

1 Question: "Fairly clearly?"
2 Answer: "Yes."
3 Question: "It wasn't like it was daytime?"
4 Answer: "Right."
5 Question: "Michael Land pulls up pretty much all the way
6 to the camaro, Lights are off. What happens
at that point, Miss Terry?"
7 Answer: "Dino walked out, I don't know from where, from
the side of the trailer somewhere, and they
8 started arguing."

9 See Reporter's Transcript page 143, attached hereto as EXHIBIT "O."

10 It is clear from reviewing the interview report of Ms. Sarah Terry, by Detective
11 Janet Ryzdyski on May 28, 1999, on page 8 of that report. That Ms. Terry "DID NOT SEE"
12 Michael Land drive up nor get out of his car, as Ms. Terry testified too. In Fact, Ms.
13 Terry states in that report, "SHE DIDN'T EVEN KNOW MICHAEL LAND HAD GOTTEN
14 THERE YET", "BECAUSE HIS CAR WAS SO QUIET."

15 See Interview of: Sarah Terry at: Via phone on: May 28, 1999 by: Janet Ryzdyski,
16 Detective Sheriff's Homicide Detail, On page 8, attached hereto as EXHIBIT "P." Which
17 states:

18 Question: "And what drew your attention was hearing Mike..."

19 Answer: "Um-hmm..."

20 Question: "And Dino argue..."

21 Answer: "Yeah I heard 'em, I heard fight. I didn't even
22 know Mike had been here yet because his, you know,
his car was so quiet."

23 Question: "Okay. So you hadn't seen Mike before that?"

24 Answer: "NO."

25 Question: "Okay, so when you heard them fighting, and you looked
26 you could see that it was Mike who..."

27 Answer: "Yeah. I knew..."

28 Question: "Was Dino was fighting with..."

1 Answer: "It was Mike. "Well because I knew that Mike was
2 already gonna be coming out."

3 See page 4, attached hereto as EXHIBIT "P." Which states: (Lighting)

4 Question: "Okay, So is he standing there with his jacket pulled
5 back when Dino stabs him?"

6 Answer: "No, he moved his arm, I couldn't really see 'em that
7 much anymore. Because he went into a shadow..."

8 Question: "Uh..."

9 Answer: "It was..."

10 Question: "huh..."

11 Answer: "dark. (COUGH) And then, uh, (CLEAR THOAT) Dino just
12 pulled a knife and stabbed him."

13 See page 10, attached hereto as EXHIBIT "P." Which states:

14 Question: "Okay, and did they kinda stay in the same position?"

15 Answer: "No, they started arguing, um, up here by Bonnie's house."

16 Question: "Okay."

17 Answer: "And then I don't know I, I didn't see how they ended up
18 down there."

19 Question: "Okay. Down where he actually got stabbed?"

20 Answer: "Yeah."

21 During direct examination, by prosecutor Daniel G. Lamborn, the following testimony
22 was elicited from witness Mr. David Friese, knowing it was false and misleading to
23 obtain a conviction in this case.

24 Question: "You answered the phone, the person on the other end
25 was Michael Land?"

26 Answer: "Yeah."

27 Question: "What did Michael Land say to you?"

28 Answer: "He just wanted to talk to Dino as soon as possible."

1 Question: "Did you leave him on the phone or did you say I'll--"
2 Answer: "No. I hung the phone up and I told him that I would
3 get Dino and that he'd call him back."
4 Question: "After you hung the phone up, What did you do?"
5 Answer: "I went down to Sarah's trailer and I told Dino
6 that there was a phone call for him from Michael."
7 Question: "What was Dino Barnes' Response to that, If you recall?"
8 Answer: "He said, "Oaky. Thanks. I'll call him back."
9 Question: "What did you do then?"
10 Answer; "Basically, went up to Bonnie's trailer and started watching TV."
11 Question: "There was a group of you watching TV?"
12 Answer: "Yes."
13 Question: "Were you watching some of those movies?"
14 Answer: "Probably so, Yeah. I kind of wasn't paying too much attention
15 to the TV. I was talking and watching TV and--"
16 Question: "Now, As far as that phone call, Did you ever see a response by
17 Dino Barnes to that phone call from Michael Land?"
18 Answer: "No, Not at first."
19 Question: "What happened next?"
20 Answer: "Well, When I was up at the house Dino called him back."
21 Question: "When Dino called him back, You were there; is that correct?"
22 Answer: "Well, Yeah, I was sitting in the living room, But I wasn't
23 paying too much attention to his conversation. I was kind of
24 watching TV., I heard a few words here and there, But--"
25 Question: "That portion of the phone call that you were able to hear,
26 What was Mr. Barnes saying?"
27 Answer: "Well, Basically he was trying to tell Mike to come down. He was
28 talking about-- something about guns, and that's basically what
I heard, You know."
Question: "What was Mr. Barnes saying about guns to Michael Land?"

