

(3.)

MARLITZ GAVE TAPED INTERVIEWS TO INVESTIGATORS
BEFORE HIS INTERVIEWS WITH INVEST. WALLACE JUDD,
AND INVEST. CHARLES LEFFLER.

M = Witness Benjamin Marlitz

J = Investigators

M. There was a guy there at the scene in a little, I don't know if it was a Pinto or some little small compact car. Maybe a Maverick or something like that, but it was so dark I couldn't really see it.

I. What color was it?

M. I think white with brown, but I'm not positive

I. What did the guy look like? Do you remember?

M. He was just -- ah, ah, -- I couldn't say

I. Black or white?

M. I think he was caucasian. Either casusian or mexican. It was hard to tell because he was a little under the wheather at the time. I told him ha ha ha ha, he might get in trouble hanqing around here ha ha ha ha ha, I said that's up to you. "He said, well, I've already called twice and the Police haven't come yet". And I said, you know, well there you go. I said ok. You can do what you want.

MARLITZ WAS CLEARLY LYING TO COVER-UP FOR DOZIER WHO IS BLACK AND ALSO WAS COVERED WITH WET BLOOD. DOZIER DURING HIS OWN TESTIMONY SAID HE WAS THERE, COVERED WITH WET BLOOD, AND WAS NOT DRUNK. MARLITZ IN LATER TAPED INTERVIEWS ADMITTED THAT DOZIER WAS AT THE SCENE WHEN HE GOT THERE FIVE MINUTES BEFORE THE PARAMEDICS ARRIVED AT 4:38 AM.

I. Was there a black man there at all?

M. NEVER SAW ONE. (FELON DOZIER AND WITNESS CHARLES LANE ARE BLACK).

I. Was the black man ---- you didn't see a blackman there earlier, or afterwards?

M. NO.

MARLITZ WAS LYING AND LATER STATED TO INVESTIGATORS AND TESTIFIED THAT BLACKMAN DOZIER WAS AT THE SCENE.

I. Ok, but you did see a woman in the driver's seat?

M. In the driver's seat hanging out to the floor

I. How much hanging out?

M. Hanging out to the ground.

I. She was hanging out to the ground, now?

M. She was, you know, like ---

I. Ok, was she totally out of the car?

M. No, her bottom of her torso was sitting on the seat, kind of. The rest of her kind of hanging out and one hand hanging out, and the one hand up, I can't remember exactly ---

I. Was the door open?

M. Oh yes, the door was open. The driver's door was open. The other door was wedged shut. They had to pry it open to get in.

IN DOZIER'S RECORDED STATEMENTS TO FOOTHILL COP FISK (WHICH FISK AND THE PROSECUTOR WITHHELD), AND IN STATEMENTS TO THE PROSECUTOR, RICHMAN, (WHICH RICHMAN WITHHELD), DOZIER STATED HE OPENED THE PASSENGER DOOR. THIS CLEARLY EXPOSED THAT FELON DOZIER WAS IN CONTACT WITH THE CAR BEFORE THE CRASH.

- I. Ok, now was there any movement from that woman?
- M. No. She looked to me as if she died ha ha ha ha ha --- I didn't touch her ha ha ha ha ha, I didn't touch anything at the scene ha ha ha ha ha. I didn't mess around.
- I. Alright, was there massive injuries to the head?
- M. SHE WAS ALL FULL OF BLOOD THAT'S ALL I COULD TELL YOU.
- I. From the head?
- M. From the head, could have been anything really. I didn't see any injuries itself. All I saw was the blood all over everything, and I don't need this, and I just walked away ha ha ha ha ha
- I. Now did you see any blood out of the head, or the nose, or the mouth, coming out?
- M. NO.
- I. You didn't see that? Did you look at her?
- M. WELL I MEAN, LIKE I SAID IT WAS ALL COVERED WITH BLOOD.
- I. It was covered with blood?
- M. THE WHOLE FACE, AND ARMS THE CLOTHING I BELIEVE ALSO IF I REMEMBER RIGHT.
- I. Do you believe she was bleeding profusely?
- M. Well, he had been before. She wasn't bleeding at the time.
- I. Ok.
- M. That's why I assumed she was dead. People don't bleed after they die.
- I. So there was blood all over?
- M. BLOOD WAS EVERYWHERE HA HA HA HA HA.

WITNESS CHARLES LANE, WITH HIS FACE ONLY 12 INCHES FROM CLAIRE'S FACE, SAW THERE WAS NO BLOOD, AND NO INJURIES THE BOTH TIMES HE WAS AT THE

SCENE AT ABOUT 4:00 AM. MARLITZ CLAIMED WHEN HE WENT TO THE SCENE ABOUT 5 MINUTES BEFORE THE PARAMEDICS ARRIVED AT 4:38 AM. (OVER 30 MINUTES LATER), THAT CLAIRE WAS COVERED WITH BLOOD THAT THE PARAMEDICS SAID WAS STILL FLUID.

I. The woman on the other side of the car, was she hanging out at all?

M. No. That door was wedged shut. She was laying --- all I could really see of her, really was her feet. She was supposed to be HOG-TIED, and all this other stuff, happened somewhere else, and put-up there. At the time it appeared to me that there was something really wrong with the way everything was set-up there. The telephone pole was broken-off, and hanging over to the side, and the damage on the car didn't relate to the amount of damage done to her.

