that one of
10 your specialties is working on cold cases?

11 A. I've worked them. I have worked them
12 maybe more than any of the other detectives in our
13 division, yes

14 Q. Isn't it true that you were assigned this
15 case because one of your specialties is working on
16 cold cases?

17 A. I guess you could say that's a
18 possibility, yes.

19 Q. And this case was regarded as a cold case
20 by the City of Hollywood Police Department, was it
21 not?

22 A. I think, as I just mentioned before, any
23 homicide case that is not solved is considered I
24 guess you could say cold, meaning it hasn't been --
25 a new approach hasn't been used, new technique. It

1 is just a different perspective. Cases haven't been
2 looked at in a different perspective.

3 Q. Detective, the City of the Hollywood
4 Police Department does not regard every one of its
5 unsolved murder cases as cold cases, does it?

6 A. I believe they do. I would.

7 Q. So if a murder happened yesterday and you
8 have an active lead and expect to make an arrest
9 tomorrow, that is a cold case?

10 A. I stand corrected. If you put it that
11 way, no. If there is a case that has been
12 investigated thoroughly, one day it is probably -- I
13 wouldn't use that as being -- leads that have been
14 exhausted in one day. I would say that if you have
15 a case in about a week's time everything has been
16 exhausted, there are no further leads, I would think
17 then it would be considered possibly a cold case.

18 Q. At the time that you were assigned to the
19 Adam Walsh case the department had fully explored
20 all the leads that they had at that time, had they
21 not?

22 A. I don't believe so.

23 Q. Were there active leads that had not been
24 followed up at the time you were assigned to the
25 case?

1 A. Well, it is a rather vast file. There is
2 a lot in that file that probably needs to be looked
3 at and it is going to take some time.

4 Q. And you found in August of 1994 that there
5 were things that had not been looked at by the
6 detectives, is that what you're testifying?

7 A. I have to say they weren't looked at the
8 way I would look at them or approach them.

9 Q. So they had been looked at by other police
10 officers, they had not resulted in any arrests or
11 prosecutions, and then you decided to take another
12 look at them, is that your testimony?

13 A. I would say that that is the best way to
14 look at a case that hasn't been solved. Maybe one
15 of the reasons it has not been solved is it hasn't
16 been looked at correctly.

17 Q. And that is what happened in this case,
18 others have looked at the leads, not found anything
19 there, and you were brought in for a second look, is
20 that correct?

21 A. Sure, there were leads that were looked
22 at, yes.

23 Q. That's what happened here, is that
24 correct?

25 A. Yes.

1 Q. Now, Detective, you have been working on
2 this matter since August of 1994. You have been
3 working a matter of ten months. Do you expect to
4 conclude your investigation at any time in the
5 future?

6 A. I would love to be able to answer that and
7 I don't know. I don't know when we'll feel that
8 everything else has been exhausted. I don't feel
9 they have.

10 Q. Is there any way that you can quantify how
11 much longer you are going to be on this
12 investigation?

13 MR. CANTOR: Judge, I would object to
14 even the form of the question, your Honor,
15 because our case decision is very
16 specifically set out the fact that our
17 detective, who is being asked on direct or
18 cross examination, doesn't have to respond
19 to that question of quantifying when a
20 prosecution or arrest may take place.

21 THE COURT: Overruled.

22 Q. (By Mr. Julin) Can you quantify how much
23 longer you would expect to be working on this
24 investigation?

25 A. That's hard to answer. The next lead I

1 look up might take me in two other different
2 directions and those two leads might take me
3 somewhere else. I don't know how I can answer that.
4 I would love to say it would end next week.

5 Q. Can you say that it is probable that you
6 will make an arrest or commence a prosecution next
7 week?

8 A. No.

9 Q. Can you say that you will make an arrest
10 or commence a prosecution within the next month?

11 A. Very possible.

12 Q. You say it is possible. My question is,
13 can you say it is probable that you will make an
14 arrest or commence a prosecution within the next
15 month?

16 A. It is very difficult to answer that
17 question because I do have things planned very soon
18 and I don't know where they are going to lead me
19 from there.

20 Q. So you cannot answer the question, is that
21 your answer?

22 A. I cannot tell you -- I cannot -- yes, I
23 cannot answer your question, that's correct.

24 Q. Now, the department, does it have other
25 murders that have been unsolved for a period of

1 fourteen years --

2 A. Oh, yes.

3 Q. -- to your knowledge?

4 A. Yes.

5 Q. Can you tell us approximately how many
6 have been unsolved for that length of period of
7 time?

8 A. I'm looking at one now that is fifteen
9 years. There is a few I know of that are twenty
10 years.

11 Q. All right. Has the department ever solved
12 a murder case where they have been investigating for
13 a period of fourteen years to your knowledge?

14 MR. CANTOR: Objection, Judge. I'm
15 not sure what the relevancy is of that.

16 THE COURT: Overruled.

17 A. (By the Witness) Yes.

18 Q. Okay. How many cases did it solve after
19 fourteen years?

20 A. I know of one, maybe more. But my
21 personal knowledge is one because I was involved in
22 it.

23 Q. And was there something about that
24 particular case that allowed you to solve that case
25 after a period of fourteen years?

1 A. Yes.

2 Q. And what was that?

3 A. Exactly what we have been discussing, a
4 new approach, a new -- in that particular case it
5 was a different approach with an already known
6 witness and all it took was just another approach to
7 that witness and the case came to a conclusion.

8 Q. Detective, what is this different approach
9 that you're using?

10 A. I would have to say it is anything other
11 than what the original investigators had. In other
12 words, they may have looked at -- they may look at
13 someone who said something -- no, I would look at
14 what someone said back then and just show up and
15 talk to that person. And that person who was a
16 friend of someone fifteen, fourteen years ago is now
17 his enemy and all it takes is coming up and talking
18 to him. Things like that. There is other things.

19 Q. Detective, is there anything beyond this
20 different approach that gives you an expectation
21 that you're going to make an arrest in the Adam
22 Walsh murder case?

23 MR. CANTOR: Objection, asked and
24 answered, your Honor.

25 THE COURT: Overruled.

1 A. (By the Witness) Well, technology that we
2 didn't have back in the early eighties.

3 Q. Let me ask you about that, the technology.
4 In this particular case Adam Walsh of course :
5 disappeared from a Sears store in Hollywood, do you
6 recall that?

7 A. Yes, I think I do.

8 Q. And so it creates a difficulty for
9 investigating this crime, does it not, because you
10 don't have a crime scene, you don't have a place
11 where the crime took place?

12 A. It makes it a little more difficult, yes.

13 Q. Makes it very difficult, does it not?

14 A. Makes it more difficult, yes.

15 Q. Would you say this is one of the most
16 difficult investigations that you have worked on as
17 a detective?

18 A. I would say so, yes.

19 Q. And the reason for that -- one of the
20 reasons is that you don't have a crime scene to work
21 with, is that correct?

22 A. We don't have a crime seen that we know of
23 now, that's correct.

24 Q. Do you have reason to believe that you're
25 going to find a crime scene in the future?

1 A. Absolutely. That's a possibility.

2 Q. And what is your basis for your testimony?

3 A. The basis for the testimony is that there
4 might be a crime scene somewhere?

5 Q. Yes, you testified you might find a crime
6 scene in the future, what is the basis for your
7 saying that?

8 A. There is a crime scene somewhere, that's
9 why I'm leaving that option open that some day maybe
10 it will be found.

11 Q. Do you have any evidence now in your
12 possession that is leading you to the crime scene?

13 MR. CANTOR: Your Honor, I object to
14 that because this should not be a fact
15 finding mission for the media to get into
16 specific inquiries as to where this case
17 is going, your Honor.

18 THE COURT: Sustained.

19 Q. (By Mr. Julin) Now, Detective, you
20 mentioned that new technology is giving you a basis
21 to believe that you might secure an arrest in the
22 future, what new technology are you using that is
23 giving you that basis?

24 A. I don't know. That's part of your same
25 argument that you just mentioned. For that reason,

1 I don't know if I can expound upon it.

2 Q. Let me ask you this way, Detective, is
3 there some invention, or machine, devise that you're
4 now applying to evidence which could not have been
5 applied to evidence in the proceeding fourteen years
6 of this investigation?

7 MR. CANTOR: Again, your Honor, I
8 have to object as to his methodology,
9 detective's methodology now in
10 investigating this case. Specifically,
11 Judge, certainly it would disclose in the
12 open courtroom as to what this detective
13 is doing.

14 THE COURT: Sustained.

15 MR. JULIN: Your Honor, could I
16 request that if there are matters that
17 would show that some new technology is
18 being used it might be appropriate for an
19 in camera review by the court to consider
20 what that is, because it is difficult to
21 cross-examine the witness about his
22 assertions that are very general without
23 getting into that specific.

24 THE COURT: Yes, it is. I recognize
25 that is difficult, but at this point I

1 don't think an in camera inspection is
2 warranted here.

3 Q. (By Mr. Julin) Detective, do you have a
4 suspect in the case at this time? =

5 MR. CANTOR: Again, Judge, same
6 objection. Getting into the specifics for
7 fact finding, your Honor.

8 THE COURT: Overruled.

9 A. (By the Witness) I have more than one.

10 Q. How many suspects do you have?

11 A. I can think of two or three possibilities.

12 Q. And had these people, who are currently
13 suspects of the Hollywood Police Department, have
14 they been suspects prior to your being assigned to
15 the case?

16 A. One has and one hasn't.

17 Q. And at what point and time -- you said two
18 or three, do you have two suspects or do you have
19 three or can you tell?

20 A. Two for sure possibilities.

21 Q. All right.

22 A. Maybe one more.

23 Q. The one person who was a suspect before
24 you came on the case, how long has that person been
25 a suspect?

1 A. I can say about twelve years.

2 Q. And the one person -- the one additional
3 person who is now a suspect, how long has that
4 person been a suspect? =

5 A. About six months.

6 Q. And are there specific steps that you are
7 taking to investigate that suspect?

8 A. Yes.

9 Q. And can you describe to us in a general
10 manner what it is that you're doing to conduct the
11 investigation?

12 A. Generally I would be looking for someone
13 that he knew and associated with back a few years,
14 approach that person.

15 Q. And in the six months that this person has
16 been a suspect, have you made efforts to find that
17 person?

18 A. I know where he is.

19 Q. And since you know where he is, have you
20 gone out and interviewed this person?

21 A. Not yet.

22 Q. Is there some reason that you haven't done
23 that in the six months that this person has been a
24 suspect?

25 A. Well, a lot has to do with my current case

1 load. At the present time I'm in another trial
2 right now. It just happens.

3 Q. And do you have a time when you expect to
4 be able to conduct that interview?

5 A. Hard to be specific on a time. I do plan
6 on doing it in the near future.

7 Q. Would that be in the next week or month?

8 A. Hopefully.

9 Q. And once you have conducted that
10 interview, will that be sufficient to conclude your
11 investigation?

12 A. Not at all.

13 Q. Why is that?

14 A. Well, I don't know where that interview is
15 going to lead me. I hope it leads me elsewhere.

16 Q. In the course of conducting your
17 investigation, how many leads, approximately, have
18 you followed up on would you say?

19 A. That's hard to answer. I'll guess about a
20 dozen.

21 Q. All right. And none of those have led to
22 an arrest or prosecution, have they?

23 A. Not yet.

24 Q. And in the previous fourteen years of the
25 investigation, can you tell us approximately how

1 many leads the police department has followed up on?

2 A. Hundreds if not thousands.

3 Q. And the department thoroughly investigated
4 each and everyone of those leads, did it not?;

5 A. I don't believe so. Not thoroughly. They
6 probably did as well as they could. Maybe if I look
7 at a few of them I'll find out that, yes, they were
8 in fact looked at thoroughly.

9 Q. In reviewing the file you found that the
10 most probable leads have all been thoroughly
11 investigated, haven't you?

12 A. I would have to say it was an exhausted
13 investigation on most if not all the leads.

14 Q. The family members, friends, the usual
15 most likely suspects have all been thoroughly
16 investigated, have they not?

17 A. Yes.

18 Q. And the department has not arrested or
19 prosecuted any of those people, have they?

20 A. That's correct.

21 Q. And so what we're talking about is finding
22 a suspect who is an unusual suspect that you
23 wouldn't ordinary suspect, isn't that true?

24 MR. CANTOR: Objection, your Honor.

25 Again, I'm not sure where that is going.

1 THE COURT: Sustained.

2 Q. (By Mr. Julin) Detective, there has been
3 no warrants issued for an arrest, has there?

4 A. Not to my knowledge.

5 Q. And there is currently no Grand Jury that
6 is investigating this matter, is there?

7 A. That's correct.

8 Q. And have you done anything to turn over
9 the investigation to the State's Attorney's Office?

10 A. I have been in contact with the State
11 Attorney's Office as far back as six months ago,
12 maybe a little bit longer, about this case. As far
13 as turning it over to them, no

14 Q. Do you have any plans to turn over the
15 results of your investigation to the State
16 Attorney's Office in the foreseeable future?

17 A. I would love to.

18 Q. The question is, do you have any plans to
19 do that in the foreseeable future?

20 A. My plans right now are not definitive
21 exactly where we're going to go with this case.

22 Q. And, therefore, you do not have any plans
23 to turn over the results of the investigation to the
24 State Attorney's Office in the foreseeable future,
25 do you?

1 A. When you say plan, no, I don't have a plan
2 to do that. But, hopefully, yes, we do.

3 Q. Detective, have you found in other
4 investigations that media coverage sometimes helps
5 the police to solve the crime?

6 A. Yes.

7 Q. And is it possible that if you turned over
8 this investigation, you opened this investigation
9 up, that in fact the additional publicity that would
10 result would result in solving this crime?

11 A. I think it would hurt more than help.

12 Q. But you don't know that?

13 A. No.

14 Q. And why do you think that it would hurt
15 more than help in this case?

16 A. I think the fact is, as I have explained
17 to Mr. Cantor here, is that the fact this case would
18 be -- if the press gets involved in this case I
19 think in this particular case it would hurt because
20 I don't know -- I don't know what affect it would
21 have on anyone who originally wanted to come
22 forward, that anyone I had planned on seeing in the
23 near future would like the fact that it had been
24 opened up to the press like that. I don't know.

25 Q. Is there some aspect of the investigation

1 that you're particularly concerned about keeping
2 away from the press?

3 A. No, absolutely not. A homicide case is,
4 due to its very nature, considered confidential to
5 the press. It has been like that as long as I have
6 known.

7 Q. All right. Then, Detective, from your
8 testimony I understand that you do not know when you
9 will complete your investigation, is that correct?

10 A. That's right.

11 Q. You don't have any time table as far as
12 how long you will be assigned to this case, do you?

13 A. How long I will be assigned to the case?

14 Q. Yes.

15 A. No. That will be up to my superiors.

16 Q. Has the chief or superiors told you we
17 want you to work on this for a period of a certain
18 number of months?

19 A. They have not given me a time limit
20 whatsoever.

21 Q. You're assigned to this case on an
22 indefinite basis, is that correct?

23 A. I would assume so.

24 Q. Are there any other members of the City of
25 Hollywood Police Department that are assigned to

1 this case with you?

2 A. Yes, there will be. Another detective
3 will be accompanying me very soon.

4 Q. Will be accompanying you very soon to
5 conduct the interview of the witness that you are
6 talking about?

7 A. To conduct a few interviews with the
8 witness.

9 Q. And when will that be happening?

10 MR. CANTOR: Objection, your Honor.
11 Again, getting into now the very specifics
12 of what they will be doing.

13 THE COURT: No, he can answer when.
14 If you know when, you can answer that.

15 A. (By the Witness) I have it planned within
16 the next few weeks.

17 Q. Thank you, your Honor. No further
18 questions.

19 MR. CANTOR: I have no further
20 redirect.

21 THE COURT: All right. Thank you
22 very much for coming, sir.

23 THE WITNESS: Thank you.

24 MR. CANTOR: Just one last witness,
25 your Honor. That would be Mike

1 Christianson as the representative of the
2 Adam Walsh Foundation. Probably just
3 answer two or three questions and that it
4 will be it. Mike Christianson.

5 THEREUPON:

6 MICHAEL CHRISTIANSON
7 a witness herein, being of lawful age and being first
8 duly sworn by the Court testified on his oath as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. CANTOR:

12 MR. CANTOR: With permission of the
13 court.

14 Q. (My Mr. Cantor) Mike, you're friends of
15 John Walsh, are you not?

16 A. I am.

17 Q. We met a couple weeks ago in reference to
18 the series of newspaper articles that have been
19 issued through the reporter, Jay Grelen, in
20 reference to this matter, correct?

21 A. We did.

22 Q. Okay. Did we discuss what impact
23 disclosure of this file would have on the
24 investigation?

25 A. Yes, sir.

1 Q. And what was that?

2 A. Negative.

3 Q. Okay. Mike, the series of articles that
4 have been published -- first of all, to your
5 knowledge and through your discussions with John
6 Walsh, what is the purpose of this public records
7 disclosure for Mr. Grelen?

8 A. As far as we're concerned it is to sell
9 more newspapers. It has nothing to do with the
10 integrity of the investigation and it has nothing to
11 do with finding Adam's killer.

12 Q. Has there been insinuations in these
13 articles suggesting that John Walsh is still somehow
14 the suspect in this crime because of his social
15 connections?

16 A. Yes.

17 Q. Have you spoken to John Walsh and is John
18 Walsh very disturbed about those defamatory
19 comments?

20 MR. JULIN: Objection, hearsay.

21 THE COURT: Sustained.

22 MR. CANTOR: I have no further
23 questions. Tenure the witness.

24 CROSS EXAMINATION

25 BY MR. JULIN:

1 Q. Mr. Christianson, your testimony was that
2 the disclosure of the investigation would be
3 negative as far as you were concerned, the impact on
4 the investigation, is that correct?

5 A. Yes.

6 Q. What is the basis of your testimony?

7 A. What we're told by the Hollywood police.

8 Q. What have you been told by the Hollywood
9 police?

10 A. That it would have a negative impact on
11 the investigation.

12 Q. Did they explain to you why it would have
13 a negative impact on the investigation?

14 A. Part of it has to do with the integrity of
15 the reporter and the integrity of the newspaper in
16 which it is being reported.

17 I mean, we're looking at a series of
18 articles here that publish a photograph of John
19 Walsh's house. I mean, here is a man who has been
20 instrumental in the capture of 370 of the nation's
21 deadliest criminals and this reporter and this
22 newspaper publish a photograph of his house which is
23 secured twenty-four hours a day, seven days a week
24 for obvious reasons.

25 The house in which resides a family who

1 have already had one child abducted and murdered. A
2 man who is responsible for putting many bad actors
3 in jail. This reporter and this newspaper publish a
4 photograph of his house in the geographic area in
5 which the house is located.

6 This reporter and this newspaper also
7 infer where the other children are going to school.
8 Now, this is not, to our way of thinking,
9 responsible journalism.

10 Q. Sir, Mr. Walsh is a member of the media,
11 is he not?

12 A. In what respect? He is a television
13 personality.

14 Q. John Walsh is on television and his job in
15 television is to publicize unsolved crimes, is it
16 not?

17 A. Yes.

18 Q. And Mr. Walsh is very proud of the fact
19 that through publishing information about unsolved
20 crimes that he has been able to solve many crimes,
21 is that not true?

22 A. Yes. And so he knows --

23 Q. Thank you.

24 A. -- when media exposure would be helpful
25 and when it would not be.

1 Q. I have no further questions.

2 MR. CANTOR: Just one redirect, your
3 Honor.

4 REDIRECT EXAMINATION

5 BY MR. CANTOR:

6 Q. Mike, do you have any knowledge as to
7 whether Mr. Grelen requires the information from the
8 Walsh file in order to complete his book or novel?

9 A. That's what I understand. I understand
10 that he has a book in the works. I understand that
11 the conclusions that he is going to draw in his book
12 have already been determined before he has had
13 access to this file. Further causes us to question
14 the integrity of his work.

15 MR. JULIN: I move to strike the
16 testimony about Mr. Grelen is working on,
17 what he believes is happening in the
18 future.

19 THE COURT: Well, you can inquire in
20 cross. I decline to strike it.

21 MR. CANTOR: No further questions.

22 MR. JULIN: No further questions.

23 THE COURT: All right. Thank you
24 very much. All right. What says the
25 department?

1 MR. CANTOR: Clearly, your Honor, I
2 felt the affidavit --

3 THE COURT: Any other witnesses?

4 MR. CANTOR: No.

5 THE COURT: Any further evidence
6 involved?

7 MR. CANTOR: I'm sorry, your Honor?

8 THE COURT: Do you have any other
9 evidence?

10 MR. CANTOR: No.

11 THE COURT: Do you rest?

12 MR. CANTOR: That's correct.

13 MR. JULIN: Defendant calls Jay
14 Grelen. Plaintiff, I'm sorry, calls Jay
15 Grelen.

16 THE COURT: Come on up here and be
17 sworn in. I'll allow both sides to make
18 motions at the close of all the evidence.

19 THEREUPON:

20 JAY GRELEN

21 a witness herein, being of lawful age and being first
22 duly sworn by the court, testified on his oath as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. JULIN:

1 Q. Jay, would you state your name for the
2 record.

3 A. Jay Grelen.

4 Q. And by whom are you employed?

5 A. Mobile Press Register in Alabama.

6 Q. All right. Have you been -- did you do an
7 investigation of the Adam Walsh murder investigation
8 that was conducted by the City of Hollywood Police
9 Department?

10 A. Yes.

11 Q. All right. Over what course of time did
12 you work on that investigation?

13 A. I made the first trip down here last
14 November and then started full time on it in
15 January. And the stories were published in early
16 May.

17 Q. During the course of that investigation,
18 did you have an occasion to interview Chief Witt?

19 A. Yes, I did.

20 Q. And did you ask the chief about the status
21 of the investigation at the time that you conducted
22 that investigation?

23 A. Yes.

24 Q. What did the chief tell you about the
25 status of the investigation?

1 A. The chief -- at that point the chief said
2 that he had pulled in Detective Smith to do -- he
3 explained the concept of a cold case squad to me and
4 said -- explained the value of that. And he said
5 that cold cases are generally cases that have been
6 lying dormant for awhile and he is bringing in a new
7 detective to take a fresh look, reinterview people,
8 pretty much like Detective Smith explained.

9 Q. Did Chief Witt tell you that Detective
10 Smith was brought in because this has been a dormant
11 case, cold case, and that's his specialty?

12 A. Maybe not specifically like that. He was
13 very high in the praise of Detective Smith's ability
14 as an investigator and indicated that he had been
15 successful in other cold cases.

16 Q. Did the chief tell you that this was a
17 cold case as far as he was concerned?

18 A. Yes. That was the implication of what he
19 said.

20 Q. Did the chief tell you that this case had
21 been dormant for a period of time before Detective
22 Smith had been assigned to it?

23 A. He didn't use dormant specifically to this
24 case but he said that that's when you bring in the
25 cold case squad is when a case has been lying

1 dormant.

2 Q. Did you ask Chief Witt whether an arrest
3 was eminent in this case?

4 A. Yes, I did.

5 Q. What did he tell you?

6 A. He said that that would be strictly
7 speculation at this point.

8 Q. Did you have an opportunity to talk to
9 other members of the Hollywood Police Department?

10 A. Yes, I did.

11 Q. And did any of them tell you that an
12 arrest was foreseeable in the future?

13 A. No. Generally the response was no
14 comments about the case.

15 MR. JULIN: Now, your Honor, I would
16 like simply to offer into evidence, have
17 the witness identify if necessary, the
18 correspondence that was attached to the
19 complaint. This would be Plaintiff's
20 Exhibits 1 through 4.

21 THE COURT: Is that only for the
22 purpose of laying a predicate for the
23 statute?

24 MR. JULIN: Yes, it is, your Honor.

25 THE COURT: I'll accept that. Is

1 there any objection?

2 MR. CANTOR: I have no objection,
3 your Honor. Both one by Norris and one by
4 myself.

5 MR. JULIN: For the record Exhibit 1
6 is the January 31 request from Mr. Grelen.
7 Exhibit 2 is the February 2nd response
8 from Stephanie Norris of the City of
9 Hollywood Police Department. Exhibit 3 is
10 the request that was made on behalf of Jay
11 Grelen to the police department again and
12 then Exhibit 4 is a February 15th response
13 from the city.

14 MR. CANTOR: No objection.

15 THE COURT: All right. I'll
16 recognize all the documents that are
17 already in the file.

18 MR. JULIN: And I just like to focus
19 on one aspect of Exhibit 4, if I may
20 approach the witness.

21 Q. (By Mr. Julin) Jay, can you read the last
22 paragraph of that. This is the letter from the City
23 of Hollywood Police Department from Mr. Cantor. In
24 fact, responding to the request for the document,
25 can you read the last paragraph for the court?

1 A. You have also inquired about when we
2 expect in good faith to secure an arrest for the
3 murder of Adam Walsh. We must respectfully decline
4 to make any such projection. Such a forecast would
5 not serve any public interest at this time.

6 MR. JULIN: No further questions to
7 this witness, your Honor.

8 MR. CANTOR: Your Honor, just a few
9 questions.

10 CROSS EXAMINATION

11 BY MR. CANTOR:

12 Q. Mr. Grelen, when you met with Chief Witt
13 did you get the impression -- first of all, during
14 this meeting you were down here on vacation?

