



THE FRANK JARVIS ATWOOD STORY:
INJUSTICE FOR ALL

FRANK JARVIS ATWOOD STORY

INJUSTICE FOR ALL

About the cover: The “Crucified Monk” embodies the acceptance of trials as food for movement toward purification in Christian asceticism.

Table of Contents

Introduction

Chapter One: Dawning of a Nightmare

Chapter Two: The Brown Car Parade

Chapter Three: The Black Z Cars

Chapter Four: FJA'S Black 280 Z

Chapter Five: Annette Fries – Composite Lady

Chapter Six: Mayberry RFD – The Investigation

Chapter Seven: Wild Man of Borneo

Chapter Eight: Ernest or Not

Chapter Nine: Three Blind Mice

Chapter Ten: Dueling Psychics

Chapter Eleven: Trailer Trash

Chapter Twelve: Search to Nowhere

Chapter Thirteen: Paintbrush of Atrocity

Chapter Fourteen: Burial of Innocence

Epilogue

Appendices = A: 2000 March Against Molestation

B: Fire Destroys Trailer

C: Diane Hulick Resumé

D: David Hill Resumé

E: Diane Hulick Affidavit

F: David Hill Affidavit

G: Testing for Trace Evidence

H: Gary Cisco Interview

I: December 2007 Post-Conviction

J: May 2007 Hearing

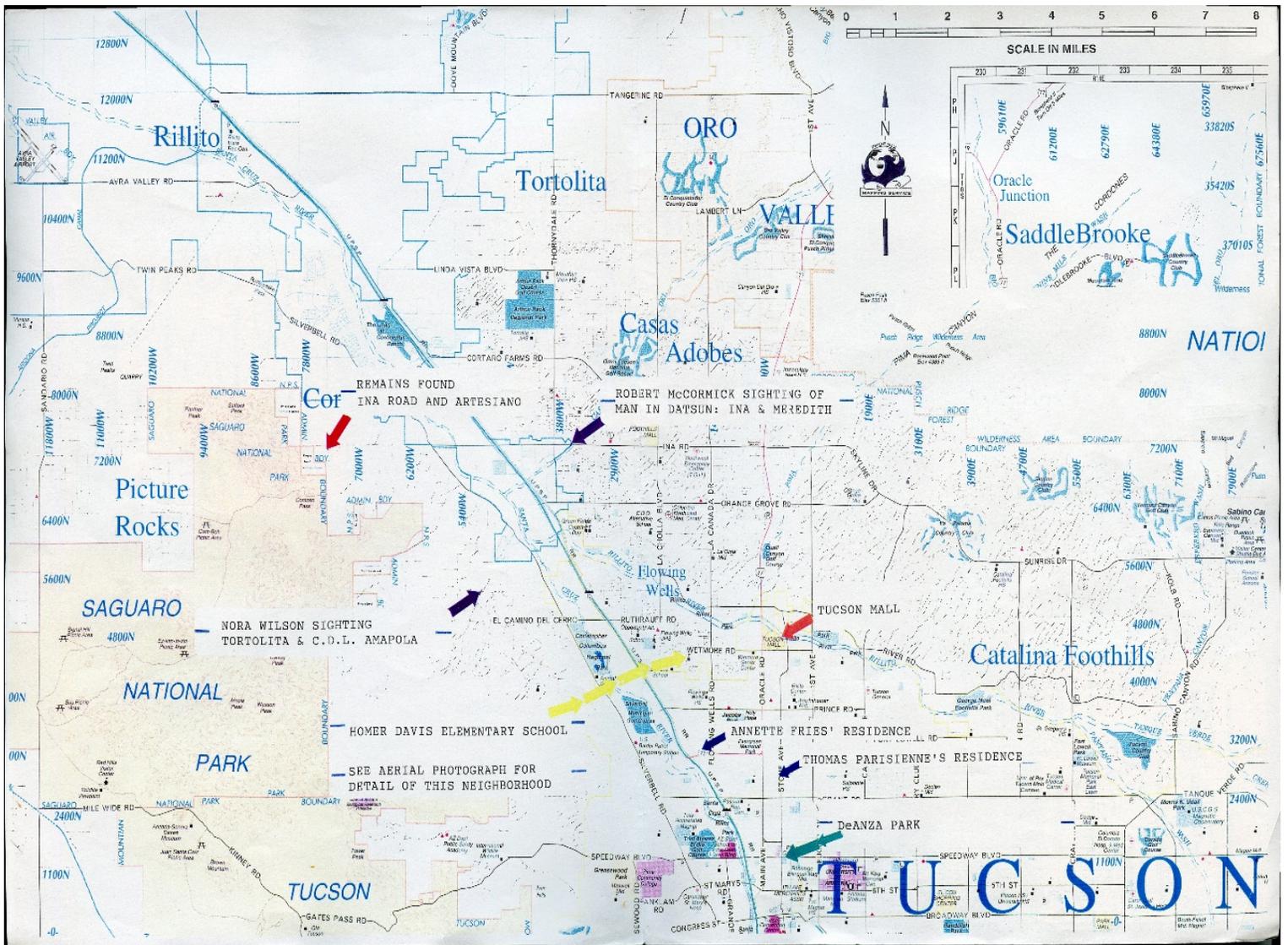
K: Burial Chart

L: Browning Unit

Table of Figures

- 1= Map of Tucson
- 2= Disappearance Area Map
- 3= FJA car
- 4= Photograph of Vicki Hoskinson
- 5= Composite Drawing
- 6= Ann Fries Photograph
- 7= Sharon Pablos Report
- 8= FJA Arrest Photo
- 9= FJA Arrest Photo
- 10= Search Report
- 11= Car & Bicycle Transport
- 12= Car Transport
- 13= Bumper Comparison Photograph
- 14= Photo of Bumper Bolts
- 15= Tucson Unknown Photo
- 16= Tucson Unknown Photo
- 17= Tucson Unknown Photo
- 18= Tucson Unknown Photo
- 19= Clean Bumper Photograph
- 20= Dirty Bumper Photograph
- 21= Man & Bumper w/ Bicycle
- 22= Man & Bumper w/ Bicycle
- 23= License Plate Uncreased
- 24= License Plate Creased
- 25= Bicycle (left side)
- 26= Bicycle (close-up)

27= Bicycle (right side)
28= Bicycle (close-up)
29= Kerrville Photographs
30= Kerrville 26-9
31= San Antonio Photos
32= San Antonio Photos
33= San Antonio Photos
34= Gravel Pan Photograph
35= Gravel Pan Photograph
36= Gravel Pan Photograph
37= Gravel Pan Photograph
38= Car dimension Drawing
39= Kris Sperry Affidavit
40= Jury Deliberation Note
41= Timing Chart
42= Luis Garcia Affidavit



Introduction

Frank Jarvis Atwood.

Wild man of Borneo? Victim of circumstance? Perhaps a little of both.

Frank, born in the mid-1950's, was raised in the affluent Brentwood section of Los Angeles by an Army General and cable company president father and a socialite from Vienna mother. Childhood was idyllic; continued participation in the Episcopal Church (even being an acolyte and choirboy), academic success, and athletic achievement visited the young Frankie J. Familial relations were close-knit, the future was rife with opportunities.

Then it happened. On a summer day in 1970, at age fourteen, Frank was kidnapped and sexually assaulted; an event with utterly devastating consequences.

Not much, if anything, was known about post-traumatic stress disorder (PTSD) in the 1970's but the adverse impact on Frank was of cataclysmic proportions. Almost immediately, his existence turned upside down; the multi-weekly church attendance, classical music (Frankie played trumpet, cello, and piano; he also attended concerts with his parents), sports and other wholesome elements nearly overnight became

interest in astrology and Eastern philosophies, heard rock music, drug use, antiestablishment activities, and sexual perversion. While all of these contributed to his decline, it was the sexual deviancy that punched his ticket to death row.