I didn't see anyone else there, EXCEPT THE KID IN THE PINTO, or whatever it was. The only one who was REALLY THERE WAS THAT KID,

THE SMALL WHITE COMPACT CAR WITH THE YOUNG KID THAT MARLITZ SAW, AND WHICH WAS COVERED-UP AND SUPPRESSED BY FISK, RICHMAN AND GREEN, COULD HAVE BEEN PATTY GOETTLING'S SMALL WHITE FORD FESTIVA (RT 1789, 1753). THE FORD FESTIVA LOOKS LIKE THE FORD "PINTO." NATASHA TOLD OFFICER WARSCHAW AND HOSPITAL PERSONNEL THAT SHE WAS WITH GOETTLING BEFORE SHE AND CLAIRE LEFT AT 10:30 P.M. AND "MET SOME GUYS."

I. Now was there a white 2 door Toyota type vehicle there with right front damage? Do you remember that?

M. No.

I. You don't know if he had a little car there?

M. THE ONLY LITTLE CAR WAS THE ONE THIS KID WALKED OVER TO.

- I. Ok.
- M. And I, I vaguely remember it as a Pinto or Maverick, or something like that. (Ford replaced the Pinto with the compact Festiva).
- I. Let me show you a picture here. I have it here hold on. We are sort of in a hush here. We're trying to put everything together here. We have got to be in court at 10:00 o'clock so we are rushing.
- M. Woo, woo, ha ha ha ha ha ha
- I. See that vehicle there?
- M. WELL NOW THIS COULD BE THE ONE THE KID WAS DRIVING, but I don't think so ----- like I said his was a compact, that's all I can say for sure, but I would think that ---
- I. Does that look like like a Pinto to you?
- M. Uh
- I. Does that look like a Pinto to you?
- M. No ha ha ha ha ha ha, I know a Pinto pretty good. A Maverick and a Pinto are pretty close together. (The Festiva like the Ford Pinto.)

THE PICTURE SHOWN TO MARLITZ WAS THE 2 DOOR TOYOTA DRIVEN BY DOZIER WHICH HAD THE DAMAGED RIGHT FRONT FENDER.

- I. Ok, very good.
- M. That what I'm saying, that's what I thought
- I. Alright
- M. I really didn't pay a whole lot of attention to any of it --- the Police Officer said I could leave so I did. (Fisk would not interview Marlitz until 4 months later, and then falsified his report).

- I. You didn't see a rag stuffed in the gas tank just the rope.
- M. NO, just the rope, but it was going up the front side of the gas tank, NOT IN THE GAS TANK. It was going underneath the car. It was laying on the ground, But the front end of it was up somewhere around the differential area --
- I. So you saw them pull the girls, the victims out of the vehicle
- M. NO, I didn't see any of that
- I. Lets go back to the injuries again
- M. Uh ha
- M. When you first saw the woman in the vehicle
- M. Uh ha
- I. Ok, did you look at her eyes, her face, or just, or just her whole body at one time?
- M. I looked her all over and seen all the blood, and the rest of it, and the way she was hanging out of there. One hand was clear to the ground and the other one was upon the steering wheel.
- I. How much time approximately between when Mr. Lane left the accident and you --
- M. Maybe even 15 I don't know how long he was there and I don't know how quickly he got over there.
- I. The first time --- he went back the second time.
- M. OH, HE DID?
- I. Were you already there, or DID YOU COME THERE AFTER MR. LANE ALREADY LEFT?
- M. WELL HE MUST HAVE. I CAME AFTER HE WENT TO WORK, AS FAR AS I KNOW.
- I. Ok.
- M. What I'm saying is that he was coming off the freeway. He gets off there at Penrose. He comes around, and he drove-up and saw the

accident. He stopped, he looked, he figured he couldn't do nothing I don't know if he touched anything or anybody, or anything like that, but he immediately drove over to the garage. NOW THIS IS SOMEWHERE RIGHT AT 4:00 O'CLOCK, 5 MINUTES BEFORE.

I. Could you see the accident from the garage?

M. NO, NO.

I. It would be out of sight?

M. It would be out of sight, but where the car was sitting it is totally out of sight, even from the front gate.

I. Ok, real good. I'll tell you what Mr. Marlitz, I'm going to let you go. And ahhh, we will probably get back to you, but it won't be for some time.

AT TRIAL AFTER BEING PRESSURED AND COACHED BY PROSECUTOR RICHMAN, WITNESS MARLITZ LIED AND CHANGED THE FACTS AND WHAT HE HAD TOLD THE INVESTIGATORS IN RECORDED INTERVIEWS. MARLITZ COMMITTED PERJURY AND CLAIMED HE WAS AT THE SCENE WHEN CHARLES LANE WAS THERE ALTHOUGH HE REPEATEDLY TOLD INVESTIGATOR'S THAT CHARLES LANE HAD LEFT THE SCENE LONG BEFORE HE HAD ARRIVED AND HE DID NOT SEE CHARLES LANE AT THE SCENE.

MARLITZ ALSO LIED AND TESTIFIED THERE WAS PROBABLY A RAG STUFFED IN THE GAS TANK, ALTHOUGH HE CLEARLY TOLD INVESTIGATORS THAT THIS AND OTHER STATEMENTS THAT WERE IN FOOTHILL COP FISK'S REPORT WERE UNTRUE.

MARLITZ ALSO WAS COACHED TO LIE AND TESTIFIED THAT HE PROBABLY SAW THE LEATHER LACE, ALTHOUGH HE TOLD INVEST. JUDD, AND INVEST. LEFFLER THAT THERE WAS NO LACE AND NO HOG TIEING, AND HE LOOKED AND SAW THERE WAS NONE. (See transcripts of other taped interviews by Investigators).