15 A. Absolutely not.

16 Q. You just walked into the police department
17 and asked if you could speak to him?

18 A. No. I was down here to pursue a newspaper
19 project. I called the chief's office shortly after
20 I arrived in town, explained to the receptionist,
21 who answered the phone, who I was, why I was here,
22 and ask if I will be able to see the chief.

23 And much to my surprise she said, well,
24 can you be here at ten. I called sometime around
25 nine in the morning. And so, of course, I was there

1 at ten, so there was absolutely no --

2 Q. Mr. Grelen, did you inform the chief that
3 this was sort of a public interest inquiry as
4 opposed to venturing or trying to just get
5 disclosure of information in order to complete your
6 book?

7 A. I'm not sure of where this talk of a book
8 comes from. I work for the newspaper. There is no
9 book in the works.

10 Q. You never mentioned to Chief Witt that you
11 had to complete your book?

12 A. Absolutely not. I'm not writing a book.

13 Q. Did you tell him, though, this is a public
14 interest inquiry as opposed to you wanted to report
15 information for the Mobile Press Register?

16 A. No. I represented myself as a reporter
17 for the Mobile Press Register and that's the only
18 way I represented myself to anybody throughout this
19 project.

20 Q. So while on vacation, is it safe to say
21 you didn't walk in just as a public interest
22 inquiry --

23 A. Sir, I have not been on vacation for more
24 than a year. Ever since last September I have not
25 been on vacation.

1 Q. And you never told Chief Witt you were on
2 vacation?

3 A. Absolutely not.

4 Q. About the interview itself, you mentioned
5 during direct examination about the chief telling
6 you indirectly that the Walsh file was somehow
7 dormant, correct, before it got assigned to
8 Detective Smith?

9 A. When I asked about the case in the process
10 of explaining what a cold case squad is he said that
11 a cold case squad comes into cases that are
12 considered dormant.

13 Q. Okay. Mr. Grelen, did he mention to you
14 that one of our investigators just three years ago,
15 prior to Detective Smith being assigned to the case,
16 went up to interview Jeffrey Dahmer on this case?

17 A. Yes.

18 Q. Okay. Three years ago?

19 A. I don't remember the time frame but he
20 mentioned that interview had taken place.

21 Q. Okay. Did he say that was prior to
22 Detective Smith jumping on the case?

23 A. It was clear that that was the case.

24 Q. Okay. If a detective was going up to
25 investigate and discuss with Jeffrey Dahmer about

1 his potential involvement with the Adam Walsh
2 disappearance three years ago or two and a half
3 years ago, would that lead you to believe that this
4 case was dormant prior to Detective Smith taking
5 this case ten months ago?

6 A. My understanding was that they made the
7 trip based on a tip that came to them not on a tip
8 that they turned up because of the investigation.
9 It was a tip that was phoned in which they followed.

10 Q. Who was that detective that went up to
11 meet with Jeffrey Dahmer?

12 A. Jack Hoffman.

13 Q. Okay. Did he tell you about some other
14 detectives and some other personnel that may have
15 been involved in the review of this case over the
16 past few years? Not six months, ten months, but a
17 few years?

18 A. I don't remember discussing with any
19 specific detective, no.

20 MR. CANTOR: I have no further
21 questions.

22 MR. JULIN: I have no redirect, your
23 Honor.

24 THE COURT: All right. Have a seat
25 back here at the table, please. Do you

1 have any other witnesses or other
2 evidence?

3 MR. JULIN: Your Honor, the plaintiff
4 rests.

5 MR. CANTOR: Your Honor, since it is
6 my burden, if I might go forward just for
7 a minute in closing.

8 Normally, your Honor, I supply the
9 court with a memorandum of law discussing
10 this topic briefly and discussing these
11 three cases, which appear to affect this
12 particular decision as much as any other
13 cases in the State of Florida.

14 I want to spend a little bit of time
15 just going over the motion for order
16 requiring productions of public record
17 that has been submitted by the plaintiff.

18 What they do is suggest that we
19 should take a look at three individual
20 cases, your Honor -- excuse me, four
21 individual cases. Out of those four
22 individual cases three of them protect
23 against disclosure.

24 So even walking in here today, into
25 this courtroom, your Honor, I thought it

1 was a little unusual that the plaintiff
2 spends time discounted three out of the
3 four cases they cite to because it
4 protects disclosure and because I
5 mentioned it in my memorandum of law.

6 The fourth case is Bloodworth, which
7 I have a copy of, your Honor. And the
8 only reason Bloodworth has no relevance
9 here, your Honor, is because our state
10 attorney up in Palm Beach released
11 information to defense counsel and to the
12 defense and then thereafter could not
13 protect the file because it had already
14 been disclosed.

15 Well, that hasn't happened, your
16 Honor. Even though this case will be
17 fourteen years old as of next month, this
18 case has certainly never been disclosed.

19 Just for a second, Judge, going
20 through this motion. Just through a
21 couple of just brief remarks. On page
22 four plaintiff says the murder in question
23 occurred almost fourteen years ago and
24 that requested records could not be
25 regarded as active at this time.

1 Your Honor, I would suggest the
2 plaintiff may make an interpretation of
3 what active is all about. But active has
4 been determined and has been defined not
5 just by the Fourth DCA but by this court
6 in Barfield and has also been decided by
7 the Second District with the Lee County
8 decision with McDougall.

9 Active is related to an ongoing
10 investigation which continuing with a
11 reasonable good faith participation in
12 securing an arrest or prosecution in the
13 foreseeable future. Must an arrest or
14 prosecution occur? Absolutely not, your
15 Honor. Must that be testified to and must
16 detectives get up here and suggest that an
17 arrest or prosecution must occur?
18 Absolutely not, your Honor.

19 In the Barfield case on the second
20 page so correctly interpreted active means
21 so long as an investigation is proceeding
22 in good faith and the state attorney or
23 Grand Jury will reach determination in the
24 foreseeable future requested information
25 is not subject to disclosure. It is only

1 necessary that an arrest or prosecution
2 may result. Not that it must.

3 Now, just to go on just a little bit,
4 your Honor. On page six, even if we're
5 going to suggest, and that hasn't even
6 been suggested here, but take the
7 plaintiff's side, give them the benefit of
8 the doubt that the case has been sitting
9 dormant hypothetically, even for years.

10 The McDougall case speaks clearly to
11 that issue, your Honor. A four year old
12 case where the Lee County Sheriff
13 specifically said it was an inactive
14 investigation. But in 1992 it is
15 reactivated because the homicide suspect
16 is also a suspect in a sexual battery
17 crime. It is now reactivated.

18 And the only thing that the court was
19 looking at was on page four, which is,
20 your Honor -- excuse me. The custodians
21 only proper concern is whether the file is
22 active now. And that's what the court
23 made as a proper determination. Since it
24 is active now, it is protected from
25 disclosure. So the McDougall case

1 certainly speaks to that even if
2 hypothetically you're going to accept
3 plaintiff's arguments.

4 Plaintiffs suggest on page eight, the
5 investigation now appears to be limited to
6 responding to information sent to it on an
7 infrequent basis, that the department
8 ceased actively investigating the incident
9 issue a long time ago.

10 I'm not sure where they're getting
11 this information, your Honor. Detective
12 Smith testified today that he has been as
13 actively investigating this case as any
14 other case among his case load and even
15 prior to that.

16 I just brought up, for example,
17 because the chief already disclosed that
18 one piece of information to Jay Grelen and
19 Jay Grelen reported it in his newspaper,
20 the fact that an investigator went up and
21 spoke to Jeffrey Dahmer. Two and a half,
22 three years ago, your Honor. Well before
23 Mark Smith was assigned to this case.

24 So I'm not sure where he is getting
25 this information that this case ceased to

1 be actively investigated and it is not
2 even being investigated now. In fact, the
3 defendant himself has stated -- excuse me,
4 the plaintiff in fact stated in his own
5 article that it is currently being
6 investigated.

7 Again, McDougall, plaintiffs speaks
8 on page nine that here hypothetically if
9 the investigation has been concluded and
10 later may be closed to the public once the
11 investigation is reopened such an
12 interpretation of the statute would make
13 no sense.

14 McDougall made an interpretation of
15 the statute that clearly says that even if
16 the case lay dormant it can be reopened
17 and reinvestigated. Again,
18 hypothetically, your Honor, because we're
19 not suggesting that this case has ever
20 laid dormant, ever laid dormant.

21 Must we show that a prosecution or an
22 arrest might result? Absolutely not, your
23 Honor. Barfield, so correct with its
24 interpretation, your Honor, said that an
25 arrest or prosecution as long as you can

1 testify that it may come about in the
2 foreseeable future. And I believe that is
3 exactly what the detective testified to.

4 One last thing, your Honor, before I
5 just get into the three cases, one last
6 time is Barfield, Bloodworth, even the Lee
7 County case, not so much the Lee County
8 case, I'm sorry. Barfield, Bloodworth,
9 and the News Press Case versus Dempsey all
10 speak to cases which have no statute of
11 limitations restricting the investigation
12 of the case.

13 Clearly if we were looking at an
14 aggravated battery an aggravated assault,
15 maybe even a sexual battery, your Honor,
16 as long as it is not capital sexual
17 battery, there is a statute of limitations
18 where if the case goes on too long, you
19 can't find a prosecution, you can't reach
20 accumulation with an arrest because we
21 have statute of limitations restrictions.

22 There is no statute of limitations
23 here with a homicide. And clearly the
24 detectives in the Hollywood Police
25 Department they implore for the leeway to

1 continue investigating this case and
2 following up the leads that they feel will
3 bring this case to fruition by either an
4 arrest, Grand Jury indictment,
5 prosecution.

6 Active has been defined by both
7 Barfield and News Press. Barfield has
8 suggested that as long as the police
9 agency is acting in good faith, regardless
10 of whether for sure an arrest or
11 prosecution may occur.

12 In the Florida Freedom Newspaper case
13 versus Dempsey specifically says there is
14 no fixed time limit for naming suspects or
15 making arrests other than the applicable
16 statute of limitations.

17 Clearly, both of these two cases on
18 appeal suggest and affirmed on appeal,
19 suggested that if there is a statute of
20 limitation, that restricts the amount of
21 time that case can remain active. This
22 case is a homicide case.

23 The Barfield case, that is so
24 correctly interpreted by the Appellate
25 Court, this decision indicates the police

1 so long as they're acting in good faith
2 shall be given substantial leeway in
3 conducting an ongoing investigation even
4 where there may be no immediate prospect
5 of an arrest or prosecution.

6 Dempsey stands for the proposition
7 that it is unnecessary to show an actual
8 suspect will be arrested or prosecuted in
9 order to prove an investigation is still
10 active.

11 Again in Barfield, we do not believe
12 the legislation intended that
13 confidentiality be limited to
14 investigations where the outcome and
15 arrest or prosecution was a certainty or
16 even a probability.

17 Your Honor, there is no contention
18 here that detectives from the Hollywood
19 Police Department unduly delayed this
20 investigation, stalled this investigation.
21 I don't think there is any contention of
22 bad faith.

23 Clearly active has been met here,
24 your Honor, with both these cases and also
25 followed up with McDougall which, your

1 Honor, I believe is just right on point
2 except for the fact that this case has
3 never been dormant.

4 Your Honor, to disclose this file at
5 this point would not just impede the
6 investigation of Detective Mark Smith, but
7 would also, from all probability, keep
8 Detective Smith from following up the
9 leads that he needs to to try to bring
10 this case to fruition.

11 Your Honor, with that in mind, I
12 would implore this court to deny the
13 request for -- request for disclosure of
14 the Adam Walsh file.

15 THE COURT: Well, how do you meet
16 their allegation based upon testimony that
17 this case, and the circumstances
18 surrounding it, including the
19 non-participation of the Walsh family, has
20 been probably the most widely publicized
21 case in the name of crime in the United
22 States.

23 MR. CANTOR: And I think that speaks
24 for the integrity of the Hollywood Police
25 Department by not disclosing the

1 information so as not to impede on the
2 investigation.

3 In fact, your Honor, when I met with
4 John Walsh two weeks ago, John --
5 Mr. Walsh, I only met him one time. He
6 spoke very specifically, your Honor --go
7 ahead, I'm sorry.

8 THE COURT: Well, is his testimony --

9 MR. CANTOR: I'm sorry?

10 THE COURT: His testimony is not in
11 evidence. I'm talking about what has been
12 testified to.

13 MR. CANTOR: That's correct.

14 THE COURT: I forget the name of the
15 program, the one he is on often on T.V.

16 MR. CANTOR: Americas Most Wanted.

17 THE COURT: Yeah. And the Adam Walsh
18 Foundation, you know, what news is there
19 to reveal?

20 MR. CANTOR: What?

21 THE COURT: What news is there to
22 reveal from the file? What is the purpose
23 and intent of keeping it a secret? I
24 mean, the statute has a purpose and intent
25 that is --

1 MR. CANTOR: I would agree.

2 THE COURT: -- a very valid purpose.

3 What --

4 MR. CANTOR: I believe by revealing
5 the contents from the file now, and, your
6 Honor, this is the sort thing I would
7 prefer to reserve for in camera.

8 I believe Detective Smith would not
9 be able to properly interview the last
10 remaining witnesses that he wishes to now,
11 and that he plans to do it, as he
12 suggested, over the next two to three
13 weeks.

14 THE COURT: All right. What says the
15 plaintiff?

16 MR. JULIN: Your Honor, with respect
17 to that specific point let me just pick up
18 on that. If the problem that the police
19 department has is it needs to conduct an
20 interview in the next two to three weeks,
21 I think your Honor can properly fashion to
22 allow that interview be conducted prior to
23 the release of the records.

24 Once the interview has been
25 conducted, I think if it were not

1 something that came out of that that would
2 require further confidentiality, then at
3 that point the records could be released.
4 If that's the problem.

5 I don't think that there has been a
6 sufficient evidentiary basis established
7 by the defendant in this case to show that
8 that particular interview gives them a
9 reason to believe that they're likely to
10 make an arrest in the foreseeable future.

11 Your Honor, this is a copy of the
12 statute itself with the particular
13 exemption highlighted at the bottom of the
14 page. It has the particular language. It
15 says actually in the statute this is not
16 an interpretation of the cases.

17 There simply must be an ongoing
18 investigation which is continuing within a
19 reasonable good faith anticipation of
20 securing an arrest or prosecution in the
21 foreseeable future.

22 In the case of an unsolved murder
23 obviously have conflicting interest here.
24 There is a strong public interest in
25 knowing why this investigation has not

1 resulted in an arrest in over fourteen
2 years. There is a continuing interest in
3 the police department in solving the case.

4 But, your Honor, in resolving those
5 conflicting interests you must look at the
6 evidence that has been presented on this
7 particular point. What is a good faith
8 belief? What is the basis for belief
9 there is going to be an arrest in the
10 foreseeable future?

11 Not just two years or three years or
12 five years down the road something might
13 happen, something might break, but there
14 must be something definite and concrete
15 about it.

16 Foreseeable is a term which is
17 defined under Florida law. There are a
18 couple of cases in the negligence area
19 that talk about foreseeability as being
20 not simply a possibility that something
21 will occur in the future, but a
22 probability.

23 I would cite, your Honor, the Florida
24 Power and Light versus Lively case, 465
25 Southern Second 1270, and Firestone Tire

1 and Rubber versus Lippincott, which is at
2 383 Southern Second 1181. Those cases
3 talk about the concept of foreseeability.

4 Again, not in the context of the
5 public records law, but just in general
6 Florida law terms dealing with a
7 negligence concept. And this term
8 foreseeability as used in the Firestone
9 case talks about a foreseeable consequence
10 as one which a prudent man would
11 anticipate as likely to result.

12 It says that the consequence that a
13 prudent man would anticipate as likely to
14 result from an act are those consequences
15 that happen so frequently that they may be
16 expected to happen again and are therefore
17 probable consequences. I think that those
18 definitional terms can be applied in this
19 context.

20 What we have is a police department
21 which justifiably and rightfully so is
22 hoping that they will solve this crime.
23 And as we have said in our papers, we
24 applaud the Hollywood Police Department
25 for assigning Detective Smith to this case

1 and trying to get it solved after all this
2 time.

3 But the facts are that the
4 investigation was thoroughly conducted,
5 that most obvious leads were followed up
6 upon, even the non-obvious leads were
7 followed up upon over the course of a
8 fourteen year investigation, and then,
9 according to Chief Witt himself, the case
10 became dormant and Detective Smith was
11 brought into this because of his specialty
12 in dealing with cold cases.

13 Again there is nothing wrong with
14 that. We think it is perfectly
15 appropriate. But at this point where
16 there has been so much passage of time,
17 this is the kind of case which the public
18 should have full access to to see what
19 happened in this.

20 The public, the media may be able to
21 solve this case by drawing more attention
22 to what happened in the investigation.
23 There is a strong, strong public interest
24 in allowing that possibility to happen at
25 this time.

1 This is not a case where we have not
2 allowed the police department a full an
3 adequate opportunity to conduct the
4 investigation.

5 The Barfield case is, I think, the
6 case to look to, and although it comes to
7 the conclusion that the records will
8 remain sealed, that case is very important
9 because it's -- the Fourth DCA very
10 recently, in 1994, saying the act -- the
11 Public Records Act dealing with this
12 exemption is to be construed liberally in
13 favor of openness. And all exemptions of
14 disclosure construed narrowly and limited
15 to their designated purpose. Using --

16 THE COURT: Do you know who the judge
17 was on that was?

18 MR. JULIN: Yes, your Honor, I noted
19 that very closely. And that is one of the
20 reasons that I think this is the case that
21 we should all look to. Is the case from
22 this court, obviously, dealing with the
23 same exemptions and offered this guidance
24 that the act is to be liberally construed.

25 Now, in this particular case the

1 result was that the records remain sealed.
2 What factual distinctions do we have that
3 could explain that? Well, in that case
4 the testimony was that there would be --
5 the matter would be submitted to the Grand
6 Jury within a matter of three weeks.

7 There is no indications in the case
8 of how long it was from the particular
9 crime. There is a police shooting
10 involved, a dog bite involved in that
11 case. But my understanding is, and
12 perhaps your Honor knows better, it was a
13 relatively short period of time between
14 the crime itself and the time that the
15 records were sought.

16 In any event, there was a Grand Jury
17 investigation underway, the records were
18 to be turned over in a matter of three
19 weeks. In this case we have no Grand Jury
20 investigation, we have no plans even by
21 the department, according to their own
22 detective, to turn over the results of the
23 investigation that they have undertaken.

24 This is simply a case where there is
25 no likelihood of a prosecution or an

1 arrest in the foreseeable future. Sure it
2 might happen, but that's not enough.
3 Particularly where you have a fourteen
4 year gap in time.

5 The Dempsey case that is referred to
6 by counsel for the department is another
7 one where the crime had taken place, the
8 request was made four and a half months
9 after the crime took place. There the
10 court concludes that's not enough time for
11 the investigation and allowed it to go on.
12 It is certainly nothing like fourteen
13 years.

14 The News Press case versus Sapp,
15 another case relied upon, the case where
16 the Grand jury was to receive the material
17 from the police within four days of the
18 hearing that was conducted. And the
19 McDougall case, of course, is one, and I
20 have not seen this one, but that one was a
21 crime that took place in 1988 and an
22 investigation followed thereafter was
23 revived.

24 There, of course, at most we had
25 seven years. In this case we have double

1 that amount of time, fourteen years. At
2 some point -- at some point it is no
3 longer reasonable to contend that an
4 investigation is going to result in a
5 prosecution.

6 THE COURT: Well, in the McDougall
7 case part of it reads by neither of those
8 cases addresses the precise issue posed
9 here. Whether an inactive criminal
10 investigation file which has been
11 available for public view can be
12 reactivated so to exempt from disclosure
13 in public records act, that's why the case
14 is in court.

15 MR. JULIN: And I think that is an
16 important point. I don't think that we
17 have an evidentiary basis to establish
18 that this case at this point and time,
19 even if the police department made a
20 conscious decision let's take another look
21 at this case, and that's what the evidence
22 says, that we're going to bring someone in
23 who has a fresh look, he has got to have
24 something more to go on that gives him a
25 basis to believe that the arrest is going

1 to happen in the foreseeable future.

2 It is not enough just to assign a
3 detective to the case and say take a fresh
4 look at it and go to work on this case.
5 There must be something there that gives
6 the police department a basis to believe
7 that an arrest or prosecution will be
8 secured in the foreseeable future.

9 And none of the evidence that has
10 been offered by the police department
11 today shows that there is such a belief.
12 All the testimony has been we cannot make
13 a determination.

14 The testimony that Mr. Grelen gave
15 the court was that the chief himself said
16 it would be purely speculation as to
17 whether an arrest will be made in the
18 future. Not just the foreseeable future,
19 but any future.

20 Under those facts the court I think
21 construes the act liberally consistent
22 with the mandate of Barfield must rule
23 that this investigation should be made
24 available to the public.

25 MR. CANTOR: Your Honor, just a very

1 extremely brief response, if I may.

2 THE COURT: All right.

3 MR. CANTOR: Your Honor, some of the
4 language to me just has to be embraced in
5 Barfield. Again, we don't get to one of
6 the more important issues between these
7 cases that protect disclosure but we also
8 need to talk about the statute of
9 limitations prohibition.

10 Your Honor, there is no statute of
11 limitations that restricts a homicide
12 investigation. But as I get to page 1017
13 of the Barfield case, just in the last
14 paragraph of the page, the Appellate Court
15 so correctly affirmed the decision of --
16 thus we interpret the definition of active
17 to mean that even though there is no
18 immediate anticipation of an arrest so
19 long as the investigation is proceeding in
20 good faith.

21 Good faith is just embellished
22 throughout this case opinion. Another
23 sentence down, quite differently we
24 construe the phrase anticipation of an
25 arrest or prosecution to mean that an

1 arrest or prosecution may result, not that
2 it must.

3 Two last things, your Honor. In
4 Florida Freedom versus Dempsey, no doubt,
5 this is a quote, no doubt the legislature
6 fully comprehended the disclosure of the
7 status of a criminal investigation by
8 requiring production of particular
9 information developed during this progress
10 would often impede the development of new
11 leads, prevent successful conclusion of
12 the investigation in the arrest of the
13 offender.

14 Your Honor, again, as a last remark
15 out of the Florida Freedom Newspaper, a
16 law enforcement agency, as I mentioned in
17 my own memorandum of law, a law
18 enforcement agency should never be forced
19 to guess whether or not an incident will
20 or will not result in an arrest or
21 prosecution. Barfield suggests the same.
22 Florida Freedom suggests the same.
23 McDougall suggests the same.

24 Your Honor, the only reason why we
25 don't have a case on point discussing

1 fourteen years is because there is no
2 statute of limitation prohibition or
3 restrictions. There are some with four
4 years, with five years, with seven years.

5 Fourteen years, your Honor? As long
6 as McDougall suggests that you have an
7 officer going forth in good faith and
8 suggests that he is actively investigating
9 the case. And he has done that. I heard
10 his testimony. And I would suggest it is
11 quite different than plaintiff's version
12 of what was heard today.

13 MR. JULIN: One point. That the
14 holding of the Barfield case is on page
15 1017 just quoted from and it is because
16 the evidence used below demonstrated the
17 investigations were ongoing and soon to be
18 presented to the Grand Jury, we hold the
19 city satisfied its burden of proving its
20 entitlement to the exemption in question.

21 There is no Grand Jury that is
22 looking at this. There is no plans to
23 present this to the Grand Jury. This is a
24 case that simply has been confidential
25 long enough and public interest now, after

1 fourteen years, weighs in favor of
2 disclosure.

3 THE COURT: Well, the case is
4 certainly not about whether or not the
5 reporter is writing a book or whether or
6 not he is writing an article to sell
7 newspapers. Obviously, the freedom of the
8 press guarantees him that right.

9 And certainly the case is not whether
10 or not Mr. Walsh's picture -- or picture
11 of his house has been printed in the
12 newspaper. Certainly there is laws
13 relating to liability and invasion of
14 privacy and other things that protect
15 that.

16 But according to the testimony in the
17 evidence I received here in court, this
18 case was a cold case. It's been reopened
19 by reassigning it to what probably is best
20 described as a crack detective who
21 testified that he has legitimate leads.

22 Now, I'm not going to allow a
23 constant reopening of a cold case to serve
24 as a rouse to deny the public the right
25 to access to materials that should be in

1 the public domain. But Detective Smith
2 does have a legitimate opportunity to
3 pursue the leads that he is now pursuing
4 before this file becomes public domain.

5 Therefore, the motion to enforce the
6 public records law as to this
7 investigative file at this time is denied
8 without prejudice.

9 MR. JULIN: Thank you, very much,
10 your Honor. I think, for the record, we
11 had the motion to intervene the Palm Beach
12 Post and Sun Sentinel and I'm not sure we
13 got a ruling on that.

14 THE COURT: Can we call that moot?

15 MR. JULIN: Your Honor, since you're
16 denying without prejudice, and I think
17 that is the appropriate procedure, we may
18 well be back at some period of time to ask
19 the matter be revisited and I think those
20 parties would like to be --

21 THE COURT: Is there any objection to
22 that, to them intervening?

23 MR. CANTOR: I don't have an
24 objection to them intervening, your Honor,
25 if they truly are intervening as opposed

1 to bringing local flavor to this case.

2 THE COURT: Local flavor?

3 MR. CANTOR: I have no objection,
4 your Honor. I have an order. What I'll
5 do is see if there is anything to be
6 modified and we'll present this order to
7 the court this afternoon. Thank you, your
8 Honor.