Psychiatric records depict Frank as having sold sexual favors to older men when in his mid-teens, an unfortunate development compounded in debasement by having kissed a ten year old girl when he was eighteen. On another occasion, at age twenty-four, Frank molested a seven year old boy. These travesties placed Frank Jarvis Atwood front and center as the prime suspect when an eight year old girl went missing in Tucson, AZ on September 17, 1984. Actually, not only was Frank the prime suspect, but his prior convictions for crimes against children made all subsequent court proceedings mere formalities; his conviction and sentence to death in 1987 being foregone conclusions. Consequently, the promising childhood interrupted by sexual traumatization, thereby introducing criminal conduct (including sexual violation), is an American tragedy story.

However, not all was lost. I have known Frank for years, and, while aware of the occasional outburst (a remnant of PTSD), what is clearly evident is a man whose faith in Christ Jesus has made him admirable. Life on condemned row has not at all been easy; not only facing execution, but also having been the target of perennial hatred... by inmates, prison staff, and the public at large. Nevertheless, the Frankie J. of hope and aspiration in his youth has re-manifested; for instance, he has had a handful of books published (please visit Churchfathertheology.com) and earned numerous degrees: two Associate Arts and a Bachelor's as a pre-law English major from Ohio University, a

Master's in Literature from Cal State Dominguez Hills, and a theology degree from St. Stephen's Seminary. He is currently working on a Ph.D. in theology.

These efforts and ultimate achievements have been brought to fruition via his entrance into the One Holy Apostolic Orthodox Church established by the Lord Jesus Christ in the first century and laboring for salvation under his spiritual father.

Of course, all of this would not have been possible had not Frank enjoyed the love of his faithful wife of more than 25 years. I have come to know her, she is truly a remarkable and inspirational woman, both in her church involvements and her devotion to Frank – having visited him weekly throughout their relationship and having stood by him through the good and bad.

The pages in this book will demonstrate the nefarious machinations orchestrated by law enforcement, government prosecutors, and courts to achieve and maintain an obviously flawed kidnap and murder conviction. As will be evidenced, Frank Jarvis Atwood could not have been in any way involved in Vicki Lynn Hoskinson's disappearance, and only his past functioned as the recipe for condemnation to death by lethal gas.

May this same injustice never befall any of us!

Chapter One:

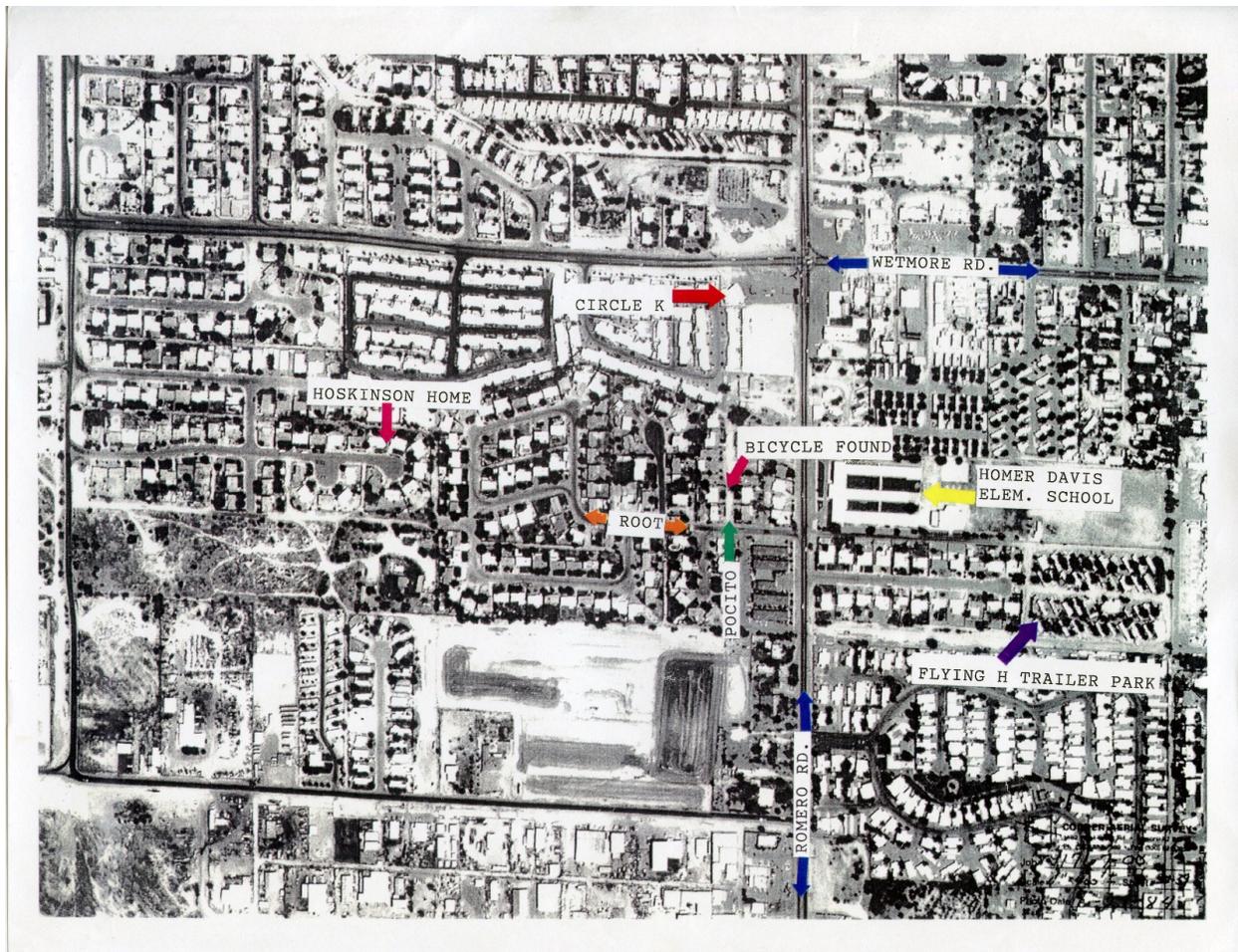
Dawning of a Nightmare

On 17 September 1984, at 4:36 p.m., the Pima County Sheriff's Department (PCSD) dispatcher received a call from a distraught mother reporting her eight year old daughter, Vicki Lynn Hoskinson, was missing. According to initial reports, the child left her home on her bicycle more than an hour earlier to mail a letter for her mother and had not returned. The missing girl's older sister, Stephanie, had gone to look for her but returned alone after finding Vicki's bike abandoned on a road about halfway between

her home and the mailbox. The mother, Deborah Carlson, retrieved her daughter's bicycle and returned home, frightened and distressed. After placing a call to her husband, she contacted the Sheriff's Department.

At 4:36, Deputy Thomas Kalahar, of the Catalina Station Patrol Division, was dispatched on a lost child call to 1920 W. Hadley in the Flowing Wells district of northwest Tucson. Deputy David Aubry, who was patrolling in the area, also heard the communication and responded as a follow-up officer to assist in what he anticipated would be a routine neighborhood search. Aubry arrived at the Carlson residence just before Kalahar and began questioning the stepfather, George Carlson.

Aubry's account was a marvel of antiseptic brevity and autonomous precision:



“Vicki Hoskinson, Carlson’s 8-year old daughter, had been sent to the Circle K located on the corner of Wetmore and Romero to mail a

letter, and she had not returned. The child was a white female, approximately 4 feet tall, weighing 50 pounds, with brown or auburn short cut hair. She was wearing a red, white and blue dress, the predominant color being red. Vicki had left home on her bicycle at approximately 3:50, the bike had been found near the intersection of Root Lane and Pocito Place, lying in the road near the driveway of a lady living in the first house on the block.”