1 Answer: "Well, I think he was talking to Mike trying to bring
2 him down to the property, to tell him that that they
were going to take some guns together, I believe."

3 Question: "Was that a long conversstion?"

4 Answer: "It was about 15 or 20 minutes."

5 Question: "When Mr. Barnes got off the phone, Did he talk to you
6 as a group?"

7 Answer: "No, Not really."

8 See Reporter's Transcript page's 203,204,205, attached hereto as EXHIBIT " Q"

9 Prior to eliciting the above false and misleading testimony, the prosecutor
10 actually solicited the following perjury from witness Mr. Friese, knowing the
11 testimony to be false:

12 It is clear from reviewing the interview report of Mr. David Friese, by Detective's
13 William Donahue, and Carl Bloemendaal on May 27, 1999. on page 15,17 of that report.
14 That Mr. David Friese "DID NOT HEAR" any conversation between petitioner and Michael
15 Land, as Mr. Friese testified too.

16 See Interview of: David Friese, on May 27, 1999 by: William Donahue, Detective Sheriff's
17 Homicide Detail and Carl Bloemendaal, Detective El Cajon Police Department, On page 15,
18 17, attached hereto as EXHIBIT " R " Which **states**;

19 Question: "After the first call?"

20 Answer: "Right."

21 Question: "Okay."

22 Answer: "And I went down there and I called him again, he came up and
23 he talked to Mike on the phone. And evidently uh, he talked
for a long time this time. I don't know how long exactly,
24 coulda been like fifteen minutes to a half an hour."

25 Question: "How long did he talk the first time on the phone with him?"

26 Answer: "Very, it wasn't very long. It was probably ten minutes."

27 Question: "And again did you overhear any of the conversation?"

28 Answer: "No."

1 Answer: "Okay."
2 Question: "As far as what you saw Michael Land coming up, Tell
3 us what you remember seeing."

4 Answer: "Just that he got out of his vehicle and Dino and him
5 started talking."

6 Question: "Okay. Let's stop for a minute. I want to make sure
7 these are things that you're seeing as opposed to
8 what you're hearing about."

8 Answer: "Yeah, Yeah."

9 Question: "Okay. You see Michael Land drive up."

10 Answer: "Yeah. I see him drive up. I see him get out of the car.
11 He strats to talk to Dino. Dino turns around to me. He
12 said, "Dave, you can go in the trailer. Everything will
13 be fine." I go in the trailer. That's about, Basicallt,
14 It right there."

13 Question: "At that point in time as far as Michael Land, Anything
14 aggressive about him? Is he going after Mr. Barnes?"

15 Answer: "No, Not at that time. See, But when I went inside, That's
16 where everything else-- You know, I don't know what happened
17 out there at the time. You know what I mean?"

18 see Reporter's Transcript page's 206,207,208, attached hereto as EXIBIT "T".

19 Prior to eliciting the above false and misleading testimony, the prosecutor
20 actually solicited the following perjury from witness Mr. Friese, knowing the testimony
21 to be false; The prosecution offered this false testimony for the purpose to be totally
22 inconsistent with petitioner's version of the events.

23 It is clear from reviewing the interview report of Mr. David Friese, by Detective's
24 William Donahue and Carl Bloemendaal on May 27, 1999. On page 22,24,25,54,55,86, of that
25 report. That Mr. Friese "DID NOT SEE" Michael Land drive up, as Mr. Friese testified too

26 Question: "Confrontation."

27 Answer: "And then he said "well that, that punk thinks that I would
28 really uh, you know, have anything to do with rippin' Bonnie
then he's nuts." He goes, "I wanna confront him and, and, and
sound on him and uh, see what he has to say." And he goes, "I,
you know, I don't want anything to get outta hand, Okay." Uh,