9 THE COURT: All right. Again, in a
10 very non condescending way, I appreciate
11 the way in which this matter was
12 presented. Compliments on both sides.
13 This hearing is adjourned.

14 (Whereupon, the hearing was
15 concluded at 2:55 p.m.)
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STATE OF FLORIDA
COUNTY OF BROWARD

I JERI CORONA, Professional Reporter, certify that I was authorized to and did stenographically report the forgoing proceedings and that the transcript is a true record.

Dated this 21 day of June, 1995.

Jeri Corona

JERI CORONA
Shorthand Reporter





CHERI NOLAN
Executive Assistant to John Walsh

5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016
Telephone (202) 895-3092



February 1, 1996

Mr. Ralph Reys
Chief Deputy States Attorney
Broward County States Attorney's Office
201 S.E. 6th Street, Suite 655
Fort Lauderdale, Florida 33301

PERSONAL AND CONFIDENTIAL

Dear Mr. Reys:

John Walsh has asked me to send to you the enclosed letter which arrived in today's mail. Mr. Walsh wanted you to have the original as soon as possible. Also at the request of Mr. Walsh, I have enclosed a copy of a tip received recently over the America's Most Wanted hotline.

Please call me at (202) 895-3092 if you have any questions.

Sincerely,

Cheryl Nolan
Executive Assistant to
John Walsh

Enclosure

John Walsh

I have been trying to get in touch with someone on America's most wanted for almost 2 yrs now and no one seemed to care until 2 weeks ago.

My daughter said she was partying with some people a long while back and the one girl said her Uncle was the one that killed your son and that he had some pictures of pictures of him holding his head in his hands.

She said the girls name was Erica Toole and she thought his last name also was Toole.

He is in Raiford State Prison now and should be just about ready to come up for parole.

I got a call last week from Det. Mark Smith of the Hollywood Fl. Police Dept. he gave me a

number to call him when
I found out Joolie's name but
I guess it was the wrong number
because some woman would hang
up ever time I tried to call.

I hope this information
will help you.

If I hear from you or
someone I will try to give
you the rest that I have found
out.

I thank you

James Masters

P.O. Box 2153

Hawthorne, FL 32640

my work number is 904-481-2347

I work Sunday thru Thursday

2-till 10 P.M

Feel free to call me if you
like.

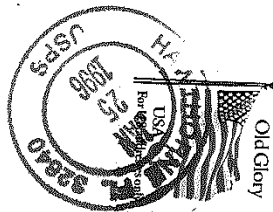
(over)

Erica Joole lives in
Daytona Beach Fl

JAMES MASTERS
P.O. Box 2153
New Haven, CT 06510

Mrs. John Walsh
America's Most Wanted
P.O. CRIME TV
Washington, D.C.

20016-9126





FUGITIVE RE: Adam Walsh killer DATE 1/20/96

OPERATOR George TIME 10:18 P.M.

- AMW
- FJ
- Other

When and where did you see him?

- Caller says he is involved in a Christian Ministry that visits prisons.

Why do you believe it's him?

- he met an inmate named OTTIS TOOLE in the Florida State Prison in Stock, FL.
- white male, 60s, tall, thin; inmate # 090812

What was he doing?

- he was told by another inmate (who the caller doesn't want to name at this time) that Toole had admitted to killing Adam Walsh. The inmate said that this was common knowledge around the prison in December

Where is he now?

What else can you tell us about the fugitive?

May we give your name and telephone number to law enforcement agents? They may wish to call you back for more information.

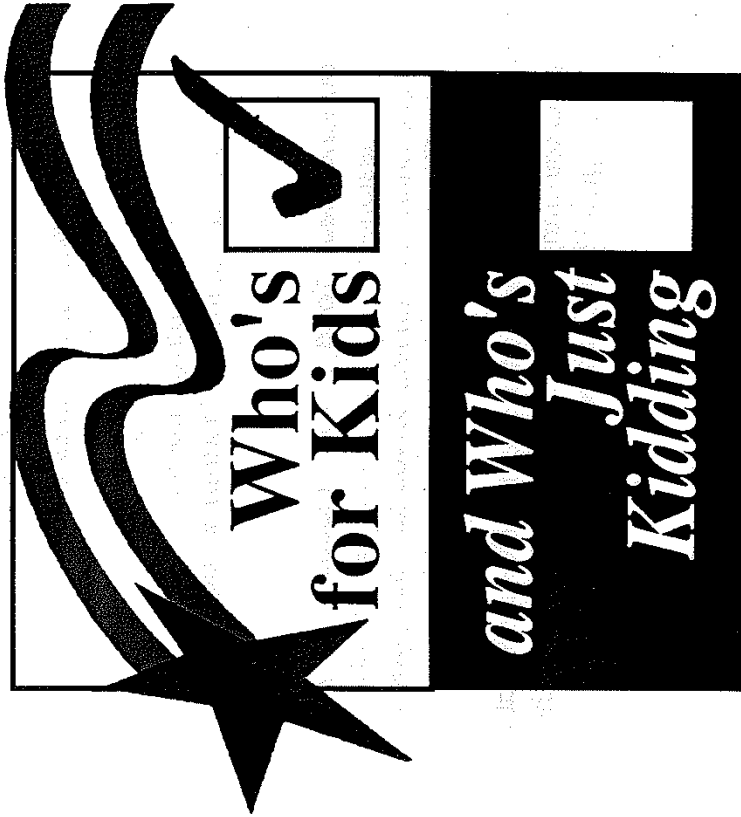
- YES
- NO

Name David Klemper Please characterize the caller w/m, sincere

Location _____

Phone 904-781-3533 Home # - After 5:30pm

FLORIDA CHILDREN'S CAMPAIGN



The Florida Children's Campaign
is a nonpartisan educational project of the
FLORIDA CENTER FOR CHILDREN & YOUTH.
P.O. Box 6646 Tallahassee, FL 32314
904/222-7140 FAX 904/224-6490

*Member, National Association of Child Advocates
Member, Coalition for America's Children*

*Campaign support provided, in part, by
Florida Kids Count, The Annie E. Casey
Foundation, The Florida Bar Foundation, and the
Members of the Florida Center for Children & Youth.*



RECEPTION HOSTED BY:

Children's Home Society
Intercostal Division

&

Florida Group Investments, Inc.
Chris Carlsen & Rick Marchetta

Special Remarks By:

Jack Levine
Executive Director
Florida Center for Children & Youth

Barbara Sheen Todd, former Pinellas County
Commissioner and President of the National
Association of Counties, serves as Chairperson
of the Campaign.

Phil Lewis, former President of the Florida Senate
and Chairman of Florida TaxWatch, serves as the
Campaign's Vice-Chairperson.

A RECEPTION

honoring

**BARBARA SHEEN TODD
PHIL LEWIS**

and the launch of the

**FLORIDA CHILDREN'S CAMPAIGN
OF BROWARD COUNTY**

Wednesday, February 28, 1996
5:30 pm - 7:00 pm

Children's Home Society
401 NE 4th Street
Ft. Lauderdale

Please RSVP by Friday, February 23, 1996
to
Cheri Cameron 954-763-6573

*Tax deductible contributions to the Florida Children's
Campaign will be accepted*

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

THE MOBILE PRESS REGISTER, INC. :
and JAY GRELEN, et al.,

CASE NO: 95-06324 CACE

Plaintiffs, :

DIVISION: 13

vs.

RICHARD WITT, as Chief of Police of
City of Hollywood, Florida :

Defendant, :

A TRUE COPY
ROBERT E. LOCKWOOD
FEB 12 1996

**Emergency Motion To Intervene and for
Temporary and Permanent Stay of Order Requiring Production of Public Records**

Michael J. Satz, State Attorney, Seventeenth Judicial Circuit, Broward County, Florida, by and through the undersigned Assistant State Attorney, moves this Court pursuant to Rule 1.230 of the Florida Rules of Civil Procedure to intervene in this cause as a party defendant and be heard as to the issues herein prior to the implementation of this Court's Order Requiring Production of Public Records dated October 24, 1995, and as grounds says:

1. Intervenor Movant is, and at all times material hereto was, the duly elected State Attorney, Seventeenth Judicial Circuit, Broward County, Florida;
2. Intervenor Movant is charged with the constitutional and statutory duties of prosecuting all misdemeanor and felony crimes before the courts of this circuit and acting as legal advisor to the Grand Jury, whenever required, and preparing bills of indictment; (Fla. Const. Art V. & 17, Ch. 27, FSA)
3. Murder in the first degree is a capital offense and must be charged by

presentment and indictment by grand jury; (Const. Art. I, 115).

4. The kidnaping of Adam Walsh in Broward County, Florida and the subsequent homicide of said Adam Walsh could constitute murder in the first degree, a capital offense, prosecutable in Broward County, Florida;
5. Intervenor Movant should have been joined in this cause as an indispensable party and given an opportunity to be heard concerning the issues herein.
6. On or about January 26, 1996, the Intervenor Movant was delivered the Hollywood Police Department investigatory file concerning the kidnaping and homicide of Adam Walsh which occurred on or about July 27, 1981, for purposes of review and to provide assistance to said police department in the investigation.
7. Intervenor Movant and/or his assistants had previously assisted in this investigation from time to time in the past but had never completely reviewed the entire investigative file nor arrived at any prosecution opinion as said investigation had not been concluded nor is said investigation concluded as of this date.
8. A review of said file by Intervenor Movant leads to the conclusion that further immediate investigative actions need to occur prior to Intervenor Movant being responsibly able to render an opinion as to whether an imminent arrest or prosecution in the foreseeable future is reasonably anticipated.
9. The release and dissemination of the contents of this investigative file to the public and/or to the media at this time would be premature and may negatively

affect and prejudice the on-going criminal investigation and any successful prosecution of any suspect or suspects in the foreseeable future.

10. Intervenor Movant adopts and herein incorporates by reference the Defendant's Answer and Affirmative Defenses to Verified Complaint and Memorandum of Law, all testimony addressed on behalf of the Defendant and all legal argument made on behalf of Defendant in this cause.
11. This Motion To Intervene is made in good faith and not for purposes of delay.

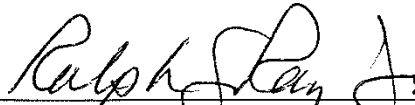
WHEREFORE, Intervenor Movant respectfully requests this Court to enter its Order permitting Intervention by said Michael J. Satz, State Attorney and allow hearing on the issues herein prior to the implementation of said Order Requiring Production of Public Records and/or enter an Order to stay said Order until this Motion can be heard by the Court and such other relief as this Court deems proper.

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail/ Hand Delivery this 12th day of February, A.D. 1996, to: Thomas R. Julin, Esquire and Edward M. Mullins, Esquire, Counsellors for Plaintiffs at: 200 W. Biscayne Boulevard, 40th Floor, Miami, Fl 33131-2395; Joel D. Cantor, Esquire, Counsel for Defendant at: 3250 Hollywood Boulevard, Hollywood, Fl 33021 and to: Kathleen Pellegrino, Esquire, Counsel for Sun-Sentinel Company, at: 200 E. Las Olas Boulevard, Suite C10, Fort Lauderdale, Fl 33301 and

to: Jerold I. Budney, Esquire, Counsel for The Miami Herald Publishing Company at: One
Herald Plaza, Miami, Fl 33132-1693.

MICHAEL J. SATZ
State Attorney

By:



Ralph J. Ray, Jr., Chief Ass't State Atty
Florida Bar #108894
201 Southeast Sixth Street
Fort Lauderdale, Fl 33301
Telephone No: (954) 831-7911

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

THE MOBILE PRESS REGISTER, INC.
and JAY GRELEN, et al.,

Plaintiff,

v.

RICHARD WITT, as Chief of Police of
City of Hollywood, Florida,

Defendant.

Case No. 95-06324 CACE

Division 13

A TRUE COPY
ROBERT E. LOCKWOOD
FEB 13 1996

**MEMORANDUM OF LAW IN SUPPORT OF
EMERGENCY MOTION TO INTERVENE AND FOR
TEMPORARY AND PERMANENT STAY OF ORDER REQUIRING PRODUCTION
OF PUBLIC RECORDS**

COMES NOW Movant, Michael J. Satz, as State Attorney of the Seventeenth Judicial Circuit, Broward County, Florida, by and through undersigned counsel, and files this Memorandum of Law in Support of Emergency Motion to Intervene and for Temporary and Permanent Stay of Order Requiring Production of Public Records filed in the above-styled cause yesterday, February 12, 1996. In support thereof, Movant states:

1. The State Attorney, as a constitutional and statutory officer, has the responsibility to investigate and prosecute violations of the criminal laws of this State. Doe v. State, 634 So.2d 613, 615 (Fla. 1994). The State Attorney's discretion in deciding whether or not to prosecute is absolute. State v. Johns, 651 So. 2d 1227-1228 (Fla. 2d DCA 1995); State v. Cain, 381 So. 2d 1361, 1367 (Fla. 1980).

2. As the release of the Hollywood Police Department's Adam Walsh investigative

file, pursuant to this lawsuit, would seriously impede valid investigative leads still being pursued and the State Attorney's review of the file for possible prosecution, the State Attorney should be allowed full participation in this case as an intervenor. Askew v. Green, Simmons, Green and Hightower, 348 So. 2d 1245, 1247 (Fla. 1st DCA 1977).

3. The State of Florida stands to lose valuable rights to an effective and untainted potential prosecution if the Hollywood Police Department's file is made public record and intervention by the State Attorney should therefore be allowed in the interests of justice. Schiller v. Schiller, 625 So. 2d 856, 860 (Fla. 1st DCA 1993). Based on the Emergency Motion, this Court is entitled to conclude that the State Attorney has demonstrated "...sufficient equities or other special reasons to justify (his) participation in the proceedings". Cole v. Glynn, 397 So. 2d 996, 997 (Fla. 4th DCA 1981).

4. The Fourth District Court of Appeal, in affirming this Honorable Court's denial of disclosure in a case very similar to that sub judice, stated that "...so long as the investigation is proceeding in good faith, and the State Attorney or grand jury will reach a determination in the foreseeable future, the requested information is not subject to disclosure". Barfield v. City of Fort Lauderdale Police Department, 639 So. 2d 1012, 1017 (Fla. 4th DCA 1994), emphasis added. "Put differently, we construe the phrase 'anticipation of an arrest or prosecution' to mean that an arrest or prosecution may result, not that it must". Id.

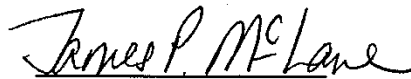
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Michael J. Satz
State Attorney



RALPH J. RAY, JR.,
Chief Ass't State Attorney
Florida Bar #108894
201 Southeast Sixth Street
Fort Lauderdale, Florida 33301
(954) 831-7911



JAMES P. McLANE
Assistant State Attorney
Florida Bar No. 354521
675 Broward County Courthouse
Fort Lauderdale, Florida 33301
Telephone: (305) 831-7913

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

THE MOBILE PRESS REGISTER, INC.
and JAY GRELEN, et al.,

Plaintiff,

v.

RICHARD WITT, as Chief of Police of
City of Hollywood, Florida,

Defendant.

Case No. 95-06324 CACE

Division 13

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ROBERT E. LOCKWOOD
FEB 13 1996

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

THE MOBILE PRESS REGISTER, INC. :
and JAY GRELEN, et al.,

CASE NO: 95-06324 CACE

Plaintiffs, :

DIVISION: 13

vs.

RICHARD WITT, as Chief of Police of
City of Hollywood, Florida :

Defendant, :

A TRUE COPY
ROBERT E. LOCKWOOD
FEB 12 1996

**Emergency Motion To Intervene and for
Temporary and Permanent Stay of Order Requiring Production of Public Records**

Michael J. Satz, State Attorney, Seventeenth Judicial Circuit, Broward County, Florida, by and through the undersigned Assistant State Attorney, moves this Court pursuant to Rule 1.230 of the Florida Rules of Civil Procedure to intervene in this cause as a party defendant and be heard as to the issues herein prior to the implementation of this Court's Order Requiring Production of Public Records dated October 24, 1995, and as grounds says:

1. Intervenor Movant is, and at all times material hereto was, the duly elected State Attorney, Seventeenth Judicial Circuit, Broward County, Florida;
2. Intervenor Movant is charged with the constitutional and statutory duties of prosecuting all misdemeanor and felony crimes before the courts of this circuit and acting as legal advisor to the Grand Jury, whenever required, and preparing bills of indictment; (Fla. Const. Art V. & 17, Ch. 27, FSA)
3. Murder in the first degree is a capital offense and must be charged by

presentment and indictment by grand jury; (Const. Art. I, 115).

4. The kidnaping of Adam Walsh in Broward County, Florida and the subsequent homicide of said Adam Walsh could constitute murder in the first degree, a capital offense, prosecutable in Broward County, Florida;
5. Intervenor Movant should have been joined in this cause as an indispensable party and given an opportunity to be heard concerning the issues herein.
6. On or about January 26, 1996, the Intervenor Movant was delivered the Hollywood Police Department investigatory file concerning the kidnaping and homicide of Adam Walsh which occurred on or about July 27, 1981, for purposes of review and to provide assistance to said police department in the investigation.
7. Intervenor Movant and/or his assistants had previously assisted in this investigation from time to time in the past but had never completely reviewed the entire investigative file nor arrived at any prosecution opinion as said investigation had not been concluded nor is said investigation concluded as of this date.
8. A review of said file by Intervenor Movant leads to the conclusion that further immediate investigative actions need to occur prior to Intervenor Movant being responsibly able to render an opinion as to whether an imminent arrest or prosecution in the foreseeable future is reasonably anticipated.
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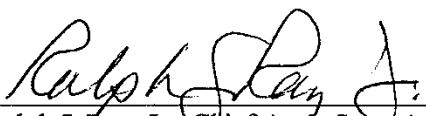
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to: Jerold I. Budney, Esquire, Counsel for The Miami Herald Publishing Company at: One
Herald Plaza, Miami, Fl 33132-1693.

MICHAEL J. SATZ
State Attorney

By: 
Ralph J. Ray, Jr., Chief Ass't State Atty
Florida Bar #108894
201 Southeast Sixth Street
Fort Lauderdale, Fl 33301
Telephone No: (954) 831-7911

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA, IN
AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

THE MOBILE PRESS REGISTER, INC.,)
et al.)
)
Plaintiffs,)
)
v.)
)
RICHARD WITT, Chief of Police)
of the City of Hollywood, Florida,)
)
Defendant.)
_____)

MOTION TO INTERVENE

John and Reve Walsh ("Movants"), by and through counsel, hereby move to intervene in this matter pursuant to Rules 1.210 and 1.230 of the Florida Rules of Civil Procedure. As the parents of Adam Walsh, Movants have a right to be heard in this matter under Article 1, § 16(b) of the Florida Constitution. Movants seek an opportunity to be heard in this proceeding in order to urge the court to ensure that investigation of their son's death is not compromised through disclosure of the investigative file to the media. Movants are aware of both the current status of the investigation and the consideration of the matter by the Broward County State Attorney's Office and of the fact that there is an active, ongoing investigation in the Adam Walsh case.

FACTS

1. Movants are the next of kin to the deceased Adam Walsh, who was their son. See Affidavit of John Walsh attached as Exhibit A (hereinafter "Walsh Affidavit"). The Walshes have maintained knowledge concerning the status of the investigation into the murder of their son through contact with the appropriate authorities. Id. at ¶ 6. The Walshes have also assisted that investigation by providing to the police information that has been volunteered to them on a regular basis over a period of time.

2. In January of this year, the Walshes learned that after it had initially opposed the release of the Adam Walsh investigative file pursuant to this lawsuit, the Hollywood Police Department had agreed, in October 1995, to make this file available in February 1996. The Walshes also learned that the police department through its chief, Richard Witt, planned to publicly identify the person they believed responsible for the Adam Walsh homicide at the time the file was to be released. See Walsh Affidavit at ¶ 7. Upon learning that the police department had not consulted with the Broward County State Attorney's Office, the Walshes asked for an opportunity to meet and discuss this development with that office. Id. at ¶ 9. The Broward County State Attorney's Office, of course, is jurisdictionally responsible for any prosecution of the Adam Walsh homicide. See FLA. STAT. ANN. § 27.02 (West 1996).

3. The Movants met with the State Attorney's Office on January 29, 1996. See Walsh Affidavit, at ¶ 9. At that meeting, the Walshes learned that many of the facts which had been developed in the case over the last several months were not known to the State Attorney's Office. Moreover, the Walshes also learned that the prosecutor's office had not been consulted regarding the decision to release the file or to name a suspect in the case. Since that meeting, the Walshes also learned that the prosecutor's office has since requested and received the investigative case file, and is actively involved in pursuit of the investigation. Id. at ¶ 10. The State Attorney's Office has told Movants that there are valid investigative leads being pursued or yet to be pursued, and that at the conclusion of a thorough investigation, the State Attorney's Office will consider bringing the matter before the grand jury for prosecution of the responsible individual or individuals. Id.

ARGUMENT

4. Because the unsealing of the Adam Walsh investigative file could adversely affect further investigation and/or prosecution, Movants respectfully submit that they have a substantial interest regarding the unsealing of the file, as well as a constitutional right to be heard as the parents of Adam Walsh. An interest which would entitle a party to intervene must be of a direct and immediate character such that the intervenor will either gain or lose by direct legal operation and effect of a judgment. Castro Convertible Corp. v. Castro, 596

F.2d 123, 125 (5th Cir. 1979). Although permission to intervene is a matter for the court's discretion, the aim of the rules of civil procedure is to allow liberal joinder of parties. Miracle House Corp. v. Haige, 96 So.2d 417, 418 (Fla. 1957); National Wildlife Fed'n, Inc. v. J.T. Glisson, 531 So.2d 996, 998 (Fla. 1st DCA 1988). The decision to release this file constitutes a crucial stage in the case and as such the Movants have a right to assert their objections to the disclosure. The release of the investigative file would have irreparable consequences on the potential for apprehending the perpetrator in the murder of the Movants' son. The Movants have a clear interest in preventing this injustice and should be allowed to intervene in this matter.

5: In addition, the release of the investigative file will have important repercussions on the State Attorney's ability to initiate prosecution in the Adam Walsh homicide. Therefore, the Movants further submit that the Broward County State Attorney's Office was, and is, a necessary party in interest in this matter where its lawful, jurisdictional responsibilities are clearly implicated by any decision to permit the disclosure of the file to the news media. See Blue Dolphin Fiberglass Pools of Florida, Inc. v. Swim Industries Corp., 597 So.2d 808, 809 (Fla. 2d DCA 1992) ("A person whose rights and interests are to be affected by a decree and whose actions with reference to the subject matter of litigation are to be controlled by a decree is a necessary party to the action and the trial court cannot proceed without that person.")

6. The fact that the plaintiffs chose to name only the Hollywood Police Department as a defendant in this suit does not determine whether the interests of all parties necessary to resolve the matter at issue are represented in the case. See In re Adoption of a Minor Child, 593 So.2d 185, 189 (Fla. 1991) (noting that intervention allows persons not originally named in a lawsuit to protect their interests in subject matter). The State Attorney's Office has a lawful and well recognized function to determine whether or not to initiate a prosecution, whether before or after an arrest by a law enforcement official or agency. See FLA. STAT. ANN. § 27.02 (West 1996); see also State v. Johns, 651 So.2d 1227, 1227-28 (Fla. 2d DCA 1995); State v. Cain, 381 So.2d 1361, 1367 (Fla. 1980) ("the discretion of a prosecutor in deciding whether and how to prosecute is absolute"). Thus, resolution of its interests is necessary to the just resolution of the matters put in issue by plaintiffs' complaint. In addition, as the next of kin to the victim in this homicide, and pursuant to Florida's constitutional and statutory victim's rights provisions cited above, the Movants have a right to be heard as to this matter. The Movants support the prosecutor's motion to intervene and its position that disclosure of the file is subject to the criminal investigative information exemption from the disclosure requirements of the Act.

7. It is clear from the language of the statute in question, and the court decisions interpreting and applying that statute, that the fundamental purpose of the criminal investigative information exemption from disclosure is to avoid the very situation that has been created here: that is, a contest between the responsible investigative authorities and the media over access to investigative information. FLA. STAT. ANN. § 119.07(3)(d) (West

1996). The exemption authorizes the authorities to withhold investigative information so long as they are pursuing a case that may result in an arrest or prosecution. The role of the court when confronted with a criminal information exemption issue is to determine if the facts support a showing that the authorities' representations that the case is "active", as that statutory term is used and applied, are made in good faith. See Barfield v. The City of Fort Lauderdale Police Dept., 639 So.2d 1012 (Fla. 4th DCA 1994); Florida Freedom Newspapers, Inc. v. Dempsey, 478 So. 2d 1128 (Fla. 1st DCA 1985); News-Press Publishing Co. v. Sapp, 464 So. 2d 1335 (Fla. 2d DCA 1985).

8. The compelling similarity of the circumstances in Barfield to the instant case is instructive. In Barfield, the respondent police agency opposed disclosure and asserted that a criminal investigation was underway and, when that investigation was completed, the findings would be forwarded to the State Attorney's Office for review and subsequent investigation by the grand jury. Barfield, 639 So.2d at 1014. The responsible investigator for the police agency in Barfield stated that he did not know whether he had a reasonable good faith anticipation of securing an arrest or prosecution in the investigative matter in that case. Id. In the instant case, the investigative file has been forwarded to the State Attorney's Office, the State Attorney's Office is actively investigating and giving consideration to prosecution of the matter, and it believes that disclosure of the file could compromise its efforts. As in Barfield, the authorities cannot say with certainty that they anticipate securing an arrest or prosecution of a culpable individual at this time. However, as the Barfield court makes abundantly clear, the phrase "anticipation of an arrest or

prosecution" means only that an arrest or prosecution may result, not that it is a certainty.

