

DET. MARK SMITH

Investigative Assignment #96-02-0262

INVESTIGATIVE REPORT #5

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

FROM: PHILIP J. MUNDY
 Investigator

SUBJ: Hollywood Mall Site Plans

RE: Homicide Investigation of Adam Walsh

ENCL: (1) 1981 site plan of Hollywood Mall
 (2) City of Hollywood site plan #89-65

Enclosures 1 and 2 are being transmitted to you for inclusion in the case file. Copies have been retained in this investigator's case file.

Both documents were obtained from the City of Hollywood Engineering Department. Enclosure 1 represents the Hollywood Mall as it existed in 1981. Enclosure 2 is the mall which includes detail of the interior as well as proposed changes.

Philip J. Mundy
 Inv. Philip J. Mundy

cc: Det. Mark Smith
 Hollywood Police Department (with enclosures)

*Det Mark Smith
Copy*

Investigative Assignment #96-02-0262

August 15, 1996

INVESTIGATIVE REPORT #4

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

FROM: PHILIP J. MUNDY
Investigator

SUBJ: Travis County Texas District Attorney Investigator
Paul Ruiz interviews of Ottis Toole

RE: Homicide Investigation of Adam Walsh

ENCL: (1) Letter of October 28, 1983 from Inv. Paul Ruiz to
Det. J.W. Terry

(2) Excerpts from Ruiz/Toole interviews pertaining to
Adam Walsh case

(3) Copy of cassette taped interview of Ruiz/Terry/Toole
(approximately 17 minutes)

(4) Transcript of Ruiz/Terry/Toole interview

Enclosure (1) came to my attention during a review of the case file and of particular interest to this investigator were the quotes of Ottis TOOLE that the body should be in the pond where the head was and that they must have found blood on the dock. At first glance it appeared that Inv. RUIZ was relating TOOLE'S comments to the best of his recollection. Upon contact with Paul RUIZ, who is no longer with the District Attorney's Office, it was revealed that RUIZ was in fact in possession of original cassette tape recordings of his interviews with Ottis TOOLE and that the tapes contained all or part of the recollections he reported in his letter. Mr. RUIZ

agreed to send me the original tapes for our use in the Adam WALSH investigation.

Via Federal Express three cassette audio tapes were received from Mr. Ruiz and are described as follows:

- 1) Scotch 90 minute cassette with side 1 marked "Original - Buddy Terry - Start: Ottis TOOLE" and side 2 marked "Buddy Terry - Ottis TOOLE-10-19-83 - END: 1:16 P.M."
- 2) Scotch 60 minute cassette with side 1 marked "Terry-Part 3 - Ottis TOOLE" and side 2 marked "Original - Part 4 - Ottis TOOLE"
- 3) Scotch 90 minute cassette with side 1 marked "Part 5 - Ottis TOOLE" and side 2 "Original - Adam Walsh - Part 6 - The end"

These tapes will be maintained in this investigator's case file until and unless otherwise directed.

The tapes were reviewed in their entirety and excerpts were taken of any conversation regarding the Adam WALSH case. These excerpts are submitted herewith as enclosure 2.

Enclosure 3 is a copy of the taped interview of TOOLE by RUIZ and TERRY. Ruiz's last interview ends at 9:10 P.M. on October 20, 1983. The tape then resumes with no preamble and the Adam WALSH murder is being discussed. The tape then ends at 9:50 P.M. The running time of the WALSH case interview is 17 minutes which means the tape would have been activated at about 9:33 P.M. The last interview ended at 9:10 P.M. leaving a 23 minute interval.

A transcript of enclosure 3 is provided herewith for your review.