Aubry made no personal observations, nor did he describe any details concerning the girl, her family, or the circumstances of her disappearance; it was the human equation, reduced to its quintessential elements of persons, places, things, and deeds... clinically expressed as a litany of nouns and verbs, and a Spartan disdain for adjectives.

Aubry remained long enough to glean the data required for the continuation of his investigation. He then requested current photographs of the girl before clearing the location and driving to Homer Davis Elementary School for further instructions.

As for Deborah, she remained inside the Carlson home; anxious, dismayed, and in a state that only a similarly stricken mother could understand.

On the day after Mrs. Carlson’s initial collision with tragedy, FBI Special Agent Peter Zobenica, along with Special Agent James Cornett, appeared at the Carlson residence to interview the mother, Deborah Jane Carlson, once again. The information extracted by the FBI on Tuesday, September 18th, was far more detailed than material elicited by

the PCSD; the questioning must have been grueling for the distraught mother, given the circumstances prevailing at the time. The information was preserved before perceptions could be altered by prolonged reflection or the introduction of delusory influence from external sources.

Carlson was queried about the details of her daughter's movements from the moment she came home from school, a circumstance she placed at about 2:20 p.m., and which was followed by a snack and homework. She described the visit of Vicki's friend, Tracy Dorame, at 2:30 p.m., the girl's retreat to the backyard playhouse at 2:45 p.m., and Deborah having sent Vicki to a neighbor, Bonnie Mann, at 3:20 p.m. to borrow a stamp. Once Vicki returned, Mrs. Carlson recounted having asked her daughter to mail the letter addressed to her sister, Lisa Myers, in Alamogordo, New Mexico.

Under careful and precise questioning, Carlson related details of the errand, the mailing of a letter at the mailbox located southwest of the Wetmore Road and Romero Road intersection, near the Circle K store. Leaving at around 3:30 p.m. on her bicycle, with the letter, according to Deborah her daughter would have taken the alleyway south and west of the residence on W. Hadley to Root Lane via Paseo Reforma, then north on Romero to the mailbox near the Circle K, returning the same way. She recounted that Vicki was wearing a red, white, and blue vertically striped sailor suit with a pink skirt and a pink collar. She wore white socks with little blue bows and pink tennis shoes, "Sweetheart" shoes from Target having suffered on one of them the toe having worn through the canvas. The details, absent from police reports, came as a result of exacting questions by the FBI; features having been elicited for identifying the girl and/or distinguishing her from other reported sightings.

Consequently, a complete sequence of events was obtained from her. However, the 3:30 p.m. departure quickly descended into a cacophony of contravention as neighbor after neighbor placed the residency of Vicki's forlorn bicycle in the middle of Pocito Place at somewhere between 3:00-3:30 p.m. on the 17th of September. The FBI investigation had initially been profound, however, a significant oversight dwelled amidst the crevices of collected data; all had been checked and verified except Deborah Carlson's account of having sent Vicki Lynn to her neighbor Bonnie Mann at 3:20 to get a stamp. Had the FBI spoken to Ms. Mann, she would have confirmed the time. When interviewed later, she indicated in her interview that Vicki had come and borrowed the postage just before Bonnie's favorite show had started on television. "Hour Magazine" aired at 3:00 p.m. in Tucson, thusly establishing that Vicki had gone to Mann's house between 2:55 – 3:00 p.m., and left for the mailbox at 3:00 – 3:05 p.m., not at 3:30.

Amongst the variegated cast of observers resides a rather lengthy roster of Vicki Lynn and/or her bicycle between 3:00 - 4:00 p.m., including:

Detective Popp, having left the Carlson residence, drove to the house of Jennifer Spencer to conduct an interview of the little girl in the presence of her mother. Jennifer was a classmate of Vicki's at Homer Davis School, the two kids had been friends for years. Jennifer told Det. Popp that sometime after 3:00 p.m. Vicki Lynn stopped by to talk, she was riding her bicycle. Having been asked to stay and play, Vicki related her need to first return home so she could ask her mother. Jennifer then told the detective how Vicki headed down Pocitio toward Root Lane, this being the last time she saw her.

While Det. Popp interviewed Jennifer Spencer, Detective Richard Van Skiver heard on his patrol vehicle radio the missing child report and traveled to the crisis center. Van Skiver was undoubtedly the most prolific information gatherer of all the detectives who would be involved in the investigation. The Tucson native was virtually indefatigable, having interviewed or investigated 99 people during his tenancy on the case. Once in the area, Van Skiver encountered a group of people who were standing by the side of the road watching interviews of their neighbors being conducted and trying among themselves to piece together from sketchy bits of rumors and fragments of information just what had transpired that afternoon in their neighborhood. One of the women in the group, Mrs. Linda McQuoid, told Van Skiver she knew the girl and had seen her riding her bike toward Romero Road (toward the Circle K) at about 3:15 p.m. that afternoon. McQuoid was certain of the time because she was leaving her house on an errand at the time she observed Vicki; while unsure of the bicycle's color, McQuoid did state the girl had on a striped skirt and top.

Van Skiver's first interview was an odd promonitory indication of how thoroughly disjunctive the elements and facts of this case were to become. The first independent information, from the initial potential witness he directly interviewed, contradicted the presumptive time-event baseline. The 3:15 p.m. time was in complete opposition to Deborah Carlson's assertion of her daughter having not left home until after 3:30; that McQuoid knew Vicki Lynn evaporated potential for a mistake in identity.

Rita Showers, the grandmother of two children, validated Mrs. McQuoid's sighting. Ms. Showers had been babysitting her grandkids, who lived on Pocito, and informed investigators how on September 17th she took both children to K-mart at 2:30 p.m. Upon

arriving back at her daughter's house 45 minutes later, she observed a pink bicycle lying in the road. Ms. Showers was re-interviewed two days later by FBI Special Agents Zobenica and Martinez, an occasion wherein she reiterated her earlier account made to PCSD deputies (i.e., having seen the little pink bicycle in the street in front of the driveway after having turned onto Pocito). This places the bike, belonging to Vicki Lynn Hoskinson, on the ground at about 3:15 p.m.; in the next few days, still other interviewees would indicate having spotted the same bicycle lying in the road before 3:30 on Monday September 17.

Detective Van Skiver contacted Barbara Smith, the next door neighbor of Betty Bodman, the woman who helped Stephanie Hoskinson put her sister's bike in Bodman's yard after the girl found it lying in the street. Mrs. Smith told Van Skiver she observed the deserted pink bicycle in the road after 3:00 p.m. She added the bike was still in the street when her son came home from school a little before 4:00; she pointed out to Van Skiver precisely where the bike had been when she saw it.

Of course, the FBI re-interviewed Barbara. After Special Agent Martinez identified himself and Deputy Seligman, Martinez told Mrs. Smith he was investigating the disappearance of Vicki Lynn Hoskinson. Smith stated she had been home all day September 17th and recalls after 3:00 p.m., she could not be sure of the exact time, she stepped out of her residence to check her mailbox, located just north of her home. As she reached the street she noticed a pink bicycle lying on its side in the middle of the road. She also remembered when her son came home at approximately 4:00 p.m., the bike was still in the same location.

Special Agent Peter Zobenica, in addition to investigating the Carlson family, helped Martinez reconstruct the abduction information from residents of Pocito Place. Before leaving the area Zobenica interviewed Barbara Apodaca, who resided across the street from Barbara Smith. Mrs. Apodaca's account of her observation of Vicki Lynn's bicycle further highlights problems with the developing police theory of Vicki having been taken on Pocito Place after 3:30 p.m. Apodaca told Zobenica that on the 17th she left her house at a little after 3:00 to walk up Pocito to the Circle K near Wetmore and Romero. She had gone to make a telephone call to her father prior to 3:30. After buying a soda and making the call she walked home, arriving at 3:40 or earlier. Upon approaching, she noticed Vicki Lynn Hoskinson's bike in the road; she stated it had not been there when she left to walk to the store.