Id. at 1017. As the Barfield court succinctly stated:

[A]s can be seen from the historical discussion [in that decision], the purpose of the "active criminal investigative information" exception is to prevent premature disclosure of information during an ongoing investigation being conducted in good faith by criminal justice authorities.

Id. at 1017.

It is precisely such a premature disclosure that Movants oppose in this case.

9. As the Barfield court recognized, "we do not believe the Legislature intended that confidentiality be limited to investigations where the outcome, and an arrest or prosecution, was a certainty, or even a probability." Barfield, 639 So.2d at 1016-17 (emphasis added). The reason for that construction is, of course, obvious. The very purpose of an investigation is to determine if there are sufficient facts of record to support an arrest and/or a prosecution. A requirement that there be a prospective characterization of the results of an investigation would be an illogical and unsound basis for the exemption. Whether or not there is a prime suspect or suspects, or even identifiable suspect is not determinative of the issue of whether an investigation is "active." See Dempsey, 478 So.2d at 1131. As the Barfield court stated after reviewing the Dempsey decision:

This decision indicates the police, so long as they are acting in good faith, should be given substantial leeway in conducting an ongoing investigation even where there may be no immediate prospect of an arrest or prosecution.

Barfield, 639 So.2d at 1016.

Thus, the determinative issue in applying the exemption is not whether the police or prosecutors can state that a suspect will be arrested or prosecuted, but rather whether these authorities can represent in good faith that they are continuing to conduct an active investigation.¹

¹ In Plaintiffs' motion for an order requiring production of public records in this case, they assert that they "do not believe that the essential facts of this case are in dispute" (Plaintiffs' Motion, at 2.) Movants dispute the facts as presented by the plaintiffs. For example, Plaintiffs assert that the investigation "has been dormant for an extended period." (Id. at 2). If the court were to inquire of the police department and the prosecutor, it would learn that far from being dormant, the case has been frenetically pursued during the last several months, largely in response to the artificial deadline created by the February 16 presumptive release date agreed to by police department officials. Plaintiffs also assert that "six months of investigation by the cold case squad has not resulted in sufficient evidence to make an arrest or to commence an investigation." The internal inconsistency of that very statement, *i.e.* that an investigation has not resulted in sufficient evidence to commence an investigation, could certainly give the court significant pause in considering the accuracy of Plaintiffs' factual averments.

Unsupported by any citation to authority, Plaintiffs in their motion argue: "Once the case was so classified [as a cold case], the investigation ceased to be active and the records became public." This conclusion of law strains credulity even when considered under the license granted by zealous advocacy.

Finally, Plaintiffs posit in their motion that there is no imminent consideration of this case by the grand jury, "the State Attorney, or any other law enforcement entity that could make an arrest or commence a prosecution." Whatever the merits of that argument, it is now clear that the factual circumstances are changed and that the case is, in fact, under the current consideration of the State Attorney.

10. Several public policy considerations support the construction and application of the criminal investigative information exemption to prevent disclosure. The exemption recognizes that the public interest in the apprehension and conviction of criminals, especially violent criminals, is a matter of paramount importance to the public. Clearly, there is not an even balance between this consideration and the media's statutory right to review public records. The statute should not be read to permit the media to second guess the judgment of the police and prosecutors as to whether an investigation, no matter what its age as long as it is within the statute of limitations, deserves the devotion of resources to continue to be investigated and/or prosecuted. This factor is especially important in regard to capital crimes. A fugitive from a capital crime should be offered no quarter because he or she has successfully evaded capture for a period of time or for some period stymied the police investigation. While the court need not decide the issue in this case, public policy considerations do beg the question as to whether any unsolved capital crime should be construed as inactive for purposes of disclosure.

11. In addition, public policy should militate against creating artificial deadlines for the closure of the investigation of a crime. The public, the prosecutorial authorities, and a putative defendant all have a vested interest in a thorough and complete investigation. Such an investigation is one that is concluded in a time frame dictated by the needs of the investigation, not by the demands of a third party arising from a Sunshine Act lawsuit.

From common experience, we know that an unnecessary rush to judgment can produce injustice.

12. Finally, public policy considerations as applied to this particular case should militate against premature disclosure of the investigative file. The death of Adam Walsh is one of the most notorious homicides that have occurred in Florida, and indeed, in the country. Public confidence in the criminal justice system, an important societal interest standing alone, will not be enhanced by any premature investigative disclosure of the file that may compromise bringing closure to the case through an arrest and/or prosecution. To the extent that the Plaintiffs assert the need for the file information to fulfill a purported public interest in making judgments regarding the police investigation, it can easily be recognized that that judgment will, at some time, be had - based on the results of a complete investigation. Preserving the integrity of the investigative file at this point only postpones, but does not defeat, that event. In any case, the public interest in closing the case with an arrest or prosecution is clearly paramount to such a claim.

13. As the parents of the victim in this case, Mr. and Mrs. Walsh assiduously seek justice for their son. Other victims of crime similarly situated will look to the outcome of this matter for comfort that they might find justice in their own cases. The public and such victims share a compelling interest in the successful closure of the investigations of the offenses wherein they were victimized. In this case and in these circumstances, the statute in question does not compel disclosure. Rather, the law


recognizes a legitimate basis for exemption from disclosure. The facts, if fully known to the court, render this an easy case to decide in favor of maintaining the exemption. The fact that the Hollywood Police Department, as only one of several parties in interest here, opted not to contest disclosure should not override the compelling interests of the prosecutor, the victim, and the public in maintaining the integrity of this investigative file further.

WHEREFORE, for the reasons stated herein, Movants respectfully request that they be heard in this matter and that the court enter an ORDER denying access to the file presently and for such other relief as the court deems necessary and appropriate.

Respectfully submitted,



George J. Terwilliger, III
McGuire, Woods, Battle & Boothe, L.L.P.
1627 Eye Street, N.W.
Washington, D.C. 20006



Michael E. Christiansen
Mastriana & Christiansen, PA
2750 North Federal Highway
Fort Lauderdale, Florida 33306
(954) 566-1234
Florida Bar #217794

THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA,
IN AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

The Mobile Press Register, Inc., et al.

Plaintiff

v.

Richard Witt, Chief of Police
of the City of Hollywood, Florida

Defendant

AFFIDAVIT OF JOHN WALSH

I, John Walsh, being duly sworn to state as follows:

1. I am submitting this affidavit on behalf of myself and my spouse, Reve Walsh, in connection with our motion to intervene in the captioned case. Our motion seeks to have the Court's order releasing the investigative file of the Hollywood Police Department concerning the investigation of the death of Adam Walsh to the media stayed in the interests of justice.
2. Mrs. Walsh and I are the next of kin to the deceased Adam Walsh. Adam Walsh was our son. Adam was kidnapped in the Hollywood, Florida in 1981 and subsequently killed. As the next of kin I have endeavored to remain apprised and aware of the progress of the investigation and any potential prosecution of any individual responsible for my son's death.
3. Up to this time, I have not spoken publicly in any detail concerning the position of Mrs. Walsh and me regarding the handling of the investigation of Adam's death, the details arising from that investigation as known to us or to the issue of whether the file containing the results of the investigation should be released to the plaintiff newspapers.
4. We have remained silent despite some newspaper articles containing slanderous innuendo which invade our privacy and maliciously attack our personal character.
5. Our privacy interests are important to us for reasons of personal security and the health and well-being of ourselves and our children. Mrs. Walsh and I have been married for 24 years and have had three children subsequent to Adam's death. I have chosen to dedicate both my professional and personal endeavors to aiding lawful authorities in

EX "A"

001914


finding and apprehending dangerous fugitives and to aiding victims and potential victims of violent crime. The high degree of visibility I have had in this work has resulted in numerous and, according to the appropriate authorities, credible death threats against me, my wife and my children. This has necessitated that I take appropriate security precautions for both myself and my family. One of the plaintiff newspapers in this case invaded our privacy and jeopardized our security by publishing both photographic and written information concerning our home and the physical security of our property.

6. Approximately two years ago we were informed that the investigation into our son's death was being assigned to a new detective at the Hollywood Police Department who was going to review the entire case file and reinvigorate the investigative effort. Since that time we have been provided with information by the police department which includes new information from existing witnesses, new information from new witnesses, further information about existing suspects and new information about new suspects. Because we seek to preserve the integrity of the investigative information so as not to jeopardize further investigation and/or prosecution, we will refrain from disclosing in any detail the information that has been provided to us by the police.
7. I requested and had a meeting with the Hollywood Police Department on January 16, 1996. At that meeting, Hollywood Police Chief Richard Witt, the defendant in this action, informed us that his department had agreed in October of 1995 to settle this Sunshine Act lawsuit by releasing the investigative file on February 16, 1996. At the January 16 meeting, the police chief told us he intended to release the file and at the same time to publicly identify the person he believed responsible for Adam's murder. Counsel with me at that meeting thereupon asked the Chief of Police if he had consulted with the responsible prosecutor regarding the release of the file and the public identification of a suspect. Chief Witt said he had not.
8. At that same January 16 meeting we were provided by the detective responsible for the case a summary of his recent investigative activity and an outline of many significant investigative leads to be pursued.
9. Following that meeting I requested and received an opportunity to meet with Broward County States Attorney Michael Satz, and Chief Deputy States Attorney Ralph Ray, which meeting occurred on January 29, 1996. At that meeting, I provided to Mr. Satz and Mr. Ray the information related above concerning our meeting with Chief Witt. As the next of kin to the victim in the Adam Walsh case, I asked the Broward County States Attorney to review the investigative file as the responsible prosecutor in the case before the case was for all intents and purposes closed by Chief Witt by the unsealing of the file. In discussions with the prosecutors, it was apparent that there were recent investigative results known to the police department that had not been made available to the prosecutor's office as of January 29.
10. I have thereafter been informed by the prosecutor's office that the prosecutor's office has received the case file and that they have concluded that there is additional investigatory work to be done in Adam's case. They have also informed us that they would consider

prosecution of the case based on the results of further investigation. In addition, they have informed us that the State's Attorney's office believes that release of the file could compromise further investigation and/or prosecution in this capital criminal case.

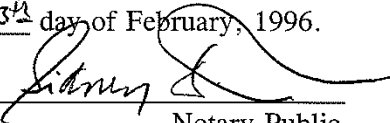
11. I have asked only one thing of the prosecutor and ask only one thing of this Court, to do whatever the law allows to permit the opportunity that there might be justice done for the murder of my son.

Dated at New Orleans city in the State of Louisiana, this 13th
day of February, 1996.



John Walsh

Subscribed to and sworn before me this 13th day of February, 1996.



Notary Public

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Intervene has been furnished to the attached service list either by fax or hand delivery, this 14 day of February, 1996.

MASTRIANA & CHRISTIANSEN, P.A.
Attorney's for John and Reve Walsh
2750 North Federal Highway
Fort Lauderdale, Florida 33306
(305) 566-1234

BY:



MICHAEL ERIC CHRISTIANSEN
Florida Bar No. 217794

SERVICE LIST

Thomas R. Julin, Esquire and
Edward M. Mullins, Esquire
Counselors for Plaintiffs at
200 West Biscayne Boulevard
40th Floor
Miami, Florida 33131-2395
By Fax

Joel D. Cantor, Esquire
Counselor for Defendant
3250 Hollywood Boulevard
Hollywood, Florida 33021
By Fax

Kathleen Pellegrino, Esquire
Counsel for Sun-Sentinel Company
200 East Las Olas Boulevard
Suite C10
Fort Lauderdale, Florida 33301
By Fax

Jerold I. Budney, Esquire
Counsel for The Miami Herald Publishing Co.
One Herald Plaza
Miami, Florida 33132-1693
By Fax

Ralph J. Ray, Jr., Esquire
Chief Assistant State Attorney for
Michael J. Satz, State Attorney
201 Southeast Sixth Street
Fort Lauderdale, Florida 33301
By Hand Delivery

McGUIRE WOODS BATTLE & BOOTHE LLP

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OFFICE/COMPANY/FIRM: Broward County States Attorney's Office

LOCATION: 201 SE 6th St, Ft. Lauderdale, FL

PHONE NUMBER: (305) 831-7911 FAX NUMBER: (305) 831-8047

FROM: George J. Terwilliger, III

OFFICE: Washington, DC
(See list below)

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D R A F T (2/12/96)

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA, IN
AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

THE MOBILE PRESS REGISTER, INC.,)
et al.)
)
Plaintiffs,)
)
v.)
)
RICHARD WITT, Chief of Police)
of the City of Hollywood, Florida,)
)
Defendant.)
_____)

MOTION TO INTERVENE

John and Reve Walsh ("Movants"), by and through counsel, hereby move to intervene in this matter pursuant to Rules 1.210 and 1.230 of the Florida Rules of Civil Procedure. As the parents of Adam Walsh, Movants have a right to be heard in this matter under Article 1, § 16(b) of the Florida Constitution. Movants seek an opportunity to be heard in this proceeding in order to urge the court to ensure that investigation of their son's death is not compromised through disclosure of the investigative file to the media. Movants are aware of both the current status of the investigation and the consideration of the matter by the Broward County State Attorney's Office and of the fact that there is an active, ongoing investigation in the Adam Walsh case.

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FACTS

1. Movants are the next of kin to the deceased Adam Walsh, who was their son. See Affidavit of John Walsh attached as Exhibit A (hereinafter "Walsh Affidavit"). The Walshes have maintained knowledge concerning the status of the investigation into the murder of their son through contact with the appropriate authorities. Id. at ¶ 6. The Walshes have also assisted that investigation by providing to the police information that has been volunteered to them on a regular basis over a period of time.

2. In January of this year, the Walshes learned that after it had initially opposed the release of the Adam Walsh investigative file pursuant to this lawsuit, the Hollywood Police Department had agreed, in October 1995, to make this file available in February 1996. The Walshes also learned that the police department through its chief, Richard Witt, planned to publicly identify the person they believed responsible for the Adam Walsh homicide at the time the file was to be released. See Walsh Affidavit at ¶ 7. Upon learning that the police department had not consulted with the Broward County State Attorney's Office, the Walshes asked for an opportunity to meet and discuss this development with that office. Id. at ¶ 9. The Broward County State's Attorney's Office, of course, is jurisdictionally responsible for any prosecution of the Adam Walsh homicide. See FLA. STAT. ANN. § 27.02 (West 1996).

3. The Movants met with the State's Attorney's Office on January 29, 1996. See Walsh Affidavit, at ¶ 9. At that meeting, the Walshes learned that many of the facts which had been developed in the case over the last several months were not known to the

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State Attorney's Office. Moreover, the Walshes also learned that the prosecutor's office had not been consulted regarding the decision to release the file or to name a suspect in the case. Since that meeting, the Walshes also learned that the prosecutor's office has since requested and received the investigative case file, and is actively involved in pursuit of the investigation. *Id.* at ¶ 10. The State Attorney's Office has told Movants that there are valid investigative leads being pursued or yet to be pursued, and that at the conclusion of a thorough investigation, the State Attorney's Office will consider bringing the matter before the grand jury for prosecution of the responsible individual or individuals. *Id.*

ARGUMENT

4. Because the unsealing of the Adam Walsh investigative file could adversely affect further investigation and/or prosecution, Movants respectfully submit that they have a substantial interest regarding the unsealing of the file, as well as a constitutional right to be heard as the parents of Adam Walsh. An interest which would entitle a party to intervene must be of a direct and immediate character such that the intervenor will either gain or lose by direct legal operation and effect of a judgment. Castro Convertible Corp. v. Castro, 596 F.2d 123, 125 (5th Cir. 1979). Although permission to intervene is a matter for the court's discretion, the aim of the rules of civil procedure is to allow liberal joinder of parties. Miracle House Corp. v. Haige, 96 So.2d 417, 418 (Fla. 1957); National Wildlife Fed'n, Inc. v. J.T. Glisson, 531 So.2d 996, 998 (Fla. 1st DCA 1988). The decision to release this file constitutes a crucial stage in the case and as such the Movants have a right to assert their

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objections to the disclosure. The release of the investigative file would have irreparable consequences on the potential for apprehending the perpetrator in the murder of the Movants' son. The Movants have a clear interest in preventing this injustice and should be allowed to intervene in this matter.

5. In addition, the release of the investigative file will have important repercussions on the State Attorney's ability to initiate prosecution in the Adam Walsh homicide. Therefore, the Movants further submit that the Broward County State Attorney's Office was, and is, a necessary party in interest in this matter where its lawful, jurisdictional responsibilities are clearly implicated by any decision to permit the disclosure of the file to the news media. See Blue Dolphin Fiberglass Pools of Florida, Inc. v. Swim Industries Corp., 597 So.2d 808, 809 (Fla. 2d DCA 1992) ("A person whose rights and interests are to be affected by a decree and whose actions with reference to the subject matter of litigation are to be controlled by a decree is a necessary party to the action and the trial court cannot proceed without that person.")

6. The fact that the plaintiffs chose to name only the Hollywood Police Department as a defendant in this suit does not determine whether the interests of all parties necessary to resolve the matter at issue are represented in the case. See In re Adoption of a Minor Child, 593 So.2d 185, 189 (Fla. 1991) (noting that intervention allows persons not originally named in a lawsuit to protect their interests in subject matter). The State Attorney's Office has a lawful and well recognized function to determine whether or not to initiate a prosecution, whether before or after an arrest by a law enforcement official or

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agency. See FLA. STAT. ANN. § 27.02 (West 1996); see also State v. Johns, 651 So.2d 1227, 1227-28 (Fla. 2d DCA 1995); State v. Cain, 381 So.2d 1361, 1367 (Fla. 1980) ("the discretion of a prosecutor in deciding whether and how to prosecute is absolute"). Thus, resolution of its interests is necessary to the just resolution of the matters put in issue by plaintiff's complaint. In addition, as the next of kin to the victim in this homicide, and pursuant to Florida's constitutional and statutory victim's rights provisions cited above, the Movants have a right to be heard as to this matter. The Movants support the prosecutor's motion to intervene and its position that disclosure of the file is subject to the criminal investigative information exemption from the disclosure requirements of the Act.

7. It is clear from the language of the statute in question, and the court decisions interpreting and applying that statute, that the fundamental purpose of the criminal investigative information exemption from disclosure is to avoid the very situation that has been created here: that is, a contest between the responsible investigative authorities and the media over access to investigative information. FLA. STAT. ANN. § 119.07(3)(d) (West 1996). The exemption authorizes the authorities to withhold investigative information so long as they are pursuing a case that may result in an arrest or prosecution. The role of the court when confronted with a criminal information exemption issue is to determine if the facts support a showing that the authorities' representations that the case is "active", as that statutory term is used and applied, are made in good faith. See Barfield v. The City of Fort Lauderdale Police Department, 639 So.2d 1012 (Fla. 4th DCA 1994); Florida Freedom

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Newspapers, Inc. v. Dempsey, 478 So. 2d 1128 (Fla. 1st DCA 1985); News-Press

Publishing Company v. Sapp, 464 So. 2d 1335 (Fla. 2d DCA 1985).

8. The compelling similarity of the circumstances in Barfield to the instant case is instructive. In Barfield, the respondent police agency opposed disclosure and asserted that a criminal investigation was underway and, when that investigation was completed, the findings would be forwarded to the State Attorney's Office for review and subsequent investigation by the grand jury. Barfield, 639 So.2d at 1014. The responsible investigator for the police agency in Barfield stated that he did not know whether he had a reasonable good faith anticipation of securing an arrest or prosecution in the investigative matter in that case. Id. In the instant case, the investigative file has been forwarded to the State Attorney's Office, the State Attorney's Office is actively investigating and giving consideration to prosecution of the matter, and it believes that disclosure of the file could compromise its efforts. As in Barfield, the authorities cannot say with certainty that they anticipate securing an arrest or prosecution of an culpable individual at this time. However, as the Barfield court makes abundantly clear, the phrase "anticipation of an arrest or prosecution" means only that an arrest or prosecution may result, not that it is a certainty. Id. at 1017. As the Barfield court succinctly stated:

[A]s can be seen from the historical discussion [in that decision], the purpose of the "active criminal investigative information" exception is to prevent premature disclosure of information during an ongoing investigation being conducted in good faith by criminal justice authorities.

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9. As the Barfield court recognized, "we do not believe the Legislature intended that confidentiality be limited to investigations where the outcome, and an arrest or prosecution, was a certainty, or even a probability." Barfield, 639 So.2d at 1016-17 (emphasis added). The reason for that construction is, of course, obvious. The very purpose of an investigation is to determine if there are sufficient facts of record to support an arrest and/or a prosecution. A requirement that there be a prospective characterization of the results of an investigation would be an illogical and unsound basis for the exemption. Even whether or not there is a prime suspect or suspects, or even identifiable suspect is not determinative of the issue of whether an investigation is "active." See Dempsey, 478 So.2d at 1131. As the Barfield court stated after reviewing the Dempsey decision:

This decision indicates the police, so long as they are acting in good faith, should be given substantial leeway in conducting an ongoing investigation even where there may be no immediate prospect of an arrest or prosecution.

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Thus, the determinative issue in applying the exemption is not whether the police or prosecutors can state that a suspect will be arrested or prosecuted, but rather whether these authorities can represent in good faith that they are continuing to conduct an active investigation.¹

¹ In Plaintiffs' motion for an order requiring production of public records in this cause, they assert that they "do not believe that the essential facts of this case are in dispute" (Plaintiffs' Motion, at 2.) Movants dispute the facts as presented by the plaintiffs. For example, Plaintiffs' assert that the investigation "has been dormant for an extended period." (Id. at 2). If the court were to inquire of the police department and the prosecutor, it would learn that far from being dormant, the case has been frenetically pursued during the last several months, largely in response to the artificial deadline created by the February 16

D R A F T (2/12/96)

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Unsupported by any citation to authority, Plaintiffs in their motion argue: "Once the case was so classified [as a cold case], the investigation ceased to be active and the records became public." This conclusion of law strains credulity even when considered under the license granted by zealous advocacy.

Finally, Plaintiffs posit in their motion that there is no imminent consideration of this case by the grand jury, "the State Attorney, or any other law enforcement entity that could make an arrest or commence a prosecution." Whatever the merits of that argument, it is now clear that the factual circumstances are changed and that the case is, in fact, under the current consideration of the State Attorney.

D R A F T (2/12/96)

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11. In addition, public policy should militate against creating artificial deadlines for the closure of the investigation of a crime. The public, the prosecutorial authorities, and a putative defendant all have a vested interest in a thorough and complete investigation. Such an investigation is one that is concluded in a time frame dictated by the needs of the investigation, not by the demands of a third party arising from a Sunshine Act lawsuit. From common experience, we know that an unnecessary rush to judgment can produce injustice.

12. Finally, public policy considerations as applied to this particular case should militate against premature disclosure of the investigative file. The death of Adam Walsh is one of the most notorious homicides that have occurred in Florida, and indeed, in the country. Public confidence in the criminal justice system, an important societal interest standing alone, will not be enhanced by any premature investigative disclosure of the file that may compromise bringing closure to the case through an arrest and/or prosecution. To the extent that the Plaintiffs assert the need for the file information to fulfill a purported public interest in making judgments regarding the police investigation, it can easily be recognized that that judgment will, at some time, be had - based on the results of a complete investigation. Preserving the integrity of the investigative file at this point only postpones, but does not defeat, that event. In any case, the public interest in closing the case with an arrest or prosecution is clearly paramount to such a claim.

D R A F T (2/12/96)

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Respectfully submitted,

George J. Terwilliger, III
McGuire, Woods, Battle & Boothe, L.L.P.

D R A F T (2/12/96)

1627 Eye Street, N.W.
Washington, D.C. 20006

Michael E. Christiansen
Mastriana & Christiansen, PA
2750 North Federal Highway
Fort Lauderdale, Florida 33306
(954) 566-1234
Florida Bar #217794

D R A F T (2/12/96)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this ____ day of February, 1996, copies of this
MOTION TO INTERVENE was sent by facsimile with original to follow by first class
mail to the following:

Thomas R. Julin
Steel Hector & Davis
200 South Biscayne Blvd.
Miami, Florida 33131

Joel A. Cantor, Legal Advisor
Hollywood Police Department
3250 Hollywood Blvd.
Hollywood, Fl 33021

Michael A. Satz
Broward County State Attorney
201 SE 6th Street
Ft. Lauderdale, FL 33301

George J. Terwilliger, III

Michael E. Christiansen

D R A F T (2/12/96)

THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA,
IN AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

The Mobile Press Register, Inc., et al.

Plaintiff

v.

Richard Witt, Chief of Police
of the City of Hollywood, Florida

Defendant

AFFIDAVIT OF JOHN WALSH

I, John Walsh, being duly sworn to state as follows:

1. I am submitting this affidavit on behalf of myself and my spouse, Reve Walsh, in connection with our motion to intervene in the captioned case. Our motion seeks to have the Court's order releasing the investigative file of the Hollywood Police Department concerning the investigation of the death of Adam Walsh to the media stayed in the interests of justice.
2. Mrs. Walsh and I are the next of kin to the deceased Adam Walsh. Adam Walsh was our son. Adam was kidnapped in the Hollywood, Florida in 1981 and subsequently killed. As the next of kin I have endeavored to remain apprised and aware of the progress of the investigation and any potential prosecution of any individual responsible for my son's death.