After reviewing the tapes Paul RUIZ was again contacted to clarify some points. Mr. RUIZ explained that his first contact with Ottis TOOLE came on the morning of October 19, 1983 which is before TOOLE's interview with the Hollywood Police Department detectives. The first mention of the WALSH case appears on tape 2 side 2 and RUIZ recalls this coming in the evening of October 19th. RUIZ does not remember exactly how or why this initial conversation took place but would agree that by this time it was known that TOOLE had indicated he was involved in the WALSH murder and that Hollywood detectives were enroute to speak with him. RUIZ did not have any details about the WALSH case other than what he may have obtained from media reports and at this stage it was not his intent to question TOOLE about the case.

On October 20, 1983 at 2:18 P.M. RUIZ questioned TOOLE about why he killed WALSH and if he will be able to find the body. This conversation is after TOOLE has been interviewed by the Hollywood detectives. RUIZ could not recall for me why he questioned TOOLE at this time. During this phase of questioning an unidentified voice is heard on the tape to say "Too smart." and RUIZ believes it is the voice of a detective from Colorado who happened to be in the

room at that time as he was to be the next officer to interview TOOLE. RUIZ cannot recall anything else about this detective other than his first name is thought to be "Carl".

During the interviews regarding the Texas murder cases RUIZ was alone with TOOLE. As the transcript shows Det. TERRY is present during the interview dealing with Adam WALSH on the evening of October 20th. RUIZ explained that to his recollection he had completed his Texas case interviews with TOOLE. He seems to think that he and Det. TERRY had a conversation about questioning TOOLE about the WALSH case because it was felt that RUIZ had established a rapport with TOOLE. It was decided that they would question TOOLE and as indicated the tape comes on in mid-conversation. Obviously there was some talk of the case before the tape is activated and this is perhaps reflected in RUIZ's recollections of what TOOLE told him as he reports in his letter of October 28, 1983 and would account for the 23 minute interval previously mentioned. RUIZ advised that he does not know if Det. TERRY had consulted with the Hollywood Police Department detectives about talking to TOOLE. RUIZ did not personally report the results of the interview to the Hollywood detectives and assumed Det. TERRY would have told them. RUIZ did not know if the comments regarding the "pond" were known to the Hollywood officers and he does not know if TOOLE had been

shown any photographs of the "dock" or "pond" by the Hollywood police officers.

RUIZ comments that while it was not intended to interfere with the WALSH investigation the interview was done after conferring with Det. TERRY who was assisting the Hollywood police and they felt there was nothing to be lost by making an attempt to question TOOLE on the evening to October 20th.

Det. Dusty HESSKEW of the Austin, Texas Police Department was contacted as he was the lead investigator on three of the cases that RUIZ had questioned TOOLE about. Det. HESSKEW also worked closely with the Williamson County Sheriff's Office detective, Gary CUTLER, who investigated homicides that TOOLE and Henry Lee LUCAS were believed involved in. According to Det. HESSKEW he had questioned Ottis TOOLE before Paul RUIZ did so. It was never explained to Det. HESSKEW the reason RUIZ was sent to Jacksonville on these cases. Nevertheless, Det. HESSKEW explained the methods he and Det. CUTLER used with TOOLE and they were in accordance with acceptable police practices. The cases that TOOLE confessed to were brought to the District Attorney's Office and it was decided that because of his cases in Florida and current incarceration that

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the State of Texas would not prosecute him. Det's. HESSKEW and CUTLER exceptionally cleared the cases. Mr. Ken Anderson, District Attorney of Williamson County Texas confirmed Det. Hesskew's accounts as to the decision not to prosecute.


Inv. Philip J. Mundy

cc: Det. Mark Smith
Hollywood Police Department with enclosures

E N C L O S U R E

O N E

pm



OFFICE OF THE DISTRICT ATTORNEY

Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767
Area Code 512 473-9400

PHILIP A. NELSON, JR.
First Assistant

RONALD EARLE
District Attorney

October 28, 1983

Detective J. W. Terry
Office of the Sheriff
Jacksonville Police
P.O. Box 2070
Jacksonville, Florida

Re: Ottis Toole

Dear Buddy:

As you requested, the attached is a recall of my conversations with Ottis Toole concerning the Adam Walsh Murder Case. There may be other statements that he made that I can not remember right now. If I come up with anything I will advise you.