Barbara Apodaca's narrative gives birth to two crucial questions centering on the abduction. First, even if Vicki Lynn's bike was left in the street at the outer limits of her time frame, at 3:40 p.m., this would be too early had Vicki left her house on an errand at 3:30.

Secondly, when Apodaca walked back from her phone call she would have traveled south on Pocito, the entire street being in full view until she reached her residence. Unless Vicki reached the mailbox while Apodaca was in the Circle K or on the telephone serious readjustments would be necessitated. Consequently, this evidences Vicki Lynn had to be at the mailbox before 3:30. These were some of the many stumbling blocks police encountered while attempting to conduct a case; "adjustments" would have to be made.

FBI agents and PCSD deputies increased their efforts; thus, we find Special Agent Carl Gosting at Homer Davis School interviewing two fifth grade students in the administrative office. The agent spoke with Dennis Fought and B.J. Evans who, according to Gosting's report, stated they were riding their bikes after school on September 17th and observed the departure of Coach Hall in his pickup truck. The Gosting report stated the boys as saying they could not recall the exact time but shortly thereafter they rode to Michelle Solko's house in the nearby neighborhood before then continuing on to the Wetmore and Romero Circle K. On the way they saw Vicki Hoskinson's bicycle lying on Pocito Place; they knew it was Vicki's bike because they attended school with her and saw her on this bicycle all the time.

There is an independent source for ascertaining the time of this bicycle sighting. While Fought and Evans were at the Circle K with two girls the group was observed by Mrs. Patricia Brown, a neighbor of the Solko's. Brown had just picked up her son, Matt, at the Flowing Wells Junior High School and stopped on the way home for a newspaper. Mrs. Brown had retrieved her son at 3:25 p.m. and it took less than a few minutes to reach the Circle K, where she recognized Michelle. Since the bike had been seen on Pocito prior to the kids having reached the Circle K the bicycle had to be there before 3:25.

There also exists Betty Bodman, neighbor of Smith and Apodaca on Pocito Place. Special Agent Martinez elicited from Bodman her account of having turned onto Pocito, when returning from a doctor's appointment between 3:30-3:45 p.m., and seeing a bicycle by her driveway. Bodman further recalled that minutes later she had noticed a young girl near the bike who was looking at it and saying to herself, "oh no." Bodman

asked her to who the bike belonged and was told to the girl's sister. Ms. Bodman instructed the girl to pick up the bike – who knows the treasure trove of evidence lost – and leave it in her yard. The girl explained her sister had not returned home and she had been sent by their mother to find her. Bodman told the girl to go get her mother. Bodman also told Agent Martinez that several minutes later the girl's mother appeared at Betty's door and asked if Bodman had seen her little girl; both mother and daughter were extremely upset. The mother mentioned a friend she was going to check with and if her daughter was not there she would call the police. The mother placed the bicycle in the trunk of her car and drove off. Bodman also offered that when having initially observed the bike it was on its side, facing south toward Root Lane. She said the bike was not damaged; just abandoned.

On Tuesday, the 18th of September, Special agents Zobenica and James Cornett appeared at the Carlson residence to, as mentioned previously, re-interview Deborah Jane Carlson and the girl having interacted with Betty Bodman, Vicki's sister (Stephanie Hoskinson). The mother, Mrs. Carlson, described Stephanie's after school sequence of events on the 17th; beginning with her having returned home at 3:40-3:45 p.m. from flowing Wells Junior High School. Carlson then asked if Vicki was out front and upon receiving a response in the negative agreed to let Stephanie look for her. Stephanie left on her 10-speed bicycle at about 3:50 p.m. and approximately five minutes later came home crying, saying she found Vicki's bike in the middle of the road on Jennifer Spencer's street (Pocito).

The FBI was still not through. They re-interviewed Stephanie Hoskinson, the older daughter. Under questioning by Special Agents Cornett and Zobenica, Stephanie

offered information on her activities the day her little sister disappeared. She told the agents on Monday she left Flowing Wells Junior High School around 3:35 p.m. and arrived home about 3:40. Upon asking her mother where her sister was she was advised that Vicki had gone to the Circle K to mail a letter. At approximately 3:50 she went to look for Vicki, riding her bike down Hadley to La Cholla, the north to Wetmore, and up Wetmore (eastbound) to the Circle K. Not seeing her sister she traveled south on Romero, cut onto a trail taking her to Pocito, and continued toward Root.

Once on Pocito Pl. she observed the presence of a bicycle in the middle of the street near Root Lane. Having reached the bike, she noticed it was her sister's. Just then, a lady exited her house and asked to whom the bike belonged. Stephanie replied it was her little sister's and provided a description of Vicki. The lady asserted she had been home for about 30 minutes – this being Betty Bodman and the exchange transpiring before 4:00 p.m. places her arrival at prior to 3:30 – and saw the bicycle in the road upon her return. Bodman let Stephanie move the bike into her yard before she rode home to get her mother. She pedaled down Root, west to Paseo Reforma, and took a trail to Hadley, reaching home about 4:00.

Once telling her mother about Vicki's bike, Deborah Carlson went to look for her youngest daughter.

Stephanie also responded to agents' questions about strangers in the area by stating within the past week she had not noticed any suspicious persons that would have brought concern to her or Vicki.

Efforts by FBI agents enabled the development of a timeline for our establishment of Vicki Lynn Hoskinson's disappearance. Ms. Bonnie Mann definitely puts Vicki Lynn's receipt of postage from her prior to 3:00 p.m. on Monday September 17th; meaning Vicki's departure for the Circle K transpired at 3:00. We possess several witnesses who placed Vicki on Pocito Place sometime after 3:00 and before 3:15, to wit:

- Jennifer Spencer, after 3:00.
- Linda McQuoid, around 3:15.
- Bryon Curry and Richard Vario, 3:15 [see chap. 3].

Moreover, the deposit of Vicki Lynn's bicycle on Pocito has been identified as between 3:00 – 3:30, thus:

- Rita Showers, about 3:15.
- Barbara Smith, after 3:00 and again pre - 4:00.
- Barbara Apodaca, after 3:00.
- Dennis Fought and B.J. Evans, 3:20-3:25.
- Betty Bodman, about 3:30.

In the cold light shed upon us from years gone by we clearly observe evidence as unequivocally setting the occasion of Vicki Lynn Hoskinson's disappearance as subsequent to 3:00 p.m., yet prior to 3:20 p.m. on 17 September 1984.

At the conclusory moments of that torturous Monday the streets were nearly empty, except in front of the Carlson home where a veil of gloom had settled over household family members gathered together to console an anguished mother and one another, solemnly awaiting news of their child and clinging to a threadbare hope that somehow a miracle would happen. Many of the remnant law enforcement personnel still voiced faint hopes the girl might be found alive and well, but silently, many were commending her soul to the merciful hands of their God.

Chapter Two:

The Brown Car Parade

At 6:10 p.m., Deputy Aubry returned to the command post. He advised Sgt. Kilpatrick and Sgt. Pederson that he had acquired no new information or leads from his inquiries at the apartment complex he had just finished searching south of Root Lane on Romero Road. He was requested by Sgt. Pederson to check homes north of Root on Romero, which were directly across from Homer Davis School. The first three homes yielded no useful information, but at the fourth home Aubry heard an alarming story. Loren D. Mills told him his nephew, Jonathan Atkinson, age 4, had related a narrative to his mother that Aubry would want to hear. Dep. Aubry asked to speak to the boy and Jonathan's mother, Christine, brought him out front and instructed him to tell the deputy what he had seen.

Jonathan said he had seen a girl hit by a car on Root Lane just off Romero. He identified the two streets by pointing to Romero and saying the car "turned off of that street on to that street," pointing to Root and indicating the vehicle was traveling westward.