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3. Up to this time, I have not spoken publicly in any detail concerning the position of Mrs. Walsh and me regarding the handling of the investigation of Adam's death, the details arising from that investigation as known to us or to the issue of whether the file containing the results of the investigation should be released to the plaintiff newspapers.
4. We have remained silent despite some newspaper articles containing slanderous innuendo which invade our privacy and maliciously attack our personal character.
5. Our privacy interests are important to us for reasons of personal security and the health and well-being of ourselves and our children. Mrs. Walsh and I have been married for 24 years and have had three children subsequent to Adam's death. I have chosen to dedicate both my professional and personal endeavors to aiding lawful authorities in finding and apprehending dangerous fugitives and to aiding victims and potential victims of violent crime. The high degree of visibility I have had in this work has resulted in numerous and, according to the appropriate authorities, credible death threats against me, my wife and my children. This has necessitated that I take appropriate security precautions for both myself and my family. One of the plaintiff newspapers in this case invaded our privacy and jeopardized our security by publishing both photographic and written information concerning our home and the physical security of our property.
6. Approximately two years ago we were informed that the investigation into our son's death was being assigned to a new detective at the Hollywood Police Department who

D R A F T (2/12/96)

was going to review the entire case file and reinvigorate the investigative effort. Since that time we have been provided with information by the police department which includes new information from existing witnesses, new information from new witnesses, further information about existing suspects and new information about new suspects. Because we seek to preserve the integrity of the investigative information so as not to jeopardize further investigation and/or prosecution, we will refrain from disclosing in any detail the information that has been provided to us by the police.

7. I requested and had a meeting with the Hollywood Police Department on January 16, 1996. At that meeting, Hollywood Police Chief Richard Witt, the defendant in this action, informed us that his department had agreed in October of 1995 to settle this Sunshine Act lawsuit by releasing the investigative file on February 16, 1996. At the January 16 meeting, the police chief told us he intended to release the file and at the same time to publicly identify the person he believed responsible for Adam's murder. Counsel with me at that meeting thereupon asked the Chief of Police if he had consulted with the responsible prosecutor regarding the release of the file and the public identification of a suspect. Chief Witt said he had not.
8. At that same January 16 meeting we were provided by the detective responsible for the case a summary of his recent investigative activity and an outline of many significant investigative leads to be pursued.

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9. Following that meeting I requested and received an opportunity to meet with Broward County States Attorney Michael Satz, and Chief Deputy States Attorney Ralph Ray, which meeting occurred on January 29, 1996. At that meeting, I provided to Mr. Satz and Mr. Ray the information related above concerning our meeting with Chief Witt. As the next of kin to the victim in the Adam Walsh case, I asked the Broward County States Attorney to review the investigative file as the responsible prosecutor in the case before the case was for all intents and purposes closed by Chief Witt by the unsealing of the file. In discussions with the prosecutors, it was apparent that there were recent investigative results known to the police department that had not been made available to the prosecutor's office as of January 29.

10. I have thereafter been informed by the prosecutor's office that the prosecutor's office has received the case file and that they have concluded that there is additional investigatory work to be done in Adam's case. They have also informed us that they would consider prosecution of the case based on the results of further investigation. In addition, they have informed us that the State's Attorney's office believes that release of the file could compromise further investigation and/or prosecution in this capital criminal case.

11. I have asked only one thing of the prosecutor and ask only one thing of this Court, to do whatever the law allows to permit the opportunity that there might be justice done for the murder of my son.

D R A F T (2/12/96)

Dated at _____ city in the State of _____, this _____
day of February, 1996.

John Walsh

Subscribed to and sworn before me this _____ day of February, 1996.

Notary Public

McGUIRE WOODS BATTLE & BOOTHE LLP

No. of Pages (including Fax cover sheet): 18 DATE: February 12, 1996
If all pages are not received, please call the Fax Operator indicated below.

TO: Ralph J. Ray, Jr., Chief Assistant State Attorney

OFFICE/COMPANY/FIRM: Broward County States Attorney's Office

LOCATION: 201 SE 6th St, Ft. Lauderdale, FL

PHONE NUMBER: (305) 831-7911

FAX NUMBER: (305) 831-8047

FROM: George J. Terwilliger, III

OFFICE: Washington, DC
(See list below)

<u>OFFICE</u>	<u>FAX OPERATOR</u>	<u>SWITCHBOARD</u>	<u>FAX NUMBER</u>
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NORFOLK	804/640-3817	804/640-3700	804/640-3701
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TYSONS CORNER	703/712-5430	703/712-5000	703/712-5050
WASHINGTON	202/828-2830	202/857-1700	202/857-1737
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REMARKS:

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Total Charge: _____

D R A F T (2/12/96)

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA, IN
AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

THE MOBILE PRESS REGISTER, INC.,)
et al.)
)
Plaintiffs,)
)
v.)
)
RICHARD WITT, Chief of Police)
of the City of Hollywood, Florida,)
)
Defendant.)

MOTION TO INTERVENE

John and Reve Walsh ("Movants"), by and through counsel, hereby move to intervene in this matter pursuant to Rules 1.210 and 1.230 of the Florida Rules of Civil Procedure. As the parents of Adam Walsh, Movants have a right to be heard in this matter under Article 1, § 16(b) of the Florida Constitution. Movants seek an opportunity to be heard in this proceeding in order to urge the court to ensure that investigation of their son's death is not compromised through disclosure of the investigative file to the media.

Movants are aware of both the current status of the investigation and the consideration of the matter by the Broward County State Attorney's Office and of the fact that there is an active, ongoing investigation in the Adam Walsh case.

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FACTS

1. Movants are the next of kin to the deceased Adam Walsh, who was their son. See Affidavit of John Walsh attached as Exhibit A (hereinafter "Walsh Affidavit"). The Walshes have maintained knowledge concerning the status of the investigation into the murder of their son through contact with the appropriate authorities. Id. at ¶ 6. The Walshes have also assisted that investigation by providing to the police information that has been volunteered to them on a regular basis over a period of time.

2. In January of this year, the Walshes learned that after it had initially opposed the release of the Adam Walsh investigative file pursuant to this lawsuit, the Hollywood Police Department had agreed, in October 1995, to make this file available in February 1996. The Walshes also learned that the police department through its chief, Richard Witt, planned to publicly identify the person they believed responsible for the Adam Walsh homicide at the time the file was to be released. See Walsh Affidavit at ¶ 7. Upon learning that the police department had not consulted with the Broward County State Attorney's Office, the Walshes asked for an opportunity to meet and discuss this development with that office. Id. at ¶ 9. The Broward County State's Attorney's Office, of course, is jurisdictionally responsible for any prosecution of the Adam Walsh homicide. See FLA. STAT. ANN. § 27.02 (West 1996).

3. The Movants met with the State's Attorney's Office on January 29, 1996. See Walsh Affidavit, at ¶ 9. At that meeting, the Walshes learned that many of the facts which had been developed in the case over the last several months were not known to the

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State Attorney's Office. Moreover, the Walshes also learned that the prosecutor's office had not been consulted regarding the decision to release the file or to name a suspect in the case. Since that meeting, the Walshes also learned that the prosecutor's office has since requested and received the investigative case file, and is actively involved in pursuit of the investigation. *Id.* at ¶ 10. The State Attorney's Office has told Movants that there are valid investigative leads being pursued or yet to be pursued, and that at the conclusion of a thorough investigation, the State Attorney's Office will consider bringing the matter before the grand jury for prosecution of the responsible individual or individuals. *Id.*

ARGUMENT

4. Because the unsealing of the Adam Walsh investigative file could adversely affect further investigation and/or prosecution, Movants respectfully submit that they have a substantial interest regarding the unsealing of the file, as well as a constitutional right to be heard as the parents of Adam Walsh. An interest which would entitle a party to intervene must be of a direct and immediate character such that the intervenor will either gain or lose by direct legal operation and effect of a judgment. Castro Convertible Corp. v. Castro, 596 F.2d 123, 125 (5th Cir. 1979). Although permission to intervene is a matter for the court's discretion, the aim of the rules of civil procedure is to allow liberal joinder of parties. Miracle House Corp. v. Haige, 96 So.2d 417, 418 (Fla. 1957); National Wildlife Fed'n, Inc. v. J.T. Glisson, 531 So.2d 996, 998 (Fla. 1st DCA 1988). The decision to release this file constitutes a crucial stage in the case and as such the Movants have a right to assert their

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objections to the disclosure. The release of the investigative file would have irreparable consequences on the potential for apprehending the perpetrator in the murder of the Movants' son. The Movants have a clear interest in preventing this injustice and should be allowed to intervene in this matter.

5. In addition, the release of the investigative file will have important repercussions on the State Attorney's ability to initiate prosecution in the Adam Walsh homicide. Therefore, the Movants further submit that the Broward County State Attorney's Office was, and is, a necessary party in interest in this matter where its lawful, jurisdictional responsibilities are clearly implicated by any decision to permit the disclosure of the file to the news media. See Blue Dolphin Fiberglass Pools of Florida, Inc. v. Swim Industries Corp., 597 So.2d 808, 809 (Fla. 2d DCA 1992) ("A person whose rights and interests are to be affected by a decree and whose actions with reference to the subject matter of litigation are to be controlled by a decree is a necessary party to the action and the trial court cannot proceed without that person.")

6. The fact that the plaintiffs chose to name only the Hollywood Police Department as a defendant in this suit does not determine whether the interests of all parties necessary to resolve the matter at issue are represented in the case. See In re Adoption of a Minor Child, 593 So.2d 185, 189 (Fla. 1991) (noting that intervention allows persons not originally named in a lawsuit to protect their interests in subject matter). The State Attorney's Office has a lawful and well recognized function to determine whether or not to initiate a prosecution, whether before or after an arrest by a law enforcement official or

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agency. See FLA. STAT. ANN. § 27.02 (West 1996); see also State v. Johns, 651 So.2d 1227, 1227-28 (Fla. 2d DCA 1995); State v. Cain, 381 So.2d 1361, 1367 (Fla. 1980) ("the discretion of a prosecutor in deciding whether and how to prosecute is absolute"). Thus, resolution of its interests is necessary to the just resolution of the matters put in issue by plaintiff's complaint. In addition, as the next of kin to the victim in this homicide, and pursuant to Florida's constitutional and statutory victim's rights provisions cited above, the Movants have a right to be heard as to this matter. The Movants support the prosecutor's motion to intervene and its position that disclosure of the file is subject to the criminal investigative information exemption from the disclosure requirements of the Act.

7. It is clear from the language of the statute in question, and the court decisions interpreting and applying that statute, that the fundamental purpose of the criminal investigative information exemption from disclosure is to avoid the very situation that has been created here: that is, a contest between the responsible investigative authorities and the media over access to investigative information. FLA. STAT. ANN. § 119.07(3)(d) (West 1996). The exemption authorizes the authorities to withhold investigative information so long as they are pursuing a case that may result in an arrest or prosecution. The role of the court when confronted with a criminal information exemption issue is to determine if the facts support a showing that the authorities' representations that the case is "active", as that statutory term is used and applied, are made in good faith. See Barfield v. The City of Fort Lauderdale Police Department, 639 So.2d 1012 (Fla. 4th DCA 1994); Florida Freedom

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Newspapers, Inc. v. Dempsey, 478 So. 2d 1128 (Fla. 1st DCA 1985); News-Press

Publishing Company v. Sapp, 464 So. 2d 1335 (Fla. 2d DCA 1985).

8. The compelling similarity of the circumstances in Barfield to the instant case is instructive. In Barfield, the respondent police agency opposed disclosure and asserted that a criminal investigation was underway and, when that investigation was completed, the findings would be forwarded to the State Attorney's Office for review and subsequent investigation by the grand jury. Barfield, 639 So.2d at 1014. The responsible investigator for the police agency in Barfield stated that he did not know whether he had a reasonable good faith anticipation of securing an arrest or prosecution in the investigative matter in that case. Id. In the instant case, the investigative file has been forwarded to the State Attorney's Office, the State Attorney's Office is actively investigating and giving consideration to prosecution of the matter, and it believes that disclosure of the file could compromise its efforts. As in Barfield, the authorities cannot say with certainty that they anticipate securing an arrest or prosecution of an culpable individual at this time. However, as the Barfield court makes abundantly clear, the phrase "anticipation of an arrest or prosecution" means only that an arrest or prosecution may result, not that it is a certainty. Id. at 1017. As the Barfield court succinctly stated:

[A]s can be seen from the historical discussion [in that decision], the purpose of the "active criminal investigative information" exception is to prevent premature disclosure of information during an ongoing investigation being conducted in good faith by criminal justice authorities.

Id. at 1017.

It is precisely such a premature disclosure that Movants oppose in this case.

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9. As the Barfield court recognized, "we do not believe the Legislature intended that confidentiality be limited to investigations where the outcome, and an arrest or prosecution, was a certainty, or even a probability." Barfield, 639 So.2d at 1016-17 (emphasis added). The reason for that construction is, of course, obvious. The very purpose of an investigation is to determine if there are sufficient facts of record to support an arrest and/or a prosecution. A requirement that there be a prospective characterization of the results of an investigation would be an illogical and unsound basis for the exemption. Even whether or not there is a prime suspect or suspects, or even identifiable suspect is not determinative of the issue of whether an investigation is "active." See Dempsey, 478 So.2d at 1131. As the Barfield court stated after reviewing the Dempsey decision:

This decision indicates the police, so long as they are acting in good faith, should be given substantial leeway in conducting an ongoing investigation even where there may be no immediate prospect of an arrest or prosecution.

Barfield, 639 So.2d at 1016.

Thus, the determinative issue in applying the exemption is not whether the police or prosecutors can state that a suspect will be arrested or prosecuted, but rather whether these authorities can represent in good faith that they are continuing to conduct an active investigation.¹

¹ In Plaintiffs' motion for an order requiring production of public records in this cause, they assert that they "do not believe that the essential facts of this case are in dispute" (Plaintiffs' Motion, at 2.) Movants dispute the facts as presented by the plaintiffs. For example, Plaintiffs' assert that the investigation "has been dormant for an extended period." (Id. at 2). If the court were to inquire of the police department and the prosecutor, it would learn that far from being dormant, the case has been frenetically pursued during the last several months, largely in response to the artificial deadline created by the February 16

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10. Several public policy considerations support the construction and application of the criminal investigative information exemption to prevent disclosure. The exemption recognizes that the public interest in the apprehension and conviction of criminals, especially violent criminals, is a matter of paramount importance to the public. Clearly, there is not an even balance between this consideration and the media's statutory right to review public records. The statute should not be read to permit the media to second guess the judgment of the police and prosecutors as to whether an investigation, no matter what its age as long as it is within the statute of limitations, deserves the devotion of resources to continue to be investigated and/or prosecuted. This factor is especially important in regard to capital crimes. A fugitive from a capital crime should be offered no quarter because he or she has successfully evaded capture for a period of time or for some period stymied the police investigation. While the court need not decide the issue in this case, public policy

presumptive release date agreed to by police department officials. Plaintiffs also assert that "six months of investigation by the cold case squad has not resulted in sufficient evidence to make an arrest or to commence an investigation". The internal inconsistency of that very statement, *i.e.* that an investigation has not resulted in sufficient evidence to commence an investigation, could certainly give the court significant pause in considering the accuracy of Plaintiffs' factual averments.

Unsupported by any citation to authority, Plaintiffs in their motion argue: "Once the case was so classified [as a cold case], the investigation ceased to be active and the records became public." This conclusion of law strains credulity even when considered under the license granted by zealous advocacy.

Finally, Plaintiffs posit in their motion that there is no imminent consideration of this case by the grand jury, "the State Attorney, or any other law enforcement entity that could make an arrest or commence a prosecution." Whatever the merits of that argument, it is now clear that the factual circumstances are changed and that the case is, in fact, under the current consideration of the State Attorney.

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considerations do beg the question as to whether any unsolved capital crime should be construed as inactive for purposes of disclosure.

11. In addition, public policy should militate against creating artificial deadlines for the closure of the investigation of a crime. The public, the prosecutorial authorities, and a putative defendant all have a vested interest in a thorough and complete investigation. Such an investigation is one that is concluded in a time frame dictated by the needs of the investigation, not by the demands of a third party arising from a Sunshine Act lawsuit. From common experience, we know that an unnecessary rush to judgment can produce injustice.

12. Finally, public policy considerations as applied to this particular case should militate against premature disclosure of the investigative file. The death of Adam Walsh is one of the most notorious homicides that have occurred in Florida, and indeed, in the country. Public confidence in the criminal justice system, an important societal interest standing alone, will not be enhanced by any premature investigative disclosure of the file that may compromise bringing closure to the case through an arrest and/or prosecution. To the extent that the Plaintiffs assert the need for the file information to fulfill a purported public interest in making judgments regarding the police investigation, it can easily be recognized that that judgment will, at some time, be had - based on the results of a complete investigation. Preserving the integrity of the investigative file at this point only postpones, but does not defeat, that event. In any case, the public interest in closing the case with an arrest or prosecution is clearly paramount to such a claim.

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13. As the parents of the victim in this case, Mr. and Mrs. Walsh assiduously seek justice for their son. Other victims of crime similarly situated will look to the outcome of this matter for comfort that they might find justice in their own cases. The public and such victims share a compelling interest in the successful closure of the investigations of the offenses wherein they were victimized. In this case and in these circumstances, the statute in question does not compel disclosure. Rather, the law recognizes a legitimate basis for exemption from disclosure. The facts, if fully known to the court, render this an easy case to decide in favor of maintaining the exemption. The fact that the Hollywood Police Department, as only one of several parties in interest here, opted not to contest disclosure should not override the compelling interests of the prosecutor, the victim, and the public in maintaining the integrity of this investigative file further.

WHEREFORE, for the reasons stated herein, Movants respectfully request that they be heard in this matter and that the court enter an ORDER denying access to the file presently and for such other relief as the court deems necessary and appropriate.

Respectfully submitted,

George J. Terwilliger, III
McGuire, Woods, Battle & Boothe, L.L.P.

D R A F T (2/12/96)

1627 Eye Street, N.W.
Washington, D.C. 20006

Michael E. Christiansen
Mastriana & Christiansen, PA
2750 North Federal Highway
Fort Lauderdale, Florida 33306
(954) 566-1234
Florida Bar #217794

D R A F T (2/12/96)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this _____ day of February, 1996, copies of this MOTION TO INTERVENE was sent by facsimile with original to follow by first class mail to the following:

Thomas R. Julin
Steel Hector & Davis
200 South Biscayne Blvd.
Miami, Florida 33131

Joel A. Cantor, Legal Advisor
Hollywood Police Department
3250 Hollywood Blvd.
Hollywood, Fl 33021

Michael A. Satz
Broward County State Attorney
201 SE 6th Street
Ft. Lauderdale, FL 33301

George J. Terwilliger, III

Michael E. Christiansen

D R A F T (2/12/96)

THE CIRCUIT COURT FOR THE
17TH JUDICIAL COURT OF FLORIDA,
IN AND FOR BROWARD COUNTY, FLORIDA

Case 95-06324 CACE (13)

The Mobile Press Register, Inc., et al.

Plaintiff

v.

Richard Witt, Chief of Police
of the City of Hollywood, Florida

Defendant

AFFIDAVIT OF JOHN WALSH

I, John Walsh, being duly sworn to state as follows:

1. I am submitting this affidavit on behalf of myself and my spouse, Reve Walsh, in connection with our motion to intervene in the captioned case. Our motion seeks to have the Court's order releasing the investigative file of the Hollywood Police Department concerning the investigation of the death of Adam Walsh to the media stayed in the interests of justice.
2. Mrs. Walsh and I are the next of kin to the deceased Adam Walsh. Adam Walsh was our son. Adam was kidnapped in the Hollywood, Florida in 1981 and subsequently killed. As the next of kin I have endeavored to remain apprised and aware of the progress of the investigation and any potential prosecution of any individual responsible for my son's death.

D R A F T (2/12/96)

3. Up to this time, I have not spoken publicly in any detail concerning the position of Mrs. Walsh and me regarding the handling of the investigation of Adam's death, the details arising from that investigation as known to us or to the issue of whether the file containing the results of the investigation should be released to the plaintiff newspapers.
4. We have remained silent despite some newspaper articles containing slanderous innuendo which invade our privacy and maliciously attack our personal character.
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6. Approximately two years ago we were informed that the investigation into our son's death was being assigned to a new detective at the Hollywood Police Department who

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7. I requested and had a meeting with the Hollywood Police Department on January 16, 1996. At that meeting, Hollywood Police Chief Richard Witt, the defendant in this action, informed us that his department had agreed in October of 1995 to settle this Sunshine Act lawsuit by releasing the investigative file on February 16, 1996. At the January 16 meeting, the police chief told us he intended to release the file and at the same time to publicly identify the person he believed responsible for Adam's murder. Counsel with me at that meeting thereupon asked the Chief of Police if he had consulted with the responsible prosecutor regarding the release of the file and the public identification of a suspect. Chief Witt said he had not.
8. At that same January 16 meeting we were provided by the detective responsible for the case a summary of his recent investigative activity and an outline of many significant investigative leads to be pursued.

D R A F T (2/12/96)

9. Following that meeting I requested and received an opportunity to meet with Broward County States Attorney Michael Satz, and Chief Deputy States Attorney Ralph Ray, which meeting occurred on January 29, 1996. At that meeting, I provided to Mr. Satz and Mr. Ray the information related above concerning our meeting with Chief Witt. As the next of kin to the victim in the Adam Walsh case, I asked the Broward County States Attorney to review the investigative file as the responsible prosecutor in the case before the case was for all intents and purposes closed by Chief Witt by the unsealing of the file. In discussions with the prosecutors, it was apparent that there were recent investigative results known to the police department that had not been made available to the prosecutor's office as of January 29.

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11. I have asked only one thing of the prosecutor and ask only one thing of this Court, to do whatever the law allows to permit the opportunity that there might be justice done for the murder of my son.

D R A F T (2/12/96)

Dated at _____ city in the State of _____, this _____
day of February, 1996.

John Walsh

Subscribed to and sworn before me this _____ day of February, 1996.

Notary Public

Homicide
Pat

MEMORANDUM
MICHAEL J. SATZ
STATE ATTORNEY
FORT LAUDERDALE, FLORIDA

TO: File DATE: 7/28/92
FROM: TDR RE: TIC w/ Det Hoffman
Re: Adam Walsh / Dahmer -

He sez Dahmer has been tent ID'd as suspect in Adam's case - told him he'd speak if State would waive chain in event of prosecution - Hoffman says John Walsh has no problem w/ this - Satz sez have him send ltr to that effect to us and we'll consider agreeing to waive chain -



State Attorney

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
SUITE 600 BROWARD COUNTY COURTHOUSE
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (305) 765-4100

MICHAEL J. SATZ
STATE ATTORNEY

August 11, 1992

Mr. John Walsh
c/o America's Most Wanted
STF Productions, Inc.
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016

Dear Mr. Walsh:

This office has been notified by Detective Jack Hoffman of the Hollywood Police Department that Jeffrey Dahmer may be willing to speak to members of the Hollywood Police Department concerning the murder of your son Adam, if the State of Florida would not seek the death penalty if he was charged and convicted of the first degree murder of Adam.

I have received your letter stating that in light of Dahmer's demands, you, therefore, request that this office not seek the death penalty, should Dahmer be charged and convicted of the first degree murder of Adam.

This office has therefore communicated in writing to Detective Hoffman that we would not seek the sentence of death, should Jeffrey Dahmer be charged and convicted of the homicide of your son Adam. I am enclosing a copy of this letter for your perusal and your files.

It is my sincere hope that one day the person who committed this horrible crime that has caused such great pain to your family and to all those who loved Adam will be brought to justice.

Should you have any questions, please do not hesitate to contact me in that regard.

Yours very truly,

MICHAEL J. SATZ
State Attorney

MJS:jh
Enclosure: as noted



**MICHAEL J. SATZ
STATE ATTORNEY**

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

BROWARD COUNTY COURTHOUSE

FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (305) 357-6955

August 10, 1992

Richard Witt, Chief
Hollywood Police Dept.
3250 Hollywood Boulevard
Hollywood, Fl 33021

Attention: Detective Jack Hoffman, Homicide Unit

Dear Detective Hoffman:

This will acknowledge receipt of your letter under date August 7, 1992, wherein you expressed your intention to interview Jeffrey Dahmer in Milwaukee, Wisconsin concerning any involvement he may have had in the disappearance and/or homicide of Adam Walsh, which occurred at the Hollywood Mall, in Hollywood, Florida on July 27, 1981. This will also acknowledge the enclosures with your letter consisting of the FBI memorandum; the Milwaukee Police Department's supplemental report; the transcribed statements of William Bowen and Willis Russell Morgan and the copy of the letter that you had received dated August 6, 1992 from John Walsh.

Upon examining all these enclosures together with a reading of your letter combined with our personal conversations regarding this matter, we understand that it may be necessary for this office to make a definitive statement regarding whether or not we would seek the death penalty against Mr. Dahmer should he be prosecuted in this jurisdiction for Murder in the First Degree, in connection with the death of Adam Walsh.