Thank you for all of your help and if I can be of any further assistance, please call on me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Ruiz".

Paul Ruiz
Investigator
District Attorney
Travis County, Texas

PR/jws

My first conversation about Adam started on 10-19-83 when I asked Ottis to think about kids. He stated to me that "I don't think I could kill a kid, you know little kids like 7,8,9,10 years old. I may, and could have killed 14,15,16 year olds.

During other brief conversations the following was stated by Ottis: I asked him if he had told someone about killing a kid and cutting off his head somewhere in Florida. He laughed and said "I wouldn't do that, not no little kid." "I could kill 14,15 years old and it could have been in Florida." "If I killed any I wouldn't know the exact location.

On 10-20-83 I again talked to Ottis about Adam and he told me that he was driving around and went to a shopping center and saw Adam. He got him in the car by telling him that he had alot of toys that he could have. He told me that he had not planned to kill him at first and that he actually wanted to keep him for himself. He wanted to raise him. He also told me he really wanted a little baby to raise (clone) because he knew how to change diapers. I asked him what they talked about and he told me that they talked about different things but could only remember that Adam liked to play baseball. He also told me that Adam kept saying that he wanted to get out and that if Ottis would take him back, he would not tell anyone. He then told me that he Adam started to get on his nerves when he kept yelling and it got him excited and how he back-handed him several times, hitting him in the head. He then decided to kill Adam when he realized Adam was too smart and could identify him. He later told me that he was having trouble trying to remember what he did with the rest of the body parts because as he put it "all the body parts seem to be all jumbled up." He then eventually told me that he had not cut off the body parts and that in fact the body was intact. He also stated that the body should be in the pond where the head was. He asked if the pond was dredged and stated that "I know they must have found blood on the dock." The last comments Ottis made concerning Adam was that he would not have driven the kids body all over the Country and that he would try his best to find the body.

E N C L O S U R E

T W O

Inv. P. Mundy
Asn #96-02-0262

EXCERPTS FROM TOOLE/RUIZ INTERVIEWS

Tape #1 - Side 1 - October 19, 1983 9:41 AM E.S.T.

Miranda Warning.

Found a W/F/30's on HWY I-35 with her car broke down. Happened in 1981-1982, Austin, Texas. Had a butcher knife/bayonet under seat.

Tape #2 - Side 2

Ruiz brings up killing of kids. Toole responds: "I don't think I could kill no kid". Toole defines kids as 7,8,9 years old.

Ruiz asks: "Did you tell someone you kidnapped a kid and cut off his head?" Toole responds: "I kidnapped a kid and cut off his head?" Ruiz: "Did you?" Toole: "I wouldn't do that (laughter)... I wouldn't do that ... not to a little kid. I wouldn't kill a little kid".

Inv. P. Mundy
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October 20, 1983 2:18 PM

Talking about the kid in Florida:

P.R. we were talking about the kid down in Florida. In your mind what was the reason, why did you kill the kid in Florida? Talking about this Adam boy. O.T: "I wanted to keep him for myself." P.R: "I know that. But at one time, at one point you decided I don't want to do this, why, in other words at what time did you decide 'I want to get rid of this kid'?.? O.T: "I figured out the kid was too ... he could figure out things too quick, you know." P.R: "Too what?" Unidentified voice: "Too smart." P.R: "Okay". O.T: "Too smart". P.R: "... he could identify you or what?" O.T: "Yeah". P.R: "Did you. Are you going to be able to go back and tell us where everything else is?" O.T: "I'm going to try to". P.R: "Yeah you will. Once you get to that area you'll be able to tell what happened and the rest of it."

Tape #3 Side 2 - October 20, 1983

Ends at 9:10 PM

Tape resumes in middle of conversation regarding Adam Walsh murder. (See transcript - Enclosure 4). Tape ends at 9:50 PM 10/20/83.