He said it was a race car, brownish-orange in color, and it had hit the girl when she came onto Root Lane. Aubry asked if he saw what happened to the little girl after she was struck by the car and, at that point, Jonathan became confused and excited, DPS

Ranger 32 (a helicopter) was landing in the Homer Davis schoolyard, just across the street from where they were standing. With some effort, Dep. Aubry managed to regain the child's attention and asked if the girl ran or walked in front of the vehicle. Jonathan said she was on a bicycle, and the bike had been left there. Aubry asked if he could say what the girl was wearing. The little boy looked around and pointed to a girl standing nearby wearing a dark blue dress, and he said, "Like that, except red and blue."

Aubry asked Jonathan if he saw what happened to the little girl after she had fallen down. He said a lady put the child in her car, but before he could finish he again became distracted by Ranger 32, which was taking off from the schoolyard.

At 10:30 p.m., Aubry returned to the command post and met with Lt. Starr, Det. Popp, and Det. Van Skiver. He went over the information given to him by Jonathan Atkinson. Lt. Starr directed Dep. Aubry to provide the names of the family for the log and to have the boy's parents speak to Popp and Van Skiver. Aubry called the Atkinson home and asked Christine and her husband, Terry, to please come to the command center. The couple appeared at 10:55 and were introduced to Lt. Starr.

Detective Popp was assigned to interview Terry Atkinson. Van Skiver was on the phone, and a buzz of activity had penetrated the center, so Popp took Atkinson out to his police car parked on Romero Road in front of Homer Davis to conduct the interview. After obtaining personal background information, Popp explained the purpose of the interview. The conversation was recorded.

"You are familiar with our ongoing investigation as far as looking for a missing child in the Romero Road – Wetmore area?" he asked.

“Yes I am.”

“This investigation started approximately 5:00 this afternoon. I understand that your son Jonathan made some observations or saw something earlier in the afternoon, and had conversations or told you about it, is that correct?”

“Yeah, he didn’t bring it up until one of the detectives had come by asking questions, first.”

“What did Jonathan tell you that he saw?”

“Uh, he said something about a girl brushing her hair while riding her bicycle on the road over here, getting hit by a car.”

“Did he know what road he was mentioning?”

“I’m fairly certain he did ‘cause he gets back off into the streets back here fairly often as far as that way.”

“The next street over is Pocito. Is that the street he mentioned?”

“Yeah, Pocito, yeah.”

“Did he give you any indication approximately what time this may have happened?”

“From all indications due to the times that he did, or from the three times he did get out of the yard today, two of the three times were right in the area of 4:00.”

... Popp was particularly interested in the details of Jonathan Atkinson’s description of the victim and the accuracy of Jonathan’s observations. He asked Terry about his son’s imagination.

“Have you had any problems with him as far as making up stories?”

“No, he is generally factual in what he says. He exaggerates a little bit on what he sees but ...”

“So he gave you this information after a police officer had stopped to talk to you?”

“Yes.”

“Okay, did that police officer reveal any information, prior to your son’s making these statements, that we were looking for a girl on a bicycle or anything like that?”

“Uh no, that he saw that bicycle and the girl getting hit by the car were all on his own. I think the partial description that he came up with might have been from what he was hearing though.”

What interested Popp most about the story had been Aubry’s account in which the information about the bicycle being hit had first appeared. It wasn’t public knowledge at the time little Jonathan had related what he saw. In fact, Jonathan’s narrative was the first such report the police had heard; he could not have gotten it from the police or his neighbors. At 4:00 p.m., when he went home to tell his mother what he had seen earlier, no one even knew Vicki Lynn Hoskinson was missing... Deborah Carlson did not call the Sheriff’s Department until after 4:35.

Popp concluded the interview and returned to the command center.

Subsequent to Van Skiver having taken an unrelated phone statement, he turned to interviewing Jonathan Atkinson’s mother, Christine. As in the case of Terry Atkinson, renewed activity amidst the command post’s confines required Van Skiver’s removal of

Ms. Atkinson to his departmental cruiser out on Romero. Van Skiver had heard something while Popp had been interviewing Atkinson that raised his interest in Jonathan's story to a higher pitch, he began the mother's interview in earnest.

Christine told Van Skiver about Jonathan coming home before 4:00 in excitement over what he had seen. At the time, she paid little attention because she was very upset about her son having escaped the yard for the fourth time that day. However, once deputies had come around asking about a missing girl, she thought her son's observations might possess importance. When Dep. Aubry had spoken to Jonathan a DPS helicopter had distracted the boy, ultimately his attention could not be pruned from the excitement. Christine related her son having seen a race car with a lady in it, adding he gets confused with gender if a male has long hair. Jonathan said the car had run into this lady (his mother clarified anyone older than Jonathan he considered a lady). And he stated the lady fell down and got up.

Van Skiver asked Mrs. Atkinson if she could recall more of the boy's description of the driver. She replied the lady had brown hair and she drove a race car. Moreover, Jonathan's mother guessed her son had been playing at his friend Nova's house, an apartment on Pocito having a view of the Root/Pocito corner.

"With your experiences with your son, do you have any reason to doubt what he's seen?" Van Skiver asked.

"He said he saw a big girl with short black hair, said she was on a bicycle, and she was combing her hair, or brushing it... a race car came and hit her and according to him

she fell down and died. And then she came back alive again, which generally means that somebody fell down and then got back up again...”

Van Skiver closed the interview with Christine Atkinson and returned to the command center.

At 11:28 p.m. the Pima County Sheriff’s Department issued a grim communication upgrading the status of the missing child to abduction. The message was sent to the Homicide Division.

Two other reports were animated with congruent interest. Ten year old Daniel Grebin, a schoolmate of Vicki Lynn at Homer Davis, had seen a man chase Vicki down, grab her, and put her in his car. Grebin was reportedly frightened and hid behind a wall where he stayed for a long time before going home. Another lead came into the command post regarding Jeremiah Gunderson, a six year old who also knew Vicki Lynn Hoskinson from school and who reportedly saw a man in a brown car, with damage areas and primer on the back, hit Vicki Lynn on her bike, put her in his car, and drive away. This was in addition to Jonathan Atkinson’s information.

The breaking news about three incidents of a brown car striking a child on a bicycle was not encouraging and promulgated a PCSD communications alert. It advised all agencies and personnel that information had developed that the child may have been struck by a brown car with primer marks on it. It also contained a notification that it was possible the operator had panicked, placed the girl in the car, and left the scene. It was inevitable that conversations were overheard by neighbors and volunteers at the command center, these quickly spread throughout the neighborhood and across the rest

of the Tucson community. Whether the news first reached the mother of Vicki Lynn through rippling neighborhood chatter or had been disclosed by PCSD liaison, Deputy Kalahar, it was a dismaying revelation coming on the heels of an agonizing despair.

Ten year old Daniel Grebin must have been very nervous when removed from his classroom and taken to the principal's office where he encountered an FBI agent and sheriff's deputy. After having identified themselves, they informed him of their purpose – the re-interview regarding the disappearance of Vicki Hoskinson – to most kids, a real FBI agent was something of a wonder, and probably quite intimidating.

Grebin told Special Agent Martinez he knew Vicki from school. He recounted how on Monday (Sept. 17th), after school got out, he had walked toward the Circle K at Wetmore and Romero when he observed a girl he thought was Vicki Lynn. He said a man chased her, grabbed her, and put her in a car. Grebin explained his terror and added how being so frightened precluded his gaining a good look at the perpetrator or the vehicle. He did recall the man was wearing dark clothing and the girl had on a red, white, and blue dress.

After re-interviewing Daniel Grebin, Martinez spoke to another schoolmate of Vicki, Jeremiah Gunderson. He also asserted having known Hoskinson from school and indicated sometime after school let out on Monday afternoon he saw Vicki on her bicycle riding near the Circle K. He witnessed a car run into her, knocking her off the bike, a man got out and grabbed Vicki, then placed her in the vehicle and left.