The purpose for this letter therefore, is to notify you and anyone else who may read this letter that should Mr. Dahmer be prosecuted for the offense of First Degree Murder in connection with the homicide of Adam Walsh, this office agrees and will be bound by this letter, that

the sentence of death would not be sought for punishment should he be convicted for this offense. Mr. Dahmer, however, will be exposed to any other punishment provided by law except death, should he be convicted of First Degree Murder in connection with the death of Adam Walsh.

Sincerely,



RALPH J. RAY, JR.
Chief Assistant State Attorney

RJR,Jr:pa

cc: Michael J. Satz
State Attorney

cc: Richard Witt, Chief
Hollywood Police Dept.



**MICHAEL J. SATZ
STATE ATTORNEY**

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

BROWARD COUNTY COURTHOUSE

FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (305) 357-6955

August 10, 1992

Richard Witt, Chief
Hollywood Police Dept.
3250 Hollywood Boulevard
Hollywood, Fl 33021

Attention: Detective Jack Hoffman, Homicide Unit

Dear Detective Hoffman:

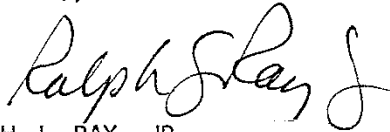
This will acknowledge receipt of your letter under date August 7, 1992, wherein you expressed your intention to interview Jeffrey Dahmer in Milwaukee, Wisconsin concerning any involvement he may have had in the disappearance and/or homicide of Adam Walsh, which occurred at the Hollywood Mall, in Hollywood, Florida on July 27, 1981. This will also acknowledge the enclosures with your letter consisting of the FBI memorandum; the Milwaukee Police Department's supplemental report; the transcribed statements of William Bowen and Willis Russell Morgan and the copy of the letter that you had received dated August 6, 1992 from John Walsh.

Upon examining all these enclosures together with a reading of your letter combined with our personal conversations regarding this matter, we understand that it may be necessary for this office to make a definitive statement regarding whether or not we would seek the death penalty against Mr. Dahmer should he be prosecuted in this jurisdiction for Murder in the First Degree, in connection with the death of Adam Walsh.

The purpose for this letter therefore, is to notify you and anyone else who may read this letter that should Mr. Dahmer be prosecuted for the offense of First Degree Murder in connection with the homicide of Adam Walsh, this office agrees and will be bound by this letter, that

the sentence of death would not be sought for punishment should he be convicted for this offense. Mr. Dahmer, however, will be exposed to any other punishment provided by law except death, should he be convicted of First Degree Murder in connection with the death of Adam Walsh.

Sincerely,



RALPH J. RAY, JR.
Chief Assistant State Attorney

RJR,Jr:pa

cc: Michael J. Satz
State Attorney

cc: Richard Witt, Chief
Hollywood Police Dept.



MICHAEL J. SATZ
STATE ATTORNEY
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

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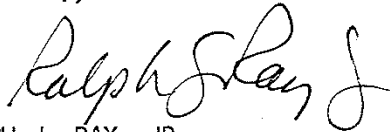
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cc: Michael J. Satz
State Attorney

cc: Richard Witt, Chief
Hollywood Police Dept.



J. HOFFMAN
DETECTIVE

HOLLYWOOD
POLICE
DEPARTMENT

3250 HOLLYWOOD BLVD.
HOLLYWOOD, FLORIDA 33021-6967
PHONE 305 921-3361

VIA OVERNIGHT MAIL

August 6, 1992



Mr. Michael Satz
State Attorney - 17th Judicial Circuit
201 South East 6th Street
Ft. Lauderdale, FL 33301

Dear Michael:

STF Productions, Inc.

5151 Wisconsin Avenue, N.W.

Washington, D.C. 20016

Telephone (202) 895-3100

Fax (202) 895-3096

I have been speaking on and off to Jack Hoffman, the lead investigator in my son Adam's murder case, for several months about the need of the Hollywood police to speak to Jeffrey Dahmer concerning Adam's case.

It is my understanding that Dahmer's father came forward and said that his son had mustered out of the Army and was hanging around the Hollywood Florida area at the time of Adam's death. I also understand two credible witnesses have come forward placing Dahmer inside and outside the Hollywood mall the day of Adam's abduction.

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Fox Television Stations Inc.

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I have discussed the situation with my wife Reve, and we both concur that it is acceptable for you to offer whatever concessions you deem necessary in order for the Hollywood police to question Dahmer.

We are not vigilantes nor are we obsessed with vengeance, but after ten years of heartache and the nightmare of wondering why and who took Adam and if they would ever strike again against our family or our two beautiful new children, we need to know something. I know Dahmer will never get out of prison and I believe he will receive justice in the next life as well. At least knowing whether he did it or not would be some consolation.

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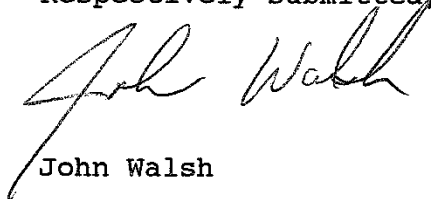
Mr. Satz - State Attorney
August 6, 1992
Page 2

Many people in the criminal justice system and the public have forgotten that Jeffrey Dahmer started out as a pedophile, kidnapper, and torturer of young boys and committed the ultimate travesty to a family. After being released on parole for the kidnapping and molestation of the youngest son in the family, in an act of cold blooded brutal revenge, he kidnapped, tortured, and murdered the other son in that family. He certainly fits the profile of someone who might be capable of murdering a beautiful six-year-old boy.

You have our confidence, and I know you will proceed full speed ahead.

If I can be of assistance with any law enforcement agency please don't hesitate to call me or my assistant, Karen Tate, at 202/895-3092.

Respectively submitted,



John Walsh

JW:kt

cc: Jack Hoffman, Hollywood Police Department



STF Productions, Inc.

5151 Wisconsin Avenue, N.W.

Washington, D.C. 20016

Mr. Michael Satz
State Attorney - 17th Judicial Circuit

CONFIDENTIAL

921-3362
Det. Hoffmann



CITY of HOLLYWOOD, FLORIDA

POLICE DEPARTMENT • 3250 HOLLYWOOD BOULEVARD • ZIP 33021-6967

RICHARD H. WITT
Police Chief

August 7, 1992

Mr. Michael Satz
State Attorney
201 S.E. 6 Street
Ft. Lauderdale, Fl. 33301

Dear Mr. Satz:

As you know the Hollywood Police Department has been actively investigating the abduction/homicide of Adam Walsh since July 27, 1981. Over the years this agency has pursued numerous leads and interviewed many potential suspects. As of this date no individuals have been charged in this murder case.

On July 22, 1991 the Milwaukee Police Department arrested Jeffrey Dahmer, charging him with 11 counts of homicide. After Jeffrey Dahmer's arrest, he received national media coverage.

The Milwaukee Police along with the Federal Bureau of Investigation profiled Jeffrey Dahmer as a serial murderer responsible for more than 17 deaths over 10 or more years.

As a result of this background investigation of Jeffrey Dahmer, it was revealed that Dahmer was discharged from the Military, March 26, 1981. Mr. Dahmer then flew to Miami, Florida. Jeffrey Dahmer lived in South Florida for 5 months, leaving September 1981 returning to Bath, Ohio.

After Dahmer's arrest, Gerald Boyle was assigned as the attorney of record. Mr. Dahmer continued speaking with the Milwaukee Police about the murders he committed. When outside agencies wanted to speak with Jeffrey Dahmer confirming unresolved homicides, his attorney Gerald Boyle would not allow police departments whose state had the death penalty to speak with Mr. Dahmer. Since Jeffrey Dahmer's convictions for murder, he is no longer represented by council. Mr. Dahmer has no other cases pending against him.



001968

On July 30, 1991 William Bowen drove to Hollywood, Florida from Birmingham, Alabama at his own expense. Mr. Bowen advised this detective that he has been following the Jeffrey Dahmer case through the media. After seeing Jeffrey Dahmer both on television and in the newspapers, he recalled an incident which he witnessed on July 27, 1981 at the Hollywood Mall. Mr. Bowen said he was living in Hollywood at the time.

Mr. Bowen was parking his vehicle on the west side of the Sears Store. After he exited from his vehicle, he witnessed a W/M early 20's who was wearing an army fatigue jacket struggling with a small child. The child was saying "no I'm not going, no I don't want to go". The W/M then threw the child into a van that was parked in the fire lane next to Sears. The van then sped off. When Mr. Bowen learned of the abduction of Adam Walsh, he said he gave this information to a police officer. Mr. Bowen then moved back to Alabama and thought this case was eventually resolved.

On July 28, 1991 Mr. Bowen was reading the Birmingham News which had written that Jeffrey Dahmer may be a suspect in the Adam Walsh murder. When Mr. Bowen saw the photograph of Dahmer, he got a flashback that the W/M he saw forcing a child into a van back on July 27, 1981 may have been Jeffrey Dahmer. See attached statement.

On October 23, 1991 this detective met with Willis Morgan at police headquarters. Mr. Morgan informed this detective that he saw the photograph of Jeffrey Dahmer in the Miami Herald on July 28, 1991. After viewing Jeffrey Dahmer's photograph, Mr. Morgan recalled having contact with this subject back on Monday, July 27, 1981 at the Hollywood Mall.

Mr. Morgan stated that this subject attempted to pick him up. Mr. Morgan walked away from this subject and proceeded to the Sears Store where he lost this subject. Mr. Morgan said this W/M appeared to be in his early 20's.

That evening while watching the 11:00 O'Clock news, Mr. Morgan learned of the kidnapping of Adam Walsh. Mr. Morgan reported his incident to a uniformed police officer. According to Mr. Morgan, he is positive that the person he had contact with at the Hollywood Mall was Jeffrey Dahmer. See attached statement.

This detective has been corresponding with Special Agent Neil Purtell of the Federal Bureau of Investigation. Agent Purtell has been conducting numerous interviews with Jeffrey Dahmer in his prison facility in Madison, Wisconsin. Agent Purtell having knowledge of the two aforementioned witnesses, and the knowledge that Jeffrey Dahmer was in the South Florida area for 5 months at the time of Adam Walsh's kidnapping and murder, he feels it would

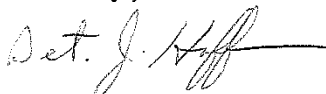
be extremely important that I interview Jeffrey Dahmer.

I have been in constant contact with John Walsh regarding his son's murder for the past 11 years. Mr. Walsh was informed at the beginning, after Jeffrey Dahmer's arrest that he was in the South Florida area when Adam was kidnapped.

Mr. Walsh was advised at the time that Mr. Dahmer's attorney did not want any police agencies whose state had the death penalty to speak with his client. After speaking with his wife Reve, John Walsh informed this detective that he personally had no objections if the State Attorney's Office waived the death penalty for Jeffrey Dahmer in order for this agency to interview him.

Mr. Walsh has conveyed his feelings in a letter recently mailed to your office. I am requesting at this time that your office draw up a letter to Jeffrey Dahmer or a representative of his that the State of Florida would not pursue the death penalty should Mr. Dahmer make admissions regarding the death of Adam Walsh. I would need this letter as soon as possible to take with me when I go and interview Jeffrey Dahmer sometime next week. It may not be necessary to reveal this letter to Mr. Dahmer when I interview him unless he brings up the death penalty for the State of Florida.

Sincerely,



Detective J. Hoffman
Homicide Unit
HOLLYWOOD POLICE DEPARTMENT

VIA OVERNIGHT MAIL

August 6, 1992



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State Attorney - 17th Judicial Circuit
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001971

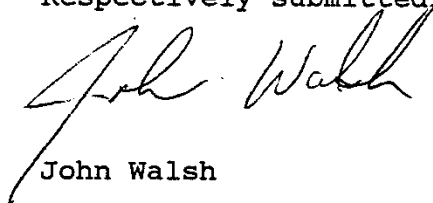
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Respectively submitted,



John Walsh

JW:kt

cc: Jack Hoffman, Hollywood Police Department

COMPLAINT #: 81-56073
OFFENSE & CLASSIFICATION: MURDER
STATEMENT OF: BOWEN, WILLIAM

PAGE 1

THE FOLLOWING WILL BE A VOLUNTARY SWORN STATEMENT HOLLYWOOD CASE #81-56073. THIS STATEMENT IS BEING TAKEN BY DETECTIVE J. HOFFMAN SHIELD #0038 AT THE HOLLYWOOD POLICE DEPARTMENT HOMICIDE UNIT. THIS STATEMENT IS BEING TAKEN FROM A WITNESS IDENTIFIED AS WILLIAM RAYMON BOWEN, B.O.W.E.N. THE 2ND. HE RESIDES AT 3741 CHESTNUT RIDGE LANE APT#207 BIRMINGHAM, ALABAMA. TELEPHONE NUMBER (205) 988-4749. MR. BOWEN HAS CERTAIN KNOWLEDGE AND INFORMATION POSSIBLY PERTAINING TO THE ABDUCTION AND SUBSEQUENT HOMICIDE OF ADAM WALSH THAT OCCURRED ON JULY 27TH, 1981. THIS INCIDENT OCCURRING AT 300 HOLLYWOOD MALL LOCATED IN THE CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA.

Q. PRIOR TO TAKING YOUR STATEMENT ARE YOU AWARE THAT IT IS A CRIME UNDER FLORIDA STATE STATUTES TO KNOWINGLY FURNISH FALSE INFORMATION WHILE UNDER OATH?

A. YES.

Q. AT THIS TIME I'M GOING TO PLACE YOU UNDER OATH FOR YOUR TESTIMONY WILL YOU PLEASE RAISE YOUR RIGHT HAND. LET THE RECORD REFLECT THE SUBJECT'S RIGHT HAND IS RAISED. WILLIAM RAYMON BOWEN THE 2ND, DO YOU SOLEMNLY SWEAR TO TELL THE TRUTH THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD?

A. I DO.

Q. WILLIAM BOWEN HAVING APPEARED BEFORE ME A CERTIFIED SWORN POLICE OFFICER FOR THE CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA AND HAVING BEEN DULY SWORN DEPOSES AND STATES. FOR THE RECORD THIS STATEMENT IS COMMENCING ON JULY 30TH, 1991 AT APPROXIMATELY 1655 AT THE HOLLYWOOD POLICE DEPARTMENT DETECTIVE BUREAU. WILL YOU PLEASE STATE YOUR COMPLETE GIVEN NAME, YOUR DOB, AND YOUR PLACE OF EMPLOYMENT?

A. WILLIAM RAYMON BOWEN THE 2ND. MY DOB IS JANUARY 13TH, 1958. I WORK FOR A COMPANY CALLED STRAIGHT FURROW PRODUCTIONS.

Q. AND YOUR POSITION THERE?

A. I AM I GUESS YOU'D CONSIDER THE PRODUCTION MANAGER.

Q. OK AND YOUR ADDRESS?

A. 3741 CHESTNUT RIDGE LANE #207 BIRMINGHAM, ALABAMA 35216.

Q. OK. WHAT IS THE HIGHEST GRADE LEVEL OF EDUCATION THAT YOU'VE COMPLETED?

A. I HAVE A BACHELOR OF ARTS DEGREE IN BROADCASTING FILM COMMUNICATIONS FROM THE UNIVERSITY OF ALABAMA.

Q. OK. MR. BOWEN YOU HAD CONTACTED ME BY A TELEPHONE CALL IS THAT CORRECT?

A. YES.

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

001973

- Q. AND WHAT DATE DID YOU CALL THE HOLLYWOOD POLICE DEPARTMENT?
- A. THAT WAS A SUNDAY I BELIEVE THAT WAS JULY 29TH, 1991.
- Q. OK. THE 29TH WAS YESTERDAY WHICH WAS YESTERDAY WHICH WAS MONDAY.
- A. I'M SORRY THEN THE 28TH.
- Q. ON A SUNDAY?
- A. ON A..WELL I CALLED SUNDAY AND LEFT A MESSAGE AND THEN YOU CALLED ME BACK YESTERDAY MORNING.
- Q. ON MONDAY?
- A. YES.
- Q. OK. FINE. AND WHAT WAS YOUR PURPOSE FOR CALLING THE HOLLYWOOD POLICE DEPARTMENT?
- A. UH.. I HAD READ AN ARTICLE IN THE BIRMINGHAM NEWSPAPER ABOUT THE MILWAUKEE HOMICIDES THAT UH, JEFFREY DOMER, DAMER COMMITTED THERE WAS A SUB HEADING UNDER THAT TALKING ABOUT THE FLORIDA POLICE INVESTIGATE POSSIBLE LINKS TO ADAM WALSH. WHEN I LIVED HERE I KNEW ABOUT THE CASE BECAUSE IT HAPPENED AT A TIME WHEN I WAS LIVING HERE.
- Q. AND WHEN WERE YOU RESIDING IN HOLLYWOOD, FLORIDA?
- A. UH..IN THE EARLY TO MIDDLE PART OF 1981.
- Q. OK AND WHERE WERE YOU RESIDING IN HOLLYWOOD?
- A. UH AT 1424 SOUTH 17TH AVE APT #4 HOLLYWOOD, FLORIDA 33020 IS THE ZIP.
- Q. OK YOU HAD FURNISHED ME WITH SOME COPIES OF SOME DOCUMENTS REGARDING UH, YOUR RESIDENCY HERE IN HOLLYWOOD FOR THAT PERIOD OF TIME, IS THAT CORRECT?
- A. CORRECT.
- Q. OK. AND THERE'S ONE DOCUMENT HERE UH, WHICH YOU I BELIEVE YOU HAD CHARGED SOME THINGS AT SEARS ROEBUCK DATED JULY 22ND, 1981 IS THAT CORRECT?
- A. NO THAT IS NOT CORRECT, THAT IS A BILL THAT I WENT INTO PAY ON THE 22ND FORM SOME PREVIOUS ITEMS THAT I HAD CHARGED AT SEARS BEFORE. I BELIEVE IN EITHER HUNTSVILLE OR TUSCALOOSA BEFORE I LEFT FOR SCHOOL. UH, I'M NOT SURE..
- Q. SO YOU CAME TO THE HOLLYWOOD FLORIDA STORE..
- A. TO PAY A BILL.
- Q. TO PAY THIS BILL THAT YOU GIVE FURNISHED ME A COPY OF?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
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A. RIGHT THAT IS WHY IT IS STAMPED WITH THE DATE ON THERE.

Q. CORRECT AND THIS UH, STAMP INDICATED JULY 22ND, 1981, UH, SEARS ROEBUCK AND COMPANY HOLLYWOOD, FLORIDA AND IT SHOWS PAID.

A. RIGHT.

Q. OK.. AND UH.RELATE TO ME EXACTLY UH..THE DATE OF THIS BILL THAT YOU PAID AND THE DATE OF THE OBDUCTION.

A. ALRIGHT. I COULD NOT REMEMBER THAT DATE THE 22ND UNTIL I LOOKED BACK THROUGH A PERPETUAL CALENDAR THAT I CALL THE LIBRARY SERVICE TO MAKE SURE. THAT WAS ON A WEDNESDAY, UH, WHEN I DETERMINED THAT THAT WAS A WEDNESDAY I REMEMBER VERY VIVIDLY COMING BACK TO THE MALL ON MONDAY. I BELIEVE THAT CALDER HORSE TRACK WHICH WAS THE SITE, I WAS A VENDER CONTRACTOR THERE THROUGH AUTOMATIC TOTALIZATORS, UH, I WAS I BELIEVE OFF WORK THAT DAY AND HAD COME BACK TO THE MALL BECAUSE I, I THINK I WAS LOOKING FOR A BOOK OR SOMETHING AND THAT WOULD OF BEEN THE 2ND TIME I HAD BEEN TO THE MALL. I HAD NEVER BEEN TO THAT MALL BEFORE I, I DON'T BELIEVE UNTIL I WENT TO GO PAY THAT BILL.

Q. OK.

A. AND I HAD GONE BACK JUST TO LOOK THROUGH THE MALL I WAS JUST KILLING TIME JUST LOOKING AROUND.

Q. DID YOU OWN AND OPERATED A VEHICLE AT THAT TIME?

A. YES.

Q. WHAT TYPE OF VEHICLE DO YOU OWN?

A. AT THE TIME IT WAS MY FATHER'S CAR I BELIEVE IT WAS A BLUE CUTLASS SUPREME.

Q. OK NOW YOU'RE TELLING ME THAT ON THAT SUBSEQUENT MONDAY TO THE TIME THAT YOU PAID THAT BILL UH, MAKING IT JULY 27TH, 1981 YOU BELIEVE THAT YOU WENT TO THE SEARS STORE THE 2ND TIME CORRECT?

A. RIGHT, I WAS ON MY WAY THROUGH THE SEARS STORE TO GO INTO THE MALL TO LOOK AROUND. I HAD NOT LOOKED AROUND ON THE 22ND, I HAD JUST WENT IN TO PAY A BILL AND...

Q. DO YOU RECALL NOW APPROXIMATELY WHAT TIME YOU ARRIVED AT SEARS?

A. NO I CAN NOT. IT WAS DURING THE DAY TIME. I DO NOT KNOW IF IT WAS EARLY MORNING, LUNCH, OR LATE AFTERNOON AT THIS POINT I, I'VE THOUGHT ABOUT IT AND DO NOT REMEMBER.

Q. OK WHEN YOU DROVE INTO THE PARKING LOT AREA, WHAT PORTION OF THE PARKING LOT DID YOU PARK YOUR VEHICLE IN RELATIONSHIP TO SEARS?

A. I GUESS I WOULD OF BEEN OVER ON THE WEST SIDE OF SEARS BY ONE OF THE

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ENTRANCES THAT IS BETWEEN THE GARDEN SHOP AND WHAT IS NOW THE APPLIANCE ENTRANCE.

Q. OK.

A. I WAS FACING SOUTH.

Q. OK YOU WERE FACING HOLLYWOOD BLVD IN THE PARKING LOT.

A. RIGHT, RIGHT.

Q. NOW FROM THAT POINT ON EXPLAIN TO ME EXACTLY AFTER YOU PARKED YOUR VEHICLE WHAT YOU DID AND WHAT YOU OBSERVED AT THAT PARTICULAR TIME.

A. I WAS LOOKING FOR A PARKING PLACE THAT WAS CLOSE TO THE ENTRANCE OF SEARS I REMEMBER THE MALL BEING VERY CROWDED AND I WAS LOOKING FOR A PARKING PLACE. I WANTED TO PARK NEAR THE, NEAR THE OPENING. AS I GOT OUT OF MY CAR I SLAMMED THE DOOR AND AS I LOOKED UP TOWARD THE SEARS TO START WALKING I HEARD THE RACKET OF A MAN DRAGGING A BOY OUT BY HIS ARMS REALLY MAN HANDLING HIM AND TO THE, TO THE BEST OF MY KNOWLEDGE BEING THE DISTANCE THAT I WAS MAYBE 50 FEET I DON'T KNOW UH, I HEARD THE LITTLE BOY SAYING I DON'T WANT TO GO I'M NOT GOING, SOMETHING ALONG THOSE LINES. THE MAN PROCEEDED TO PICK THE BOY UP THROW HIM PHYSICALLY INTO THE VAN THAT WAS PARKED WHAT I THOUGHT AT THE TIME LOOKED LIKE A FIRE LANE, UH, AND I VIVIDLY REMEMBER THIS VAN, SCREECHING OFF. YOU COULD HEAR THE TIRES SCREECHING AS THE VAN TOOK OFF AS IF THIS MAN WERE REALLY...

Q. WHAT DIRECTION WAS THE VAN FACING, PARKED?

A. THE VAN WAS FACING AWAY FROM ME HEADED TOWARDS SOUTH SO I WAS LOOKING AT THE BACK END OF THE VAN AND TOWARD THE FRONT SIDE FROM THAT BACK END.

Q. OK WHEN YOU FIRST HEARD THE COMMOTION THAT UH, BROUGHT YOUR ATTENTION TO THE AREA, HOW FAR APPROXIMATELY WERE YOU FROM THE LOCATION WHERE THIS MAN WAS PULLING THE BOY?

A. I HAD WALKED MAYBE 3 OR 4 STEPS JUST RIGHT OUT OF THE PARKING SPACES IN TO THE ROAD THAT GOES BESIDE SEARS AND I JUST STOPPED BECAUSE OF THE COMMOTION THAT I HEARD AND FOR WHATEVER REASON I JUST STOPPED.

Q. WHAT WAS YOUR APPROXIMATE DISTANCE?

A. UH, LET'S SAY 40 FEET. IF I WERE 50 FEET FORM MY CAR TO IT I WOULD SAY I'D WALKED MAYBE YOU KNOW 10 FEET, 8 FEET, SOMETHING LIKE THAT.

Q. CAN YOU DESCRIBE UH, THE PERSON YOU SAW UH, DRAGGING THIS CHILD FROM THE STORE?

A. WHAT I REMEMBER MOST OF ALL WAS A DARK BLUE BASEBALL CAP, AND SOMETHING THAT WAS OUT OF PLACE AND THAT WAS WHAT LOOKED TO BE LIKE AN ARMY TYPE JACKET, WHICH I THOUGHT WAS KIND OF ODD FOR JULY IT WAS LIKE TODAY VERY HOT VERY STEAMY DIDN'T MAKE A LOT OF SENSE.

Q. AND YOU'RE SAYING ARMY TYPE JACKET WHAT COLOR WAS IT?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN *ff*
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A. IT WAS AN ARMY GREEN, JUST, JUST YOUR BASIC PRIVATES ARMY JACKET.

