

Upon the conclusion and examination of my investigation these are the - Observations, Discrepancies, Inconsistencies and Changing of the Story that lead me to have reason to believe that [REDACTED] was making a false allegation prior to her confession.

- The allegation was a very serious Brutal/Sexual Assault and Burglary. Middle of the night/ Stranger Assault Forced various penetrations/ Weapon/ Injured by Suspect/ Traumatic

*** I understand that victims of sexual assaults do not behave or react the same. I instruct police officers throughout the state that we cannot expect victims to act the way that we think they should. Knowing this and feeling that I truly grasp this reality, it is difficult for me to use my evaluation of [REDACTED] demeanor against her but it was very inconsistent with someone who has experienced an extremely traumatic incident and very consistent with someone who is not telling the truth, base upon my experience. Isolated statements that [REDACTED] made could be true for victims of sexual assault but I observed patterns of inconsistencies that were more indicative of deception than unusual reactions to trauma.

- Did not appear overly concerned about the incident- Not apathetic or detached just matter of fact
- I did not observe her to ever appear upset, fearful, angry, crying, bewildered, ashamed, humiliated, defiant., or upset in talking about the alleged assault or with me and my questions
- On more than one occasion [REDACTED] laughed out loud in her recalling a portion of the assault. The laugh was not a frightened or nervous or uncomfortable laugh, it was a laugh that appeared to mock the alleged suspect including the size of his penis.
- She did not express concern for the welfare of her daughter until I asked about it

***My initial questions to [REDACTED] were to provide me with a detailed account of the assault. Her response was very abbreviated and when I asked her to be more specific she would pause and appear to retrieve the answer. [REDACTED] had difficulty in answering my questions when I asked her for specific details. She would appear to pause or stall and then ultimately provide an answer. Much of my interview turned into a question and answer session where I now believe that my questions lead her to an answer.

- I believe that [REDACTED] used [REDACTED] as a reference for a suspect description for the detailed questions
- Odors from suspect "NO" -alcohol, cologne, breath, body odor then changes
- Explaining how her pants were removed
- Skipped details of how her shirt was off
- I asked where her legs were during the vaginal assault and if they were out or wrapped around the suspect and [REDACTED] then said that he had asked her to wrap her legs around him- **She didn't mention this I asked her and she said yes WHY

-Lies to boyfriend telling him that police have fingerprints and evidence Never told her this

1. 911 call [REDACTED] indicated that the knife used in the assault was one of hers but she never mentioned this to me or why she thought it might be one of hers. She later appeared to not want to talk about the knife and how she was cut. Throughout my entire 3 – 3.5 hour initial interview with [REDACTED] she never mentioned to me that she had been cut or how she had been injury/ cut by the suspect. Nor did she mention it to the original officer. When I ultimately asked her about it she responded very unusually by putting head down and not looking at me and paused and then said “I don’t know probably when I was reaching around.” It was apparent to me that she was uncomfortable talking about it but was not uncomfortable talking about the most serious aspects of the sexual assault at any time. When I asked her on follow up she said “He didn’t cut me, I did it” saying she must have touched the knife somehow.
HOW, WHEN??
2. A more experienced detective told me that it was her opinion that [REDACTED] was sounded far too calm during the 911 call base upon her experience with similar investigations.
3. A responding veteran officer told me that [REDACTED] was very calm and “matter of fact” at the scene right after alleged assault. Officer has investigated numerous SA and said he found her demeanor very unusual given the seriousness of the offense
4. Blood in only one place the pillow – a stain that obviously took some time to develop. No blood on pants she said she touched. No blood on closet she touched. But there was blood stain on phone she dialed 911 on. HOW? Cuts are very consistent with self infliction/ mutilation she is right handed cuts on left finger and left cheek.
5. No scratches on closet were she said he sawed on closet with the knife
6. No fingerprints
7. No pubic hairs, semen on [REDACTED] 3 penetrations
8. No serious trauma to vagina, mouth, rectum. [REDACTED] How? [REDACTED] not digitally penetrated. I know about “no trauma” in SANE language and accept their position of non-committal. I based my interpretation on the likelihood of no injury given the totality of the investigation. [REDACTED] saying her rectum hurt when penetrated, penis wider than long, telling her boyfriend the day after that her butt hurt, telling me she knows suspect penis penetrated anus fully because “I could feel his balls on my butt.” I re-contacted SANE nurse and asked if it would have been more likely that she located more trauma if [REDACTED] was experiencing pain a day or two after assault and nurse said it was more likely.