Gunderson described the man as being Caucasian, with brown hair, blue eyes, and wearing brown pants with white shoes. He stated the car was a brown 280 Z with back end damage.

Van Skiver broke off his canvassing activity and met Popp at the command center. At 7:00 p.m. the detectives drove to the residence of Chris Beckley, a fourth grader at Homer Davis School. Apparently, Beckley and Travis Spencer were walking home when they saw Vicki Lynn on Pocito Place in the proximity of the brown vehicle. The car was moving very slowly, Vicki and the driver were looking at each other and seemed to be talking. Beckley described the driver as a white male with short to medium length hair and the car as brown with primer paint marks on the rear. When Beckley gave the time as around 2:30 p.m., Popp asked if it wasn't somewhat later, the boy was not sure.

When seen by Special Agent Martinez, nine year old Christopher indicated his being acquainted with Hoskinson and having seen her while in the company of Travis Spencer. He noted having seen a man sitting in his car watching Vicki and the last time he saw her was when she rode her bike up to the automobile. Beckley recalled the car was brown in color with damage on the back, primer covering the affected area. He could not remember having witnessed the car in the neighborhood previously.

Once Popp and Van Skiver had interviewed Christopher Beckley, they drove to the Spencer home on Pocito to interview Travis Spencer. The boy described the vehicle of interest much as Beckley; he could not be precise on the time, stating only it was after school.

Spencer was re-interviewed by Agent Martinez in the school office. Travis was also nine years old, and also knew Vicki, who was a close friend of his sister Jennifer. He related that sometime after 2:30 p.m. he and Chris were walking along and noticed a car moving very slowly; he also observed Vicki on her bicycle (being sure it was Hoskinson), it appeared the car was driving next to Vicki Lynn.

Travis did not see a confrontation between Vicki and the car, saying the car was brown and possibly with four doors. He remembered gray spots on the rear of the car. As for the driver, he could provide no description, other than he thought it was a female.

All of the boys (i.e., Atkinson, Grebin, Gunderson, Beckley, and Spencer) saw a brown car. They all observed the vehicle after school and near Vicki Lynn Hoskinson, two seeing the driver grab Vicki; however, each saw her on her bicycle (some noticing her red, white and blue dress). Just how accurate their descriptions were of what they had seen is not easily determined, but there certainly dwelled sufficient information to peak interest. None recanted original reports and while times were a problem, none of the boys wore watches and none were sure of exact times, they did state it occurred after school.

The available information suggests the involvement of a brown automobile, a reality receiving support by many further reports of a suspicious brown car in the area:

In the neighborhood near Pocito Pl., Det. Van Skiver interviewed the mailman, Lorenzo Monarres. Lorenzo indicated his presence on the 17th, in the area of Root and Pocito, at 2:30 p.m. or so. When asked if he observed anything at all strange, Monarres said when stopping at the Wetmore Rd. and Romero Circle K he saw a woman he felt

was a bit odd. He described her as in her mid-30's, 5'2", and chunky build. He identified her vehicle as a large dark brown "root beer" colored car.

Abraham Rodriquez entered the command center located at the Flowing Wells Community Service building to report a brown Datsun Z sighting. Detective Randy Clark was manning a desk at the time and interviewed him. Rodriquez, a 22 year old mail clerk employed at St. Mary's Hospital, explained in the course of his job he frequently carried a lot of cash and, as a matter of habit, was always keenly aware of those around him. At approximately 9:30 a.m. on Friday, the 14th of September, Rodriquez reported he was ambulating in the area of the First Interstate Bank of Arizona in downtown Tucson when he saw a woman who seemed to be watching him. She was standing on the sidewalk next to a brown Datsun 280 Z. Rodriquez was paying close attention and once the woman became aware he was studying her she got in the car and drove away.

Abraham described the woman as a white female, approximately 30 years old, 5'6", 140 lbs., brown shoulder-length hair, and a hat with a brim. The car was a dark "root beer" metallic brown Datsun 280 Z with California license plates (the last three digits were 1-9-8). The car was very dirty.

Rodriquez informed Det. Clark that he observed the same vehicle at approximately 11:00 a.m., about ten miles from Homer Davis, cruising near an elementary school to watch children on the playground.

The account had every possible element within it to cause the hearts of the Carlson family to soar; it seemed to marry diverse components of investigative leads: a dark 280 Z with California plates, a "dirty" looking woman with a large brimmed hat, proximity to

an ATM (i.e., access to fresh twenty dollar bills), cruising near a school while watching children. Now there was a note to set pessimistic hearts singing.

Mathematicians know random events often seem to cluster, a phenomena often leading people to mistakenly attribute relationships to sets of events not really related or interdependent at all. Temporal clustering can also mislead people to infuse greater import to occasions than they might normally be inclined to concede; conferring upon those instances in the process a synergistic element of interrelated attribution or import being more imaginary than real. Of all ingredients of human nature, hope is most susceptible to illusion. Information being gathered by the Task Force was slow and painfully tedious to digest. Then an additional piece of evidence added further questions to mounting evidence. Special Agent Fredrick Coward and Det. Van Skiver would interview Kathleen Wilson once she contacted the command post after hearing, while she was at work, deputies had visited the trailer park on La Cholla where she lived. Wilson informed Van Skiver she saw a brown Datsun 280 Z at a trailer on Monday, September 17th. Wilson was familiar with the model and was certain it was a 280 Z she observed at that residence when walking her daughter to the school bus stop. The time was 7:30 a.m. and the date assuredly was on the 17th, she had a doctor's appointment that day.

This sighting closely paralleled the description of a vehicle given by Michael Aguiar. Aguiar reported seeing a white male, with long wavy brown hair driving a brown 260 Z with California plates in the same neighborhood. He depicted the man as 5'7", weighing about 170 lbs., 25-30 years of age. The time was about an hour before the helicopter

flew overhead, referring to the Ranger 32 when it arrived the first time (i.e., approximately 5:30 p.m) on September 17th, the day Vicki Lynn Hoskinson disappeared.

Interestingly, an earlier report by Aguiar, to Detective P.J. Lawton, further described his viewing of the brown 260 Z with California plates. Aguiar reported he initially observed it traveling by his house in a westerly direction, then turn around and come back east. The vehicle stopped before driving west past his residence. And once more it ventured east then halted about four trailers southwest of his trailer. The driver was the sole occupant and exited the car, walked to the north side of the road. He appeared to look at two vacant trailers to the west of Aguiar's before re-entering the vehicle to leave westbound toward Romero.

Aguiar reported the driver as wearing Levi's and a yellow t-shirt, his hair fell to the middle of his back.

Obviously, a plethora of dark 280 Z's littered the Wetmore/Romero precinct on that fateful afternoon; many were 280 Z cars, a good portion of those possessed California license plates. By way of further example:

At 2:30 p.m., Deputy O.R. Miranda interviewed Gerry Cornett, a clerk at a Circle K on the northwest side of town. On the day prior to Hoskinson's disappearance (Sunday, the 16th) Cornett reported having seen a woman driving a brown Datsun 280 Z... the car had California plates. The woman described as 5'4", 150-55 lbs., dark brown messy hair, about 35 years old with olive or tan complexion. Cornett said the driver wore a short sleeve summer dress with small squares in multi-colored patterns of brown shades; all in all, an account truly being a marvel of post-observation detail recovery.