Q. SOLID GREEN?

A. YEAH.

Q. OK..

A. MAYBE A LITTLE WORN THE JACKET IT WAS NOT, IT WAS NOT PRISTINE IT WAS YOU KNOW JUST A LITTLE WORN OUT LOOKING. FROM THE BEST I COULD TELL IN THAT SHORT PERIOD OF TIME. THE OTHER FEATURE THAT I REMEMBER WAS A JUDDING CHIN. I DIDN'T GET TO SEE TO MUCH OF THE FACE BUT WHAT I DO REMEMBER IT WAS A PRETTY PRONOUNCED CHIN. I GOT WHAT WOULD BE THE RIGHT SIDE OF HIS FACE AND REMEMBER QUITE A BIT OF JUDDING CHIN COMING OUT WHICH WAS ANOTHER FEATURE THAT JUST STUCK IN MY MIND.

Q. SO YOU BASICALLY SAW THE RIGHT PROFILE OF THE SUBJECT?

A. RIGHT. YES. THE CHILD WAS BEING DRUG. ON THE OTHER SIDE FROM WHERE I WAS.

Q. AWAY FROM YOU?

A. AWAY FROM ME.

Q. SO THE SUSPECT WAS BETWEEN YOU AND THE CHILD?

A. RIGHT.

Q. OK; UH..WAS THIS A W/M, B/M?

A. WHITE.

Q. AND APPROXIMATELY HOW OLD?

A. HE LOOKED TO BE YOUNG UH; AT THE TIME I WAS 23; SO I WOULD GUESS; ESTIMATION SAY ROUGHLY IN MY AGE; YOU KNOW 20'S EARLY 20'S .

Q. HOW TALL DID HE APPEAR?

A. I WOULD SAY AVERAGE HEIGHT MAYBE 5'9, 5'10, 5'11 SOMEWHERE AROUND IN THERE.

Q. AND HIS BUILD?

A. MEDIUM NOT, NOT A VERY HEAVY PERSON BUT NOT VERY THIN.

Q. AVERAGE FOR THE HEIGHT THAT YOU DESCRIBED?

A. YES I BELIEVE SO.

Q. DID YOU NOTICE ANY FACIAL HAIR?

TRANS.SERIAL: 2134

SERIAL: 0038

REVIEWER:

REPORTING OFF. : HOFFMAN *HH*

DATE: 07-31-91

SUPERV.APPROV.SERIAL:

A. I DID NOTICE A LITTLE BIT OF SCRUFF.

Q. LIKE HE HADN'T SHAVED IN A COUPLE DAYS?

A. MAYBE SO YEAH, MAYBE JUST A LITTLE BIT OF SCRUFF..

Q. THIS BASEBALL CAP THAT YOU DESCRIBED, DID YOU NOTICE IF THERE WAS ANY INSIGNE ON THE BASEBALL CAP?

A. I BELIEVE THAT THERE WAS IT SEEMED TO BE JUST SOME TYPE OF NON DESCRIPT WHITE, IT DID NOT SEEM TO SPELL OUT ANYTHING I, LOOKING BACK, KIND OF A CIRCLE TYPE DESIGN BUT I WAS SO FAR AWAY I COULD NOT DETERMINE WHAT THE INSIGNE ON THE CAP SAID.

Q. OK UH..DID YOU NOTICE THE PANTS THAT HE WAS WEARING?

A. SEEM TO BE JUST JEANS FROM THE BEST OF MY RECOLLECTION, RECOLLECTION, JUST SOME DARK COLORED PANTS, MAYBE JEANS AND, AND SHOES.

Q. DO YOU RECALL WHAT THE CHILD WAS SAYING TO THIS INDIVIDUAL?

A. UH, THE FEW WORDS THAT I HEARD ARE NO I'M NOT GOING NO I DON'T WANT TO GO. I REMEMBER THAT THE MAN SEEMED TO HAVE HIS HANDS FULL WITH THIS KID, THE KID WAS..

Q. DID HE RESPOND BACK TO THE CHILD?

A. UH..I THINK HE TURNED AND SAID SOMETHING WHAT HE SAID I REALLY DON'T REMEMBER I THINK HE YELLED AT THE KID AND AT THAT POINT THAT'S WHEN THE PERSON PICKED THE CHILD UP THREW THE KID IN THE TRUCK, IN THE VAN..

Q. DID HE HAVE TO OPEN THE DOOR OF THE VAN TO GET IN?

A. YES AND THAT WAS ONE OF THE PROBLEMS HE WAS HAVING LIKE I SAID ALL THIS HAPPENED VERY QUICKLY BUT HOLDING ON TO THE KID OPENING THE DOOR AND THROWING THE KID IN UH.. HE THREW THE CHILD IN SLAMMED THE DOOR VERY HARD AND THEN I HEARD THE VAN SCREECH OFF. THAT IS, THAT IS THE MOST FOR WHATEVER REASON THAT IS WHAT STICKS IN MY MIND THE MOST, MOST WAS THE SOUND THAT THIS VAN MADE WHEN IT TOOK OFF WHICH IS THE REASON WHY I WAS SUSPICIOUS AS TO WHAT I HAD SEEN. I JUST, AFTER THE VAN SCREECHED OFF LIKE THAT IT SEEMED AT FIRST I THOUGHT MAYBE JUST A UH.UH..FATHER AND CHILD.

Q. RIGHT.

A. BUT YOU KNOW TO BE STANDING MORE OR LESS OUT IN THE MIDDLE OF THE ROAD AND SEE A VAN TAKE OFF FROM THE SIDE OF THIS AREA...

Q. WHAT TYPE OF VAN WAS THIS?

A. UH, TO THE BEST OF MY RECOLLECTION IT WAS A CARGO VAN, CARGO TYPE VAN, A DARK BLUE I DON'T REMEMBER SEEING ANY WINDOWS IT SEEMED TO JUST BE...

Q. COMMERCIAL TYPE VAN?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN *H*
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

A. SEEMED TO BE A COMMERCIAL TYPE VAN.

Q. AND YOU IT WAS FACING SOUTH BOUND SO YOU SAW THE REAR OF THE VEHICLE, CORRECT?

A. CORRECT.

Q. DID YOU HAVE AN OPPORTUNITY TO SEE THE LICENCE PLATE?

A. I'M SURE THAT I DID. I THINK I WOULD OF HAD TO LOOKING AT THE BACK OF THIS TRUCK AS THE MAN WAS WALKING TOWARD IT UH, I HAVE THOUGHT AND THOUGHT AND THOUGHT ABOUT ANY KIND OF LETTERS OR NUMBERS THAT STUCK OUT SO FAR THE ONLY THING THAT SOUNDS FAMILIAR IN MY MIND IS VAC OR BAC THERE I THINK THERE'S AN AC IN THERE SOMEWHERE THAT'S THAT'S ALL I I'VE BEEN ABLE TO PUT TOGETHER. IT SEEMED TO BE A FLORIDA TAG.

Q. AND WHICH DIRECTION DID THAT VEHICLE SPEED OFF IN?

A. AWAY FORM ME WHICH I GUESS WOULD OF BEEN SOUTH.

Q. TOWARDS HOLLYWOOD BLVD?

A. YES.

Q. OK. WHAT DID YOU DO AFTER, IN THAT POINT IN TIME?

A. UH, WELL I LOOKED AROUND TO SEE MAYBE IF I HAD MISSED SOMETHING MAYBE YOU KNOW MAYBE, MAYBE SOMETHING WAS GOING ON I DIDN'T KNOW ABOUT AND THE ONLY THING I REMEMBER WAS THERE WAS ANOTHER LADY GETTING OUT OF A CAR AND SO I WENT ON IN TO THE SEARS STORE AND, AND DIDN'T THINK ABOUT IT YOU KNOW I, I KIND OF PUT IT TO THE SIDE OF MY MEMORY ALTHOUGH IT DID STICK WITH ME THAT THIS DID SEEM ODD THAT A GUY WOULD THROW A KID IN THE TRUCK AND THEN EXCUSE MY LANGUAGE, HAUL ASS AWAY FROM WHERE I WAS STANDING LIKE THAT AND MAKE SUCH A RUCKUS AT YOU KNOW AT A PUBLIC PLACE AT A MALL.

Q. CAN YOU DETERMINE AT THAT POINT IF UH, ONCE HE PHYSICALLY UH, PUT THE KID INTO THE VAN UH, DID YOU KNOW IF THE ENGINE WAS RUNNING OR HE HAD TO START THE IGNITION OR...

A. UH..THERE'S A POSSIBILITY THAT THE ENGINE COULD OF BEEN RUNNING I'M NOT SURE I DON'T REMEMBER HEARING THE TRUCK CRANK I DO JUST REMEMBER HEARING THE VAN GOING INTO GEAR AND TAKING OFF.

Q. AND COULD YOU TELL OR OBSERVE IF THERE WAS ANY OTHER OCCUPANTS IN THAT VAN?

A. I COULD NOT TELL IF THERE WERE ANY OCCUPANTS. I DO NOT KNOW. AT, AT THE POINT WHERE I DROVE UP THE VAN WAS ALREADY ASIDE..

Q. DID THAT VAN HAVE REAR DOORS?

A. YES.

Q. BUT NO WINDOWS?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN *af*
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

A. I DON'T REMEMBER SEEING ANY WINDOWS.

Q. DID YOU NOTE IF IT HAD ANY SIDE DOORS BESIDES THE DRIVER'S DOOR AND THE PASSENGER DOOR?

A. NO I DON'T. I DON'T REMEMBER IF IT HAD ANY. I, I DON'T REMEMBER SEEING ANY WINDOWS ANYWHERE.

Q. COULD YOU MAKE OUT THE TYPE OF VEHICLE IT WAS?

A. NO IT WAS SIMILAR TO I GUESS A FORD ECONO TYPE VAN UH..

Q. NOTHING UNUSUAL ABOUT IT LIKE A UH, LADDERS OR ANYTHING LIKE THAT ON THE VEHICLE? CHROME, RUNNING BOARDS?

A. WHAT WAS UNUSUAL TO ME WAS HOW PLAIN IT WAS. IT WAS NOT, IT DID NOT LOOK LIKE A RECREATION VEHICLE, RECREATIONAL VEHICLE. IT WAS JUST VERY, VERY PLAIN.

Q. DID IT APPEAR, WHAT YEAR, COULD YOU MAKE OUT IF IT WAS AN OLDER VEHICLE OR A NEW..

A. IT SEEMED TO BE JUST A VEHICLE OF THE TIME IT DIDN'T SEEM TO BE OVERTLY OLD OR UH NEW, IT JUST SEEMED TO BE JUST YOU KNOW JUST A VAN. I KNOW THAT'S NOT REALLY ANSWERING YOUR QUESTION PRECISELY BUT IT, IT, IT JUST SEEMED LIKE IT WAS IN OK SHAPE, IT DIDN'T LOOK OLD OR NEW.

Q. FROM THE TIME YOU HEARD UH THE COMMOTION UNTIL THE TIME THAT UH, THE SUBJECT WAS ABLE TO PUT THE CHILD IN THE VAN AND SPEED OFF ABOUT HOW MUCH TIME ELAPSED?

A. PROBABLY NOT MORE THAN 10 OR 15 SECONDS IF THAT LONG. IT WAS A VERY SHORT INCIDENT AND IT REALLY STUNNED ME THAT IT HAPPENED SO QUICK AND THEN NOT ONLY WAS THERE SIGHTS BUT THERE WERE SOUNDS. THE KID SAYING HE WASN'T GOING TO GO ANYWHERE AND THE VAN SCREECHING OFF AS, AS I WAS STANDING THERE IN THE PARKING LOT.

Q. WHAT DID YOU PROCEED TO DO AT THAT MOMENT?

A. I LOOKED AROUND TO SEE IF ANYBODY ELSE HAD SAW ANYTHING, IF I WAS MISSING SOMETHING YOU KNOW YOU THINK WILL ARE THEY MAKING A MOVE OR SOMETHING WHAT'S GOING ON. AND THE ONLY THING THAT I REMEMBER IS SEEING A LADY GET OUT OF THE CAR.

Q. OK FOLLOWING THAT DAY, DID YOU BECOME AWARE OF THE ABDUCTION OF ADAM WALSH THROUGH THE NEWSPAPERS OR TELEVISION?

A. THROUGH THE NEWSPAPERS AND THE TELEVISION, I BELIEVE THAT THE FIRST TIME THAT I WAS AWARE OF IT WAS I WENT TO A KENTUCKY FRIED CHICKEN WHICH YOU AND I DISCUSSED I THINK IS NEAR HERE SOMEWHERE ON HOLLYWOOD SOMEWHERE, UH, TO GET A BUCKET OF CHICKEN AND THAT'S WHEN I SAW A POSTER FOR ADAM WALSH. IT STUCK IN MY MIND BECAUSE I HAD NEVER SEEN A MISSING CHILD POSTER BEFORE, ESPECIALLY AT A DRIVE THROUGH.

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

Q. I WAS GOING TO ASK YOU DURING THAT COMMOTION DID YOU EVER HAVE AN OPPORTUNITY TO SEE THE CHILD?

A. THE ONLY THING I SAW WAS UH..I'M GETTING THE IMPRESSION OF A STRIPED SHIRT AND KIND OF HAIR THAT COMES STRAIGHT DOWN ALMOST LIKE A CHINESE BOWL CUT, JUST KIND OF STRAIGHT SCRUFFY. JUST AN AVERAGE LITTLE, LITTLE KID.

Q. WHAT ABOUT PANTS OR ANYTHING?

A. DON'T REMEMBER.

Q. HOW OLD DID HE APPEAR, THE CHILD?

A. IF I HAD TO GUESS I'M NOT A GOOD GUESS ON KIDS, UH 5,6 YEARS OLD MAYBE SOMEWHERE ALONG IN THERE.

Q. OK.

A. OLD, OLD ENOUGH TO KNOW WHAT'S GOING ON IN LIFE BUT YOUNG ENOUGH THAT HE NEEDED AN ADULT TO SUPERVISE HIM AT, AT A MALL.

Q. OK THE FOLLOWING DAYS WHEN YOU WERE AWARE THAT THIS CHILD WAS MISSING FROM THE SEARS MALL, UH..HOW COME YOU DIDN'T COME FORWARD WITH THE INFORMATION THAT YOU BELIEVE TO YOU KNOW MAY BE RELATED?

A. I DID TALK TO AN OFFICER, I'M STILL TRYING TO DETERMINE IF IT HAPPENED WHEN I REPORTED A BREAK IN AT MY APARTMENT IT COULD OF BEEN THEN I DON'T, I DON'T REMEMBER THE DATE OF THAT BREAK IN IT COULD OF BEEN THAT WHILE THEY WERE INVESTIGATING THAT, WRITING A REPORT UP I MENTIONED THAT TO THEM OR IT COULD OF BEEN LATER, IT'S SO VAGUE AS TO WHEN I DID. I DID MAKE AN ATTEMPT TO TALK TO AN OFFICER AND GIVE HIM THE INFORMATION THAT I, OF WHAT I HAD SEEN AFTER I SAW THAT THE UH..

Q. SO YOU ASSUMED THE INFORMATION YOU PROVIDED THE OFFICER UH, WAS GIVEN TO THE PROPER AUTHORITIES TO FOLLOW UP ON?

A. RIGHT, THAT'S WHAT I ASSUMED. UNFORTUNATELY AFTER I GAVE THAT INFORMATION NOT TOO MANY WEEKS AFTER THAT UH, I MOVED BACK TO MY PARENT'S HOME IN HUNTSVILLE, UH, TO TRY TO GET BACK INTO TELEVISION. I WAS UNHAPPY WITH MY JOB, UH, NOT THE MONEY, MAINLY JUST HAVING PLANS. I'M FROM THE SOUTH AND THIS WAS A LITTLE TOO FAR SOUTH FOR ME. IT WAS A BIG CITY AND, AND I NEEDED SOME FRIENDS AND REALLY DIDN'T HAVE ANY SO I WANTED TO MOVE BACK HOME AND START OVER IN TELEVISION WHICH IS MY, MY GIVEN PROFESSION OF WHAT I HAVE A DEGREE IN.

Q. YOU WENT TO THE MALL BY YOURSELF THAT DAY CORRECT?

A. RIGHT.

Q. OK, DO YOU REMEMBER HOW LONG YOU STAYED IN THERE WHEN YOU WENT BACK?

A. NO I DON'T MAYBE AN HOUR OR TWO. I WAS JUST LOOKING AROUND THE MALL I, I THINK I WENT INTO A BOOK STORE.

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

Q. DURING THE HOUR OR TWO THAT YOU WERE IN THE MALL AT ANY TIME DID YOU SEE UH. DID YOU HEAR ANY UH..PAGING FOR A CHILD; FOR ADAM WALSH?

A. I DO NOT REMEMBER ANY PAGING UH.

Q. WHEN YOU WENT AND RETURNED TO YOUR VEHICLE IN THE PARKING LOT, DID YOU SEE UH, NUMEROUS LAW ENFORCEMENT OFFICERS OR SECURITY GUARDS UH, CHECKING THE AREA OF THE MALL?

A. NO I DID NOT. I DO NOT RECOLLECT THERE BEING ANYBODY LOOKING AROUND AT THAT POINT.

Q. OK. NOW AFTER YOU RETURNED BACK TO HUNTSVILLE, DID YOU READ ANYTHING ABOUT THIS CASE UH, THE NEXT FOLLOWING, THE FOLLOWING WEEKS AND MONTHS TO COME?

A. I EITHER READ ABOUT IT OR HEARD ON T.V. THAT SOMEBODY HAD ADMITTED THAT THEY DID THE CRIME. THAT THE PERSON HAD BEEN CAUGHT, HAD COME FORWARD, OR IT WAS SOMEBODY THAT HAD BEEN CAUGHT ON SOMETHING ELSE I'M NOT VERY SPECIFIC ON THAT. AND THAT'S WHEN I PUT THIS PARTICULAR CASE OUT OF MY MIND, THE PERSON HAS BEEN CAUGHT UH, AND I DIDN'T THINK ABOUT IT AGAIN, IT WAS A TERRIBLE CRIME AND I THOUGHT IT HAD BEEN SOLVED AND I DIDN'T THINK ABOUT IT AGAIN.

Q. SO THAT POINT, FROM THAT POINT ON UH, YOU BELIEVED THAT THE CASE HAD BEEN SOLVED WITH THE PERSON ARRESTED AND CHARGED IN THIS CASE, CORRECT?

A. RIGHT, CORRECT.

Q. AND IT WASN'T UNTIL YOU READ THE ARTICLE ON JEFFREY DOMER REGARDING UH, HIS ARREST AND CONFESSIONS TO OTHER HOMICIDES AND A POSSIBLE LINK TO THE FLORIDA AREA, CORRECT?

A. CORRECT, UH, IT HIT ME LIKE A BASEBALL BAT.

Q. AND THAT'S WHEN YOU WERE AWARE THAT THE ADAM WALSH CASE HAD IN FACT NOT BEEN SOLVED.

A. RIGHT, I WAS ALL THESE YEARS I HAVE WATCHED MR. WALSH ON VARIOUS THINGS I, ADAM WALSH WILL ALWAYS STICK IN MY MIND UH, AS, AS YOU KNOW THE LITTLE BOY THAT WAS AT THE SEARS THAT I WAS AT THAT GOT ABDUCTED, ABDUCTED, UH, AND IT WAS A SHOCK TO ME TO FIND OUT AFTER ALL THESE YEARS THAT THAT CASE HAD NOT BEEN SOLVED AND IT WAS NOT UNTIL I READ THIS CASE WITH THIS LITTLE BYLINE UNDERNEATH HERE THAT THEY WERE STILL INVESTIGATING THAT YOU KNOW IT HIT ME THAT THIS HAS NOT BEEN SOLVED, MAYBE I SHOULD GO BACK AND TELL WHAT I KNOW AGAIN SO THAT MAYBE THIS CAN HELP IN SOME WAY.

Q. AND THAT'S WHY YOU CAME FORWARD WITH THE INFORMATION CALLING THE POLICE DEPARTMENT ON SUNDAY?

A. RIGHT AS SOON, I MEAN AS SOON AS I READ THIS I SAT THERE AND I LOOKED, WHAT I DID WAS BASICALLY WAS I SPENT THE NEXT TWO HOURS LOOKING AT THIS PICTURE GOING..

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
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REVIEWER:

Q. THE PICTURE OF JEFFREY DOMER.

A. RIGHT. I THINK I'VE SEEN THIS GUY SOMEWHERE AND THE THING THAT I REMEMBER IS THE CHIN, HOW IT VERY PRONOUNCE CHIN.

Q. RIGHT.

A. UH, THAT'S WHAT GOT ME STARTED SO I LOOKED AT THAT FOR TWO HOURS I TALKED TO MY WIFE ABOUT IT AND I DECIDED IT WAS TIME TO CALL UH, AND TO GIVE ANY KIND OF HELP THAT I CAN THAT'S WHY I PROVIDED THESE DOCUMENTS TO NUMBER 1 SHOW THAT I DID LIVE IN THIS AREA.

Q. RIGHT.

A. NUMBER 2 THAT I HAD BEEN TO THE SEARS STORE UH AND ANYTHING ELSE THAT THAT I'VE GOT THAT I CAN GIVE TO YOU GUYS TO HELP I'M MORE THAN WILLING.

Q. NOW SINCE JEFFREY DOMER HAD SURFACED AND BEEN ARRESTED IN THE CASES UP IN MILWAUKEE, YOU HAVE SEEN HIS PHOTOGRAPH AND ALSO I GUESS YOU'VE SEEN PICTURES OF HIM ON NATIONAL T.V.?

A. I HAVE SEEN HIS PHOTOGRAPH, I HAVE NEVER UNTIL I'VE EVEN SEEN VIDEOS FROM CNN AND WHAT NOT

Q. RIGHT.

A. IT WASN'T UNTIL I SAW THIS PROFILE THAT IT STARTED TO RING A BELL.

Q. OK.

A. UH, I'VE ONLY SEEN FRONTAL PICTURES OF UH, MR. DOMER. UNTIL I SAW THAT PICTURE AND THE WAY THAT PICTURE IS FRAMED WITH THE CHIN JUDDING IS, IS JUST RUNG AND BELL RANG A BELL THAT MAYBE, MAYBE THIS HAS SOMETHING TO DO WITH WHAT I HAD SEEN AND LIKE I SAID I DIDN'T GET A 10 POINT IDENTIFICATION STRAIGHT AT HIM BUT I DO REMEMBER THE CHIN AND UH..

Q. SO THIS PHOTOGRAPH IN THE BIRMINGHAM NEWS DATED SUNDAY JULY 28TH IS THE PHOTOGRAPH YOU'RE REFERRING TO IS THAT CORRECT?

A. RIGHT. THAT IS CORRECT.

Q. OK NOW THIS PHOTOGRAPH OF JEFFREY DOMER AND THE INDIVIDUAL THAT YOU HAD WITNESSED ON THAT DAY BEING MONDAY JULY 27TH, OK, HOW SIMILAR ARE THEY?

A. I WOULD SAY VERY SIMILAR IN, IN THE POINT OF THE CHIN AND MAYBE, MAYBE THE WAY THE TOP OF THE FOREHEAD AND THE NOSE ARE. JUST AS FAR IT JUST REMINDS IT'S KIND OF CAVE MAN LOOKING IN A WAY. VERY PRONOUNCE FEATURES WHICH IS WHAT I REMEMBER OF THE PERSON THAT WAS DRAGGING THIS KID OUT OF THIS VAN.

Q. OK NOW, 10 YEARS AGO THAT WOULD BE MAKING JEFFREY DOMER 21 YEARS OLD, HAS HE CHANGED MUCH IN TEN YEARS?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
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REVIEWER:

A. FROM LOOKING AT THAT PICTURE AND LOOKING AT THE PICTURE, TRYING TO REMEMBER WHAT I HAD SEEN PICTURING IN MY MIND I WOULD SAY NOT VERY MUCH TO ME.

Q. OK YOU MENTIONED IN YOUR STATEMENT ABOUT THE THING THAT WAS QUITE UNUSUAL THAT BEING THE MIDDLE OF JULY VERY HOT HUMID IN SOUTH FLORIDA THAT THE SUBJECT YOU SAW DRAGGING THE CHILD FROM THE MALL AREA WAS WEARING AN ARMY FATIGUE JACKET.

A. RIGHT, CORRECT.

Q. ALRIGHT DID YOU HAVE KNOWLEDGE UH, PRIOR TO COMING HERE TODAY THAT JEFFREY DOMER HAD SERVED IN THE MILITARY?

A. I HAD READ SOMEWHERE BEFORE I CAME IN THAT HE WAS IN GERMANY IN ONE OF THE ARMED FORCES I DIDN'T I WAS NOT FAMILIAR WITH WHAT ARMED FORCE OR AT WHAT PERIOD AND ALL THIS THAT HE WAS, THAT HE WAS INVOLVED IN ALL OF THIS, NO, SO YES AND NO. I WAS AWARE THAT HE WAS IN THE ARMED SERVICES I WAS NOT AWARE OF WHAT PERIOD OF TIME IN HIS LIFE HE WAS IN THOSE IN THE ARMED SERVICES.

Q. OK. NOW YOU CANT SAY WITH A HUNDRED PERCENT CERTAINTY THAT THE SUBJECT THAT YOU SAW BACK ON JULY 27TH 1981 IS IN FACT JEFFREY DOMER?