Possible to not show trauma yes, but is it likely and does fit other patterns of inconsistencies?

9. Told her that I understood that reliving the assault may be difficult and hard for her to remember everything but I needed a more detailed account of what happened than was taken by original officer. [REDACTED] said that was fine and she does not have any difficulty in remembering what happened.
10. Initial phone conversation I asked her how she was and if she had been in contact with Rape Crisis. She said she was OK and had not contacted them. She told me that the suspect was a sensitive person – stating “He didn’t want to hurt me, he was somewhat sensitive even when we were having sex.” Also later described him as “almost sympathetic” Later said “It wasn’t the rape so much as it was waking up to a knife at my throat that upsets me”
11. We discussed her vision and I asked her if her other senses were enhanced do to her visual impairment and if she was able to distinguish anything unique about the suspect’s voice/ any dialect and she said he sounded Mexican or Black. She later said that there was nothing distinct about his voice.
12. Stated that she thinks it was [REDACTED] on over 8 separate occasions yet she fails to ever tell her daughter this for her safety and even lies directly to her daughter telling her that she told the police she is positive it is not [REDACTED] yet she continues to be more and more sure its him after speaking to her sister. [REDACTED] has known [REDACTED] for over 7 months and recognizes his voice without seeing him as documented. IS IT NOT LIKELY THAT SHE WOULD KNOW WHETHER OR NOT IT IS HIM? She is upset and surprised with me when I interview him yet says she still believes it is him.
13. Daughter [REDACTED] was there and said she was going to leave to see [REDACTED]. [REDACTED] said that she had been staying with boyfriend but [REDACTED] was still here off and on. [REDACTED] expressed no concern or warning to daughter about [REDACTED]
14. I examined the closet that she said the suspect told her to get into and saw a great deal of debris including clothing, personal items, and alcohol bottles that protruded from the closet floor. I asked her if this was how the closet was and she said that it was the same. I got into the closet and had a great deal of trouble fitting and I made a lot of noise. When I asked her about any difficulty in fitting in the closet she said how the door was closed she told me that she told the suspect to “push the door” closed. I cannot understand why the suspect would need her or want her to get in the closet.
15. [REDACTED] expressed no emotional reaction to being in the room where the alleged assault took place
16. We spoke for over 40 minutes when she tells me that she is made a mistake and is talking about the previous week Unusual, Stalling?

17. [REDACTED] stated that she wakes up "every night" around 2 or 3 am and watches Nick at Nite but did not on night of the assault.
18. Stated that she went to bed with her clothes on and this was unusual for her
19. I asked her at what point did she think the suspect was [REDACTED] and she said it was early on. I asked her what first lead her to think it was him and she paused and said "I think it was the short hair" I asked her how she noticed the suspects short hair and she paused and said "It was later" [REDACTED] never gave an explanation for how she knew suspect had short hair.
20. Described suspects penis as "fatter than it was long"
21. When asked if she knew if suspect ejaculated [REDACTED] said he did. I asked how she knew he did and if he made a noise or groaned she said no. When asked how she knew this she said she "could feel the rubber almost coming loose, I could feel it filling." Several women told me not possible.
22. When alarm went off first - QUOTE: "I can't remember if we were having anal sex then (pause) or I mean if he was having anal sex on me"
23. [REDACTED] suggests the suspect use the sheets to tie her up. Then she suggested that she go into the closet when she has told me she was no longer afraid WHY?
24. After the sexual assault when suspect is asking where the rope is [REDACTED] suggests that she herself go into the closet and tells me "From this point on I'm not scared I didn't see the knife and I know he didn't have it in his hands" - HOW If she is not scared why would she suggest things to the suspect?
25. "He must not have had a shirt on cuz most of [REDACTED] friends are black"
26. While allegedly in the closet [REDACTED] can tell that
 1. The suspect stripped the bed
 2. That there are no lights on in the living room
 3. Saw the knife even though she was facing the back of the closet.
 4. Knew that he was doing something to the telephone on the kitchen wall!!
27. How does [REDACTED] know suspect is not going to attack her daughter when she is in the closet? If she is not afraid at this point as she says why not check welfare or call out?
28. [REDACTED] statement indicated that much noise was made during the assault and [REDACTED] was asleep in her room less than 4' from [REDACTED] bedroom.
 1. Alarm clock is loud and went off 5-6 times
 2. "He talked all the time" "Not a whisper" She talked back from in closet said out loud "I'm not looking"
 3. Closet doors sliding open made noise