Chapter Three:

The Black Z Cars

At 8:45 p.m. Det. Van Skiver – with the multiplicity of agencies, dozens of investigators, and numerous volunteers, somehow an ever-present Van Skiver mysteriously corrals the more germane observers in the case – was standing at the corner of Root Lane and Pocito Place when a woman approached him and began the narration of quite the tale concerning her daughter and the phantom vehicle. The woman identified herself as Georgene Brady and told the detective about an incident concerning her daughter and a black car on Monday around 2:30-3:15 p.m. She stated a strange person drove up in front of her house and started “yelling and cussing” at her 11 year old daughter, Lisa. She said the girl had been out in front of their house when she, the mother, looked to see what was going on. She told the detective the man “flipped” her off and then backed up the road. Georgene went on to relate how the driver drove in reverse all the way down the street and into an alley, which she identified as being at the west end of Root Lane. Mrs. Brady related there was no way for a vehicle to exit the alley, except by leaving from the same egress it had entered. She waited quite a while, however, the car never reappeared. Brady had no idea why the man was yelling at Lisa.

Georgene described the driver as a white male in his early 20’s, with shoulder length brown hair (straight with part in middle). She did not know if he had facial hair and could not describe his clothing. Brady stated only that the automobile was black, a dull black, not shiny, with a slanted back, mid-sized, and an early eighties model. She did not know what kind of car it was, and could not identify the license plate. Van Skiver asked her about the automobile’s wheels but Brady hadn’t noticed them either. The detective concluded his report on the incident with the comment, “the only further description Mrs.

Brady could offer about the subject was that he was the same as the composite being passed around, it was a man.”

This was fast becoming a common theme, the driver of a dark 280 Z resembling the female’s composite drawing except was male, among neighborhood residents. (Please see figure 5, the composite, and figures 8 & 9, Atwood’s arrest photos). As for Georgene Brady, everything she could describe about the car and driver were known within the neighborhood and in the news. There was not yet a lot of public detail, her information was equally limited. This lackluster description of a rather strange incident almost devoid of detailed knowledge is interesting not for what it is, but for what it would become. Over time, Brady’s account would transmogrify into something truly marvelous in its minute detail and thorough content. She would incrementally incorporate virtually everything the media would present about the man who would eventually be accused of the crime, even down to the shape of the tip of his nose. Her statement would undergo incredible observations from initial interview, deposition, pre-trial motions testimony, and her testimony at trial. Throughout the theatrical process that would take place, she would have the expert assistance of script writers from the press and directors of the County Attorney’s office to aid her playing of a role in one of the most bizarre criminal proceedings ever to grace the screen. And, it would grace the screen; it would be the first gavel to gavel telecast of a capital crime trial in the history of Arizona. Amazingly, five of the state’s key witnesses’ testimony would undergo remarkably similar and thoroughly traceable rehearsals and adaptations. And the winner of the Oscar is....

East of where several deputies were standing, by the school, Det. Van Skiver was talking to Mrs. Preston in the Flying H trailer park. He had contacted her to ask if she

saw anything suspicious that day when Vicki Lynn Hoskinson had been kidnapped. Preston stated she had not, but mentioned her daughters observed a suspicious person in a car on the 17th and called her girls out to speak with the detective. They were identified as Susan and Connie Preston.

The girls offered they had seen a vehicle they described as a black 280 Z “with junk in it, like a load of personal items” driving in the trailer park. They placed the time at 5:30 to 5:45 p.m., just before the helicopter landed at the school, referring to Ranger 32. The girls saw the car entering the park from the alley running east off Romero Rd. on the south side of the school. The automobile carried only the driver; a male of unknown race with a tan complexion and bushy black or brown hair.

Van Skiver was still canvassing the neighborhood when volunteer Jerry Wright reported having spoken to a female subject, whose name she had not recorded, who stated at about 5:00 on the evening of September 17th she viewed a “black 280 Z Datsun with a blue California license plate with gold letters in her neighborhood.” The witness said she could recall the numbers as being 1,0,9,6, and D, although she could not remember the exact order. She described the driver as a “Mexican/male with a five o’clock shadow, long curly dark brown hair, [and wearing] a maroon shirt.” She also explained the driver as being “the same as the drawing, only a man” and added he had no earrings.

The woman would turn out to be Anita Hollingsworth, a twenty-three year old mother of five, who (once her unfolding, evolving story experienced astronomical growths) would become a primary player in the investigation; although, not in a way she or

anyone else could have envisioned at the time. What would be established, however, is that Hollingsworth habituated the command center with some frequency and had overheard part of Sam Hall's story, including the portion regarding his having recorded the car's license number. Hall, being highly excitable, enabled anyone within ear shot to have heard his story, so Anita "remembered" some of the numbers from the plates she saw... having misread (ah misheard!) the letter Z for a D.

According to statements, and some depositions, of her neighbors, Ms. Hollingsworth was attuned to communal happenings and redistributed information with unsurpassed generosity.

We know this gossip had heard the news of Hall having reported the license plate number, at least by mid-morning on the 18th, and it appears she heard about it rather than directly observing the vehicle. A neighbor across the street from Anita, Mrs. Ginny Sage, indicated Hollingsworth had offered quite a different story on the night of the abduction. According to Sage, she had just come home from work on the 17th and noticed police cars all over the area. She went out to the street to see what was happening. She began talking with Anita, who told her "she had seen a large brown car in the alley south of her house earlier that afternoon." Ginny reported Hollingsworth described a much larger car than a 280 Z and a vehicle that was brown.

Sage related further how she went with Hollingsworth and the neighborhood crowd to the command center at Homer Davis School. While there, Anita told this same story to several people. Moreover, Sage reported that Anita wanted the police to give her a photograph of Vicki Lynn and a map so she could start searching. Actually, while in the

command post Hollingsworth told the task force representative the brown car story, but he had ignored her. The officer to whom she spoke to was Dep. Richard Kastigar; he could only recall Hollingsworth did talk to him, not what she said.

The following morning, September 18th, a story in the newspaper mentioned the sighting of a black or dark blue 280 Z in the area and it was then, according to Ginny Sage, that Hollingsworth altered her story to match what she heard about the black Datsun. As such, Sage, having heard Anita rambling on and on about a large brown vehicle on Monday was shocked when Hollingsworth's description became a dark 280 Z on Tuesday. The Anita Hollingsworth story of her sighting would henceforth undergo even more extraordinary polishing and improvement as time went by and more information became available in the media.

Special Agents Frederick Coward and James Dufficy visited Anita Hollingsworth in the afternoon of September 20th. Coward re-interviewed Mrs. Hollingsworth in the living room while Dufficy spoke to her husband, Claude, in the kitchen. Her mother attempted to keep the children quiet while the parents were preoccupied with the FBI agents.

Hollingsworth began by informing Coward since having first seen the driver of the Datsun Z she had seen the composite drawing at the corner Circle K and stated, "If you take the earrings off, it looks just like the guy." It was word for word what Georgene Brady, and others, had reported to investigators.

Hollingsworth's new and improved version, as related to Coward, asserted she first observed a black Datsun 280 Z while sitting in front of her house in a lawn chair, as her husband worked on his camper shell in the driveway. She claimed a full view of the road

and at approximately 1:30-1:45 p.m. saw “the 1974-75 vintage, two-door, totally black, glossy color, fairly clean, a little dusty, but not filthy [car], which had a radio antenna, wheels with rubber treads in good shape, and Datsun stock rims.” The car had California license plates, gold and blue. Truly some miraculous powers of observation... and quite the modification from her repeated generic description of a large brown car.

Hollingsworth stated she could recognize the driver of the vehicle, as well as the car, if she saw them again. She said the driver looked scuzzy and creepy, giving her an uneasy feeling and then provided a detailed description: white, with a tan, possibly an Italian. He was 20-27 years old, with a “good sized nose.” She could tell it was a “good sized Roman nose.” He had a fairly round, not square jaw, dark brown shoulder length “curly, kinky, like a perm” hair, which she thought did not look natural. She also said he had real pretty blue eyes; the eye color was a nice touch, she actually saw the driver, according to her, as he barely glanced at her from a distance of 60’ as he turned the corner.