A. NOT AT THIS POINT NO. WITH A BASEBALL CAP ON AND AT THE DISTANCE I CAN MAKE GENERALIZATIONS AT THIS POINT BUT I COULD NOT DEFINITELY IDENTIFY HIM ALTHOUGH LIKE I SAID BEFORE HIS FACE DOES LOOK FAMILIAR, UH, WHETHER IT'S THROUGH THAT FAMILIARITY OR THAT EVENT I CAN NOT SAY.

Q. WAS THERE ANYBODY ELSE IN THAT GENERAL AREA WHEN THIS OCCURRED?

A. NO. EXCEPT FOR SOME PEOPLE GETTING OUT OF THEIR CARS, THAT WAS IT, IT WAS JUST THE GUY, THE BOY..

Q. NOW THIS VAN WAS PARKED RIGHT BY CURB SIDE BY THE STORE CORRECT?

A. GOING THE OPPOSITE DIRECTION OF WHAT IT SHOULD OF HOW IT SHOULD OF BEEN FACING.

Q. SO HE WAS FACING SOUTH BOUND IN THE NORTH BOUND TRAFFIC LANE FOR THE BUSES.

A. EXACTLY.

Q. I SEE.

A. EXACTLY.

Q. DID YOU NOTICE THE LENGTH OF HIS HAIR UNDERNEATH THE BASEBALL CAP? CAN YOU TELL?

A. UH..DOWN HERE.

Q. AROUND THE COLLAR AREA?

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

A. YEAH COLLAR, MAYBE A LITTLE, NOT, NOT Q, NOT A WHOLE LOT LONGER THAN THAT. DIDN'T SEEM TO BE HIPPIE TYPE IT WAS..

Q. COULD YOU TELL THE COLOR OF HIS HAIR?

A. UH, IT LOOKED LIKE KIND LIKE MY KIND, DIRTY BLONDE SEEM TO BE, IT WAS NOT BLACK, I DIDN'T SEE BLACK HAIR, I DIDN'T SEE RED HAIR, JUST KIND OF A BROWNISH TO BLONDE KIND OF DIRTY BLONDE COLOR.

Q. DID YOU NOTICE ANY ARTICLE OF CLOTHING UNDERNEATH THE JACKET, WAS THE JACKET OPEN?

A. THE JACKET WAS OPEN...THERE MAY HAVE BEEN A ROUND SET OF KEYS THE KIND THAT YOU PULL THE CHAIN OUT?

Q. RIGHT.

A. SOMETHING WAS SHINY UNDER THERE IT COULD OF BEEN THAT IT LOOKED LIKE UH, LOOKED ROUND AND LOOKED LIKE MAYBE IT HAD SOME KEYS ON THERE. I CAN'T SAY THAT IS A DEFINITE.

Q. OK.

A. BUT THERE WAS SOMETHING JANGLING AROUND THERE I BELIEVE.

Q. THE ONLY THING YOU REMEMBER ABOUT THE CHILD WAS A STRIPPED SHIRT?

A. I BELIEVE A STRIPED SHIRT, SOMETHING IN WHITE I THINK OR A MULTICOLORED LIKE A WHIT AND A RED AND A BLUE UH, ALTERNATING LIKE THAT.

Q. NO OTHER ARTICLES OF CLOTHING?

A. NO UH, MAYBE DARK PANTS IT JUST DIDN'T REALLY STICK OUT AT THE TIME I WAS TORN BETWEEN I WAS TRYING TO TAKE ALL OF THIS IN CAUSE IT HAPPENED SO SUDDENLY AND I WATCHING I'M REALLY WATCHING THE MAN MORE THAN I'M WATCHING THE LITTLE BOY BECAUSE OF THE MAN'S BEHAVIOR TOWARD THE LITTLE BOY, UH..

Q. WAS HE VERY HOSTILE?

A. YES, VERY HOSTILE AND THAT'S, THAT'S WHAT MADE ME STOP I MEAN I JUST STOPPED DEAD AND I'M LOOKING WITH THIS FUNNY LOOK ON MY FACE I WATCHED ALL THIS PROCEED AND I SAW THE GUY THROW THIS KID IN THE TRUCK AND OFF HE WENT, TIRES A SCREECHING. AND UH, THAT'S WHAT STUCK IN MY MIND ABOUT THAT WAS JUST HAD THAT NOT BRUTLE BUT LIKE YOU SAID HOSTILE LIKE YOU KNOW YOU'RE GOING, YOU HAVE NO CHOICE IN THIS MATTER.

Q. ALRIGHT MR. BOWEN I DON'T HAVE ANY OTHER QUESTIONS TO ASK YOU. HAS EVERYTHING YOU SAID IN YOUR STATEMENT BEEN THE COMPLETE TRUTH?

A. UH, YES TO ME RECOLLECTION FROM EVERYTHING THAT I HAVE REMEMBERED ABOUT THIS EVENT YES.

Q. IS THERE ANYTHING ELSE YOU WANT TO ADD TO YOUR STATEMENT AT THIS TIME

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

COMPLAINT #: 81-56073
OFFENSE & CLASSIFICATION : MURDER
STATEMENT OF: BOWEN, WILLIAM

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BEFORE WE CONCLUDE?

A. UH ONLY THAT I WANT TO BE FULLY COOPERATIVE WITH THE HOLLYWOOD POLICE DEPARTMENT IF THERE ARE ANY KIND OF DOCUMENTS OR ANY QUESTIONING TECHNIQUES THAT MIGHT HELP BRING OUT ANY MORE INFORMATION I'M AVAILABLE 24 HOURS A DAY AND I'LL DO WHATEVER I CAN TO HELP THIS UH, THIS WAS SPECIAL TO ME IN THAT THIS WAS THE THIS REALLY STARTED THIS WHOLE THING ABOUT MISSING CHILDREN AND IT BROUGHT TO ATTENTION AND I FEEL THAT I'M A PART OF IT BECAUSE I WAS LIVING IN HOLLYWOOD AT THE TIME AND I BELIEVE THAT I MAY HAVE SEEN THIS HAPPEN WITHOUT REALLY KNOWING THAT IT DID AND THE FACT THAT IT IS STILL NOT UNSOLVED AND I WANT TO DO EVERYTHING I CAN TO HELP.

Q. OK.

THIS STATEMENT IS BEING CONCLUDED ON JULY 30TH, 1991 AT APPROXIMATELY 1725 HOURS. END OF STATEMENT.

TRANS.SERIAL: 2134 REPORTING OFF. : HOFFMAN
SERIAL: 0038 DATE: 07-31-91 SUPERV.APPROV.SERIAL:
REVIEWER:

001986

318430

OFFICIAL



RECEIPT

SERIES AG-2
MEMBER'S
RECEIPT

FORM 102412 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (AFL-CIO-CLC) 120 PRINTED IN U.S.A.

I. O. PORTION		LOCAL UNION PORTION				PAID	TOTAL
AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	DATE	
8.00	9	20.10	10			08/14/81	
15.00	1	15.00	2				55.10 ✓

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	L.U. NO.	TYPE MEMB.		CARD NO.
							N	8	8			3	A	BA	

RECEIVED OF
 W R BOWEN II
 1424 S 17 AVE #4
 HOLLYWOOD FL 33020

SA-U-DM
 047
 CLASSIFICATION
 H VAN ARSDALE JR.
 FINANCIAL SECRETARY

318431

OFFICIAL



RECEIPT

SERIES AG-2
MEMBER'S
RECEIPT

FORM 102412 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (AFL-CIO-CLC) 125 PRINTED IN U.S.A.

I. O. PORTION		LOCAL UNION PORTION				PAID	TOTAL
AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	DATE	
		18.50	MILT			08/14/81	
							18.50 ✓

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	L.U. NO.	TYPE MEMB.		CARD NO.
												3	A	BA	

RECEIVED OF
 W R BOWEN II
 1424 S 17 AVE #4
 HOLLYWOOD FL 33020

SA-U-DM
 047
 CLASSIFICATION
 H VAN ARSDALE JR.
 FINANCIAL SECRETARY

MAIL ANY BILLING ERROR NOTICE TO Sears Credit Department at address shown below. Direct other inquiries to nearest Sears store.
 196 VULCAN RD., BIRMINGHAM, AL 35209

Mo.	Day	Reference	TRANSACTION DESCRIPTION	See reverse for detailed description of department numbers indicated below.	CHARGES	PAYMENTS & CREDITS
**	FINANCE	CHARGE**	ON AVG DAILY BAL OF \$75.55		1.32	
3619		XXXQ	HARDWARE 9			
3620		XXXQ	MENS FURNISHINGS 33		35.71	
3630		XXXQ	MENS WORK & SPORTSWEAR 41		29.78	
3630		XXXQ	PAYMENT RECEIVED - THANK YOU		19.72	10.00

PAID
 Sears, Roebuck and Co.
 JUL 22 1981
 122.30
 HOLLYWOOD, FLA.
 7
 C

LOOK TO SEARS SUMMER SALE, JUNE 28 THROUGH AUGUST 1, FOR REDHOT SUMMERTIME BUYS IN MOST EVERY DEPARTMENT... OUTDOOR FASHIONS FOR THE WHOLE FAMILY, FURNITURE, HOME IMPROVEMENTS, HARDWARE, HOME APPLIANCES, RECREATION AND SPORTS NEEDS, AND ON AND ON

PLEASE MENTION THIS ACCOUNT NUMBER WHEN ORDERING OR WRITING	BILLING DATE	PREVIOUS BALANCE	NEW BALANCE	MINIMUM PAYMENT
	JUL 03 1981	\$ 45.77	\$ 122.30	\$ 10.00

If the FINANCE CHARGE exceeds 50¢, the ANNUAL PERCENTAGE RATE is 21% on the first \$750 of the AVERAGE DAILY BALANCE and 18% on that part of the AVERAGE DAILY BALANCE in excess of \$750.

To avoid a Finance Charge next month, pay this amount within 30 days (28 days for February statements) from Billing Date.

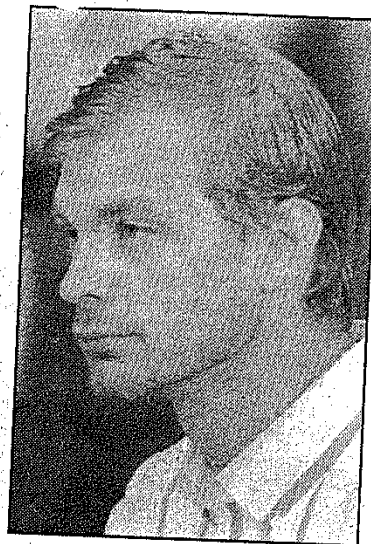
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Dahmer denies killings outside Wisconsin, Ohio

Florida police investigate possible links to Adam Walsh

Police Dept. - 921-3361 3911

By Robert Dvorchak
Associated Press writer



Jeffery Dahmer
Suspected serial killer

MILWAUKEE — Jeffrey Dahmer, who admitted killing 11 people whose remains were found in his dingy apartment, has denied involvement in slayings other than in Wisconsin and Ohio, his lawyer said Saturday.

Attorney Gerald Boyle's statement came as Milwaukee police worked with detectives investigating whether Dahmer, 31, could be a suspect in unsolved missing-persons or murder cases in several states. Authorities in Germany also were investigating Dahmer in at least five unsolved murders near an Army base where he had been stationed.

One of the unsolved U.S. cases is the abduction and killing of 6-year-old Adam Walsh, whose disappearance 10 years ago Saturday in Florida focused new nationwide attention on missing children. Walsh's head was found in a canal two weeks later.

Dahmer's father said his son lived in Florida at the time, *The Milwaukee Sentinel* reported. Hollywood police confirmed they were investigating whether Dahmer may have been involved in the boy's death, though they stressed that they

didn't consider him a suspect.

Police believe Dahmer may be responsible for at least 17 deaths over 10 or more years.

Boyle, in a statement, quoted Dahmer as saying: "I have told the police everything I have done relative to these homicides. I have not committed any such crimes anywhere in the world other than in this state except I have admitted an incident in Ohio."

"I have been totally cooperative and would have admitted other crimes if I did them. I did not. Hopefully this will serve to put rumors to rest," Boyle quoted Dahmer as saying. He said Dahmer wouldn't comment further.

Several newspapers have reported that Dahmer has confessed to killing a man in Ohio. Police in Bath Township, Ohio, confirmed they have sealed off the grounds of Dahmer's former home there and will search for body parts Monday.

The *Akron (Ohio) Beacon-Journal* quoted unidentified police sources saying Dahmer had sex with a man, killed him and buried him near his home while he has living with his parents in 1978.

Township police Capt. John Gardner wouldn't comment on the report but confirmed that Bath and Summit

County detectives interviewed Dahmer on Saturday in jail in Milwaukee. He said police would discuss the case at a news conference Sunday.

Police in the Milwaukee suburb of West Allis also said Milwaukee authorities had contacted them about the possibility that Dahmer killed someone while living with his grandmother. West Allis police Chief John Butorac told *The Milwaukee Journal* he would interview the woman and get a search warrant if necessary.

In Hollywood, Fla., police spokesman Ed Cunningham said detectives had contacted Milwaukee police to investigate possible links between Dahmer and the Adam Walsh case. But he emphasized Dahmer was not a suspect in Adam's murder.

Dahmer's father said his son spent six months in Florida after he was discharged from the Army in 1981, sleeping on the beach or at a motel by night and working in a sandwich shop by day, according to *The Milwaukee Sentinel*.

The following will be a voluntary sworn statement reference Hollywood Case #81-56073; offense Homicide/Murder; date of offense July 27, 1981. Location will be 300 Hollywood Mall. Victim WALSH, ADAM. This statement is commencing on Oct.23, 1991 at approx. 1825 hrs. and is being taken by Det. J. Hoffman, Shield #0038 of the Hollywood Police Dept. Homicide Unit. This statement is being taken from a subject identified as MORGAN, WILLIS RUSSELL, W/M, DOB 5-10-47 who resides at 128 Bedford Ave., Hallandale, FL; phone 458-4598. Mr. Morgan is currently employed by the Miami Herald in the pressroom. This statement is pertaining to certain knowledge and information that Mr. Morgan possesses regarding the subject JEFFREY DAHMER who had been arrested in Wisconsin, Ohio.

Q. Prior to taking this statement Mr. Morgan, are you aware that it is a crime under the Florida State Statutes to knowingly furnish false information while under oath?

A. Yes I do.

Q. At this time I'm going to place you under oath for your testimony. Will you please raise your right hand? (Let the record reflect that Mr. Morgan's right hand is raised). Willis Russell Morgan, do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

A. Yes I do

WILLIS RUSSELL MORGAN HAVING APPEARED BEFORE ME A CERTIFIED SWORN POLICE OFFICER FOR THE CITY OF HOLLYWOOD, BROWARD COUNTY, FL, HAVING BEEN DULY SWORN DEPOSES AND STATES:

Q. For the record sir, would you please state your complete given name, your date of birth and your home address?

A. My name is Willis Russell Morgan, Jr. My address is 128 Bedford Ave., Hallandale, FL and my date of birth is May 10, 1947.

Q. Where are you employed sir?

A. I work for the Miami Herald in downtown Miami.

Q. How long have you been employed there?

A. 19-1/2 years

Q. What is the highest grade level of education that you've completed?

A. High school. I've taken some courses in college but I've never completed it.

Q. Mr. Morgan, what caused you to come forward to contact myself

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at the Hollywood Police Dept. regarding the Adam Walsh investigation?

A. 'cause I work as a printer in the Miami Herald.

Q. Do you recall what date you saw this photograph in the Miami Herald?

A. It would be on the 28th

Q. What month?

A. July

Q. And whose photograph was that?

A. Jeffrey Dahmer

Q. Did you recall at that time where you last saw this subject?

A. Yes I did, in the Hollywood Mall 10 years ago

Q. Ten years ago. Do you know what month 10 years ago?

A. OK I, the thing I remembered the most was the day, that it was a Monday and it was the same day that Adam Walsh was kidnapped.

Q. Now how do you know that?

A. Because I saw it on TV and I remembered the incident, seeing him in the mall that same day and when I saw it on TV later on that there was somebody kidnapped, I knew that the guy I was following had something to do with it 'cause I followed him to the toy dept.

Q. On the day that you're speaking about, that would have been July 27, 1981 which was a Monday

A. I remember it was a Monday because that's my day off.

Q. Approx. what time did you go to the Hollywood Mall?

A. The thing is back then I was working a 4-day work week and I was off Sunday, Monday and Tuesday and Monday was in the middle of my 3 days off and I really had no schedule and I wasn't paying attention to the time. I know it was in the afternoon that I did and I didn't

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look at my watch.

Q. Where had you been previous to going to the Hollywood Mall?

A. Excuse me?

Q. Where had you been earlier, before you went to the Hollywood Mall?

A. OK I came in thru the east entrance and I went into Walgreens and I walked down to Radio Shack.

Q. I'm saying, before you drove over to the mall, where were you?

A. Home

Q. You were home.

A. Right

Q. OK So you left your home that morning or afternoon.

A. Right

Q. And you drove to the Hollywood Mall?

A. Went to the Hollywood Mall. Right

Q. By a vehicle?

A. By a vehicle.

Q. You were living where at that time?

A. Same address

Q. Same address, in Hallandale. Where did you park your vehicle?

A. On the east side of the mall.

Q. That would be by which door?

A. Where the food concession is.

Q. The food court where you come into the inside?

A. Right

Q. And what did you do after entering the mall?

A. I went into Walgreens and then I went down to Radio Shack.

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Q. And what happened at Radio Shack?

A. I was almost getting ready to leave Radio Shack and I saw some items on the table that said Red Tag Sale so I was looking at these items when somebody approached me. Actually what happened was, I was standing there and I noticed from my peripheral vision there was someone standing in the doorway and he was just standing there and standing there and just standing, so I looked at the

Q. Do you know which doorway of Radio Shack?

A. Right. The only entrance to Radio Shack from the mall, from inside the mall. Anyway, I noticed somebody staring at me with a big smile on his face, smirk or whatever and as soon as I looked at him he says "hi there, nice day isn't it". He was standing in the entrance way and I, I just took a deep breath and I said geez, you know, I gave him a look like, you know, what are you lookin' at and I remember he smiled again and came over to me and he just was standing there. What was really strange is that he said "hi there, nice day isn't it" again when he came up to me but he said it like he was standing 20 ft. away, real loud but he was standing right on top of me. But see, I didn't answer him and I remember looking to my right to see where the guy was from Radio Shack and I saw him. He was all the way in the back and I saw him putting stuff on shelves or something because I figured I might need a witness or some help 'cause this guy was just standin' there. He wouldn't go away but finally he just turned around and left.

Q. Approx. how old was that subject then?

A. OK I gave my statement 10 years ago when I came here and I said he was between 20 and 22 I think, 25 maybe was what I said back

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then.

Q. And how was he dressed?

A. OK He had blue jeans on that were worn exactly like the ones I'm wearing now. They were faded and worn exactly like these. Now I remember when he left the mall he crossed over on the right side of the mall and he was walking real slow, almost like a saunter. I remember when I was watching him, I kept saying I gotta remember this guy and I gotta remember what he was wearing and I, and I was, I looked at his hair. I remember sayin' I gotta remember everything about him. I know he had a yellow shirt on. It looked like a button type shirt and had faded blue jeans on.

Q. What color was his hair?

A. Scraggly, dirty blonde hair

Q. How long was it?

A. OK When I saw him from the front, when he was standin' in the Radio Shack, it seemed to be longer, but I remember when I was watchin' him from behind, I remember thinking well, his hair's not as long as it looked from the front. It was down almost touching his collar.

Q. He was by himself?

A. He was by himself.

Q. Other than making the statement that he stated to you "it's a very nice day", what did you do when you left Radio Shack?

A. OK I knew, I had this sense that he was gonna approach somebody. He was intent on approaching somebody 'cause of the way he approached me so I just wanted to see what would happen when he approached somebody, what their reaction would be. That's one of the

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reasons I was following him.

Q. Did he appear to be gay?

A. Well, the only reason I sensed that is 'cause of the way, you know, he was trying to pick me up. You know, I mean, why would he want to, you know, some guy trying to pick somebody up, but I didn't sense from his voice or his tone, I didn't, you know, sense anything like that.

Q. Alright.

A. But I assume that, you know, you know, why would he wanna pick somebody up. I knew he would approach somebody and I just wanted to see what their reaction would be and I remember when I was following him, I was also thinking that they might need some help, you know and so I followed him.

Q. Where'd he go?

A. OK He went all the way down top Sears and he turned into Sears and I turned into Sears right behind him. I remember thinkin' I wanna keep, I was keeping a distance 'cause I was afraid if he saw me following him, he would get a, you know, upset and I didn't wanna', you know, no incident with him or anything so I was keeping a distance and I was watching, keeping an eye on him and I saw him turn in Sears. I remember when he went into Sears as soon as he entered, I saw him like looking around for somebody but there was nobody there except the 2 girls behind the perfume counter. He didn't even glance at them. And then there was an older couple walking toward us and he just sort of glanced at them real quick and just kept walking straight.

Q. He was walking in a westerly direction thru the store?

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A. West.

Q. And you lost him?

A. Well, no I didn't lose him until we got to, this was like in the beginning of Sears, he walked all the way to the west and then he turned to the right as far as you can go west, to the last aisle and then he turned to the right.

Q. Which would be north.

A. Which would be north again.

Q. And then at that location you lost him?

A. OK What happened was I figured that was the end of Sears and I figured he was gonna' realize where he was at and turn around and come back this way and he would, you know, if I followed him any more, he would, we'd be face to face, so I sort of like went into the men's dept. and looked in there a little bit and just left at that point.

Q. And you went back out to the east where your car was parked?

A. Right

Q. Now, when you first had contact with him over at the Radio Shack, he was already in the mall. Is that correct?

A. Yes

Q. So you never saw how he got there, by vehicle or

A. I was standing this way and the door is here. I know this is on tape and they can't see what I'm doing here but, and the door's here and the entrance is right here.

Q. By the Publix

A. By the Publix. There's an entrance here and Radio Shack is the first store there and I'm not, I wouldn't swear that I saw him

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enter from there but I think he did, from my peripheral vision just from standing this way looking at the tape, at the items on the table.

Q. What was your purpose for going over to the mall?

A. I went to Walgreens to look around and then I had time, I wasn't doing anything so I just strolled down to Radio Shack.

Q. Did you make any purchases that day?

A. Not that I recall.

Q. Now, when did you learn about Adams Walsh's abduction?

A. That same evening on the news when I went home.

Q. That would have been about what time?

A. About 6

Q. OK After you heard about that on the news reports, what did you do then?

A. I think it was the 11 o'clock news. I wouldn't swear to it but I'm pretty sure it was the 11 o'clock news that I was watching.

Q. After you heard about the abduction, did you ever make contact with any law enforcement agency at that time?

A. Yes I did.

Q. When would that have been?

A. The very next day.

Q. Where at?

A. Right here.

Q. At the Hollywood Police Dept.?

A. Yes

Q. And did you speak to a uniformed officer?

A. Uniform, yes.

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Q. And what did he do? Did he take a report?

A. He wrote down what I, my statement. He appeared to be writing.

Q. But you thought he may have been involved in it because of the fact that he approached you. Correct?

A. Well, because of the whole incident, you know, his persona. There was something about him. I knew that, you know, the guy, there was something wrong with this guy, just the way he looked, the way he dressed, the way he carried himself, everything.

Q. You can't put a time down that you were at the mall that day? Can you narrow it down?

A. I really can't. I really, really can't. I wasn't paying attention.

Q. What time do you usually get up in the morning?

A. In the afternoons, 10 - 11

Q. And do you have any recall what you did that morning after you got up? You stayed around. You had breakfast or what you did prior to coming to Hollywood?

A. No I really don't. I didn't leave the house. I was home.

Q. Now comes July of 1991, I believe you said you saw a photograph and a news account of the subject by the name of Jeffrey Dahmer who had been arrested in Milwaukee regarding some murders up there. Is that correct?


A. Yes

Q. After you viewed this photograph and read the article, what did you think at that time?

A. Well, I knew it was him.

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Q. You're saying that subject Jeffrey Dahmer that you saw most recently here in a 1991 news article is the same subject that you saw at the Hollywood Sears Mall back in July of 1981.

A. Without a doubt.

Q. Without a doubt.

A. Without a doubt.

Q. Has his appearance changed much over 10 years?

A. No, none. This photo and this photo, if you know you can see right there. There isn't that much difference.

Q. You're indicating that the most recent photograph of 1991 and here's another photograph of him I believe in 1988.

A. Is that '88? No, I believe that's '81, 1981 arrest.

Q. Right. It depicts him of having a moustache in the '81 arrest.

A. Right

Q. For public drunkenness. Did he have a moustache when you saw him in '81?

A. That's the one thing I don't recollect, the moustache. I'm not 100% positive.

Q. Other than the information that you furnished me with today, is there any additional information that we haven't discussed?

A. There could be but then I can't think of anything right now.

Q. But you never witnessed the subject that you saw in the mall that day actually commit the abduction of Adam Walsh?

A. No I didn't

Q. You just put him in that general area.

A. In the toy, walking to the toy dept. Actually, into the toy

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dept. because I was keeping a distance and when he turned right, when I got to that aisle, he was actually already into the toy dept.

Q. OK I have no further questions to ask you at this time Mr. Morgan. Has everything you said to me in this statement been the complete truth?


A. Yes it is.

Q. Is there anything else you want to add to your statement at this time before we conclude?

A. No I don't

THIS STATEMENT IS BEING CONCLUDED ON WED. 10-23-91 AT APPROX. 1840 HRS.

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