4. "Banging" on the kitchen phone"
5. Talking to her from directly outside [REDACTED] door to her while she is in the closet.
6. Suspect "sawing" noise with knife on closet.
7. Suspect turns TV back on after assault WHY – because [REDACTED] knows that we found TV on in room.

When I asked her about all the noise and if she was worried that [REDACTED] would wake up and interrupt the suspect she said "I couldn't believe she could sleep through that":

29. After leaving closet [REDACTED] went out and claimed front door was open but did not close it. Said she locked it later but Daughter is positive that door was closed ~~but~~ she locked it after mom woke her up. and
30. Said she ran into [REDACTED] bedroom and saw that she was asleep and woke her telling her "[REDACTED] we have a big problem" [REDACTED] said that her mom did not enter the room but called to her from the closed door to come out in a voice that she described as "mad, angry, or irritated" [REDACTED] said she clearly opened her own door and walked out of the bedroom to talk to her mom. **WOULD SHE NOT HAVE RUN INTO THE ROOM NOT KNOWING WHAT HER DAUGHTERS WELFARE WAS?**
31. [REDACTED] tells me that she went into [REDACTED] room with her pants off and [REDACTED] is positive that when she walked out of her bedroom her mom had her pants off. or-
32. Cancelled next day appointment to go to a tavern. Did not seem to matter to her that I get all the information promptly.
33. Told me she was concerned that [REDACTED] would "become frustrated with me questioning her cause she does not like to be asked a lot of questions." This was not what I observed and I told [REDACTED] that and she was surprised. WHY would [REDACTED] tell me this? She did not want me to ask detailed questions
34. Later able to better describe knife as being 9 " and having 2 points at the end then said " Knowing what I now know I could have kicked his butt, it was not that threatening of a knife" She did not provide this description earlier when asked but did not express difficulty in memory. The knife described is common kitchen knife.
35. [REDACTED] added this statement days after first interview "When we were both at the foot of the bed looking for my shirt and pants" [REDACTED] then explained that she and the suspect were getting dressed together at the foot of the bed and he touched her shoulder and asked if she wanted to do it again. WHY is she getting dressed with the suspect at the foot of the bed? She later says that he "put his hand on my shoulder and "do you want to do it again?" **WHY STANDING SIDE BY SIDE LOOKING AT EACH OTHER? WHY DID SHE FAIL TO MENTION THIS INITIALLY??**
36. Daughter surprised by how well mom taking this from moment of assault to time of interview. Daughter upset and confused at mom for drinking all day after SANE

exam and getting drunk "laughing and having fun and laughing at everything- I was pissed off that everyone was having such a good time and I was upset over what had happened." Daughter and ██████ think say that ██████ talks more about seeing him with another woman and expressing anger and jealousy than talking about the assault the day of the assault

37. TIME FRAME

- I repeatedly asked ██████ about the amount of time the suspect was present with her. She said that she was positive that he was there for at least 45 minutes and maybe up to 1 hour. Stated that her alarm clock was set for 4am and that it went off right when the suspect was beginning the assault. ██████ said the suspect hit the snooze alarm repeatedly 5-6 times and the snooze timer is 9 minute increments.

Anal assault lasted 30 – 60 seconds

Oral assault lasted 5-6 minutes

Vaginal assault lasted 3 minutes

██████ in the closet 10-15minutes (?)

Total time suspect accounted for approx. 20 minutes No explanation for the remainder of the 20 – 35 minutes that ██████ claims the suspect was present.

