

RE: FVI900518

Mr Bauer;

Got your message and respond in kind. The DNA argument is valuable but my DNA had been cleared from the time the crime occurred by as much as several days before Rita had been killed. (RT317) Then as many as one and a half days before she had been killed. *(RT490) The prosecutor suggested it may have been a week older. (RT489)

The records used to match me shown at trial were not exact matches, there were about 15 % inaccurate having at least three different numbers. But the DNA used only tied me to the scene, but not the crime. Repeatedly by the state, experts, going unchallenged.

There was a lot of data regarding quality and credibility of the labs which SB used, but again the DNA in this case has been repeatedly identified by the Courts as being "OLDER THAN THE MURDER". Even the detectives stated the evidence was contaminated.

COA " That (A) (ME) could have had sex with Rita on Thursday, and then been killed by (B)(SOMEBODY ELSE) on Saturday"

U.S. DISTRICT COURT acknowledged the DNA being as much as one and a half days older than the murder.

The only party who contradicted these facts was a DA who argued the first habeas. She stated that my DNA was located under the victim. "THAT IS A LIE" I filed objections but that DNA could not be unring. I have since filed with trial transcripts the truth of the DNA, and that it was not found under the victim, on the victim and only inside the victim. At that I left the DNA argument alone. The Court changed their language of the use of DNA since.

As stated the trial was purged of any impartiality before the trial occurred and during. (THE FLYERS SENT TO THEIR HOMES) Weeks before the trial was to begin. That specific context implied he filed 19 murder charges against me, and that the family would finally have closure 25 years after the crime. (CORROSION) to impartiality

When I sued the county DA that next month he altered the transcripts from the interrogation, making two separate versions, redacting "custodial markers"(TO ESCAPE MIRANDA RIGHT) then altered answers to place evidence into my possession. (A KEY)

WHY MAKE TWO SEPARATE AND DIFFERENT VERSIONS?

As I stated, there were two different witnesses who gave identical and corroborating statements over a period of 25 years, but then right at trial change their story. Regarding where Rita was headed after that Friday drinking party. (TWO DAYS AFTER I SEEN HER)

Her destination was critical in the trajectory the evidence pointed, specifically because of the confession content. So the detective who altered my transcript then the Friday before these men testified visited them. They admitted to this. On Monday they both changed their story about where Rita went after that party.

BOTH WILL ADMIT TO THIS VISIT BY ALEXANDER BEFORE TRIAL!

It is critical, because the influence, but more important it leads to direct circumstantial evidence that Rita did not go home after the party and did go to the Zodiac lounge. Coincidentally the exact same place Gregory stated he met her before he killed her!

THIRD PARTY CULPABILITY IS SUPPORTED BY THIS TYPE OF EVIDENCE!

"IF" Rita did say she was headed to the bar, and the witnesses knew this, but changed their story that is the "PRIME" element for perjury and subornation of perjury, ergo prejudice!

If that was influenced then the list of misconduct increased. The COA agreed that this should have been allowed before the jurors. Making it critical and relevant going to materiality of the issue of fact.....where did Rita go after the party. The COA also agreed it was insignificant as to whether Rita went to the Zodiac or some other bar, making her destination anywhere but home critical, relevant and material as to whether the scope of exposures was limited or expanded. At home she would have been restricted, while the bar exposed her to a universe of possibilities of who did this!

COA- It is irrelevant as to whether Rita went to the Zodiac bar or another bar that Friday night. She may have gone to the Zodiac and been waylaid in the parking lot. Therefore the bartender would not have been able to see the attack.

The confession was also critical in as much as his DNA was located in a place it should not have been. Setting aside he was red headed. But his DNA was located on three cigarette butts in the dining room of this house. Being there is not odd. But being there two weeks after the last time he was there in a smoker's home would be highly impossible, specifically since the sons (Darryl Kramer) was also found at this home. The day he found his mother.

On top of that the body had a red hair with the entire roots attached on the torso of a nude body. She was located on a sheet. Under her head was a watchband pin. The DA admittedly argued that the DNA on these did not match me, but that did not make them the killer. Keep in mind my DNA was not on the outside of the body, under the body, on the sheets, or anywhere which would imply culpability.

The COA also stated that the confession should have been presented to the jurors to decide materiality. "THAT THE CONFESSION WAS HEARSAY BUT THE RESULTS OF THAT CONFESSION ARE NOT" ergo admissible. Gregory was in fact arrested for this murder as a direct result of an affidavit by Detective Palacios on 8/11/88.

The value and use of evidence before trial and after are different. Before they are used to create and support "THEORY" which is used to get a conviction. Afterwards it is used to indicate the gravity of prejudice and whether it would have affected the reasonable jurists view of the "FACTS".

The only way to get these into the records is through reliability and proper applications of Evidence code sections, which support abuse of discretion omitting them or improper handling to hide them. In either sense evidence is still admissible if it goes to impeachable or best evidence rules. In this case it goes to best evidence rules when you compare this to what exists and was used against me.

Making the interrogation transcript critical as to whether the jurors should have heard altered evidence that was altered in a way to change the meaning and language of its content/ Ev Code 1400, 1401, and 1402 It can be altered, redacted but without altering the meaning. If the meaning was damaged then the evidence should not have been used. ERGO prejudice.

CHANGING ANSWERS CHANGES MEANING!

The is valuable since the prosecutors theory in this case was that I had had four chances to admit to the detectives that I had a sexual relationship with Rita. But because I lied, that it goes to propinquity. That is the furthest thing from the meaning of "THOSE LIES" Suggesting is someone lies about sexual activity. (A CHARACTER JUDGEMENT) compared to taking a life just because they are a liar. This is an incorrect application of propinquity.

NOT A HUMAN BEING THAT IS REASONABLE WOULD ARGUE OTHERWISE

My money is they were going to use my admission of having sex with Rita by altering the answer such as they did without the admission to suggest I killed her while having sex with her. "THAT IS THE FURTHEST THING FROM THE TRUTH". Which in this case matches their conducts to get the conviction. I tried to take the interrogation to a non custodial location and they demanded the police station.

CUSTODIAL DEMANDING MIRANDA!

3 Armed agencies.....Locked police station.....then arrest!

MIRANDA

Yea I have taken this ship through the ringers of law, and evidence. The only way the case will find relief is through the collections of misconducts which would alter the facts enough to suggest that there is not a human being alive that would have decided guilt.

After the entire states case, all the evidences the jurors deadlocked 8 to 4. The judge threatened them he may hold them hostage unless they decided. The day after that threat they deadlocked 3 more time, then a verdict. THESE INDICATE JURY MISCONDUCT.

MY MONEY IS ON THE MISCONDUCT AND NEW LAWS ABOUT MISCONDUCT!

Respectfully

John

*THANK
You*