- Dispatch time of ██████ call is 4:12 am.
- WHY MAKE UP SNOOZE ALARM? Because the alarm went off and ██████ was the one who went in and shut it off after she was woken up and this needed to be explained.
- ██████ changes clock time when I ask detail questions about alarm and time frame

38. ██████ VISION

- I did not observe impairment. I witnessed her to pick up a grill in the virtually pitch dark that her boyfriend's dog knocked over. I had difficulty in seeing the grill but ██████ appeared not to. Daughter and Boyfriend say she can see and her vision is not that bad except for small print when reading. Nurse Poarch told me she did not notice ██████ to be impaired until signing paper work.
- She said it was dark but described the suspect as "light skinned" or "Mexican looking" HOW? If it is too dark for her to see and describe a face at all than how can she see skin tint or color?
- She described the color of the suspects head hair and pubic hair
- Stated that at some point the suspect did not care if she saw him and that she could have gotten a good look at him but did not even though she said she was not afraid. She chose not to and this was convenient for lack of description/identification.

- Suspect was 6" from her face with nothing covering it and the TV on from behind her illuminating his face. Later when he was "Straddling Me" he was straddling across her mid section with nothing covering her face. Suspect was and was not concerned about her seeing him throughout according to [REDACTED]. If he was concerned at all would he not have been most concerned upon the initial contact when room was most illuminated when 6" from face
- I returned to the bedroom and turned the lights off and the TV on. I noted outside light did illuminate the bedroom as [REDACTED] had told me.
- I asked her if the suspect removed the condom from his penis and she said she could see that he held onto it at the base of his penis after the vaginal assault-"I don't know if the pillow fell off, but I could see him holding the rubber by his penis with his right hand as he pulls out." **She can clearly see this from a distance without any problem.

39. MOTIVATION

Boyfriend has been attempting to end relationship for long time -not having sex with her, encouraging her to date others. Worried that she could commit suicide if breaks up with her. Asks her to see other people. Said she is unhealthy in her jealousy/ possessiveness of him

Boyfriend describes her as "SCORNFUL". Tells me she can have a serious temper. Suggests to me that he believes she could make this up without me prompting him. Says he is afraid she could make up an assault on him if he leaves her.

Describes her as "Chemically Depreciated" in her brain/ Medicated

Moved in with him since assault and she told him to ask his roommate to move out. Acts like they are married. Wants to have sex with him soon after the assault. He does not want to. He believes she wants to marry him

Does not observe her to be that upset and she does not bring up assault and he does not ask

Has argument over jealousy again and she stays at her place

Daughter says [REDACTED] treats her better than her other boyfriends

Relationship with Daughter is not positive

History of Mental Health Issues

Past suicide attempt [REDACTED]

History of suicide in family

12-15 prior police contacts including Felony Burglary arrest

Annoying phone calls

Trespassing

[REDACTED]
 Maintains a relationship to this day with person alleged to assault her [REDACTED] describes as very unusual and he does not think it is healthy.

40. SUSPECT QUESTIONS

- Asks her "what time do you have to go to work?" Days later she told me that she answered [REDACTED] going to be here" Suspect says "I know"
- Why would the suspect let her get dressed with him? Take the time to let her do this? Stand side by side to do this?
- Why would the suspect ask, "where's the rope?"
- Why would the suspect need to have [REDACTED] get into the closet? Why would he need to "saw on the closet" with the knife.
- If the suspect is [REDACTED] how would he know that [REDACTED] would not recognize him?
- Why would the suspect ask where the phones are?
- Why would the suspect continue to press the snooze alarm 5-6 times when it was a loud alarm and not just turn it off or unplug it. [REDACTED] said alarm clock went off after mom woke her up ***If snooze alarm is set for 9 minute increments then the alarm should have been going off when [REDACTED] was in the closet NO
- [REDACTED] tells me that she and the suspect got dressed together at the foot of the bed
- "Where's the rest of the money?"
- [REDACTED] purse and wallet with money inside was on the floor near the door in plain view and suspect did not take it. [REDACTED] herself said that was odd.
- Why would he turn the TV back on?
- Why put a condom on? -Avoid Evidence – must not have been careful
-Avoid Pregnancy
-Not spread disease? [REDACTED]

All reasonable but also [REDACTED] NEEDED REASON FOR NO SEMEN

IF THERE IS A SUSPECT [REDACTED]

Short hair no facial hair

Dark pubic hair

Has a fatter than longer penis

Knows her very well – bedroom location, daughter, house unlocked

Knows she is visually impaired

Is sensitive

Keeps money in backpack not purse

Knows brother [REDACTED] picks her up

Wears same cologne as [REDACTED]

[REDACTED] only provided [REDACTED] as a suspect