The driver had facial stubble and wore a short-sleeved maroon or blue golf type button down t-shirt, much like an Alligator design shirt. The addition of blue conflicted with her originally sighting only maroon.

There existed no end to Hollingsworth’s powers of observation; she saw inside the car, toward the rear seat [280 Z cars possess no such creature], boxes, suitcases, small shoe boxes (white in color), and a sleeping bag. The automobile appeared to be cruising the neighborhood – she claimed 5-6 sightings between approximately 1:30 and 4:00 p.m. – continuing her super-human vision, Anita reported smoke-tinted windows,

black steering wheel, black vinyl high backed front seats. Remarkably, she could even scale the driver to the top of the window, saying she compared his height as he sat in the seat and his head was 2" below the top of the window, or 4 ½" below the inside of the car's ceiling. At one point, the driver's left arm rested on the inside portion of the door rest and she noticed the arm had dark hair, no tattoos, he wore no rings. A fantastical display of observation and memory, especially since Frank Atwood's left arm is covered with tattoos.

The husband's description rested in stark contrast, a reality creating marital friction over the subsequent months. Anita Hollingsworth wanted to be a star witness, her husband's recollections were not at all helpful for her. Claude had been talking to Dufficy in the kitchen and was unaware what his wife was describing to Agent Coward; however, her exceptional hearing facilitated her having listened to every word he said.

According to Claude Hollingsworth, on Monday, September 17th between 12:30-1:00 p.m., he was working in the front yard on his camper. He was a mechanic and very interested in sports cars. While working on the camper he heard what sounded like a V-8 engine, turned to look, and saw a black 280 Z driving down the street.

From the sound, he determined the engine was a big block Chevrolet. When his wife remarked "that's a scuzzy looking guy" he said, "No, that's a scuzzy looking lady."

He described the car as a black Datsun 280 Z with California plates and chrome stabilizers visible under the radiator; the car sat about two inches higher than normal. The driver had dark brown hair done like a permanent, "very kinky, like a black's hairdo." Nothing would be done with Claude Hollingsworth's statement, his wife's penchant for

appropriating information from neighborhood sources produced no effect on his consistent observations.

Evidently, there existed long, disrupting days in the neighborhood. Contact reports flooded in, new leads would be stirred up by marauding deputies who were scratching and digging for any clue about the girl's fate. One such contact report, authored by Van Skiver, expressed information by Betty Bodman regarding her daughter visiting from California. According to Bodman, on September 17 her daughter noticed a dark Datsun 280 Z 2+2 with California plates turning onto Root Lane. The daughter, Sandy Logan, said, "There's my car." Bodman's report went on to say her daughter took note of the car because she liked Datsuns. However, Logan's account was somewhat different, she stated to Agent Martinez her interest was due to her owning a Datsun 280 Z 2+2 and thought it was her husband driving it.

There was also Dep. Proctor's entrance into a trailer court at North La Cholla, north of Wetmore, and his observation at John Clevenger's trailer of a 260 Z, black in color, with unknown blue California plates. Proctor returned at 9:30 p.m. on September 18th and when turning around the patrol car's headlights lit up a 260 or 280 Z.

As search efforts became more intense, Deputy Richard Kastigar began assisting pre-screening efforts for citizens arriving at the command center with information of the missing girl. While Kastigar was minding the store, two young high school students from the neighborhood entranced the center to report having seen Vicki Lynn on the afternoon she was riding home on Pocito from Jennifer Spencer's house. This would appear to make them the last people to see the girl before she disappeared. In four and

a half years, Dep. Kastigar had done no fieldwork and made no reports; he seemed to possess little or no appreciation of the public as a source of useful information and apparently did not like the boys' demeanor, thus, he placed little credence in their accounts. He casually dismissed them and referred them to Det. Popp, however, Popp could only handle one boy at a time and sent one of them, Richard Vario, back to Kastigar to be interviewed.

Later in the case, Kastigar indicated his main responsibility was administrative and he merely helped out when leads and contacts began to pile up. He could not recall to which boy he had spoken, seemed to get confused, and would not remember what they said; he failed to take notes and made no tape recordings of any people interviewed by him.

While Kastigar was helping out with Vario, Det. Popp interviewed Bryon Curry. Curry reported he saw Vicki Lynn Hoskinson, with whom he was acquainted, riding home from the Circle K, on 17 September, while riding his bike with Richard Vario. The boys, according to Curry, departed his residence after 3:00 p.m. when they passed Vicki on her bicycle, she was headed south on Pocito toward Root. When Popp checked with Kastigar, after having completed the Curry interview, to compare what the boys said, he discovered the actuality of being one interview short for comparison purposes. We will never know what Vario remembered before being exposed to the onslaught of press that was to infect the memories of each witness.

Special Agents Larry Bagley and Carl Gosting began their re-interviewing of witnesses process, and on September 20, at 9:28 a.m., Special agent Ed Hall and

Detective Roger Popp appeared in the principal's office at Flowing Wells High School and asked to see Richard Vario. Vario had gone to Bryon Curry's house on Root Lane on the 17th, having arrived at about 3:00 p.m. When leaving on their bicycles, they rode east on Root and turned north on Pocito, toward the Circle K. Vario described having crossed paths with Vicki – an eight year old girl with dark red hair on a pink bicycle, whom he recognized. According to Vario, Hoskinson was riding down the middle of Pocito toward Root when the boys passed her; this was at around the midway point of Pocito (a one block rough road).

Vario was certain of the time, under questioning by the investigators, he stated, "And we saw Vickie [sic], I don't know, fifteen, from a quarter to twenty after 3:00," the agent asked, "Okay, you're pretty sure about that?" and Vario replied, "Yeah."

Agent Hall and Det. Popp, once finished with Vario on September 20th, went to the Curry residence. It is interesting to note, however, that from the 20th onward, as more information on the case became common knowledge, and as Curry became increasingly "famous," his mannerisms became noticeably affected, and his recollections began to diverge from Vario's, and even from his prior statements, eventually reaching such a state of incongruency that the judge had to intervene. On the other hand, Vario's reportings remained fairly consistent.

Hall and Popp arrived at Bryon Curry's home at 10:00 a.m. and began the interview. According to Curry, Vario reached his house at about 2:50 p.m. on the 17th, they departed for Flowing Wells Junior High School after 3:05. Ultimately, they traveled northbound on Pocito Pl. toward the Circle K and Curry had to swerve out of the way of

Vicki on her bike... he was positive the girl was Vicki Lynn Hoskinson on her pink bicycle (he knew her and the Carlson family really well) and that the near miss occurred halfway up Pocitio.

The car seen by the boys was a dark 280 Z with California blue and yellow license plates, and had a louvered rear window. The lone occupant was a Hispanic male, with long hair combed back, in his late twenties to early thirties. As he warmed up to the questioning, earlier statements became treated with sprinklings of modification:

“Rick [Vario] was saying, you know, ‘Look at that neat car,’ and I just turned around to look at it a couple of times,” apparently forgetting his prior unequivocal version of having not looked back once on Pocitio – meaning he had, in fact, been aware the car did not follow them on Pocitio, instead continuing west on Root Lane.

Curry also asserted the driver wore aviator sunglasses, an embellishment that would later prove to be his undoing – no one else saw sunglasses on a 280 Z driver.

When asked if he had seen the car in the area at any other time he answered in the negative, but added an interesting tale. According to neighbors the same car attempted to run down twelve year old Boyce Jackson about a week earlier. Boyce lived on Root and the same automobile chased him all the way home. Curry thought Richard Vario’s mother, Barbara, knew of the incident; however, he did not know if police were ever called and the record reflects no follow up.

As the re-interview neared conclusion Curry was once again asked about the driver and out came the neighborhood standard: “it looked very much like the type of face in the sketch, except, you know, I would say it was a male, not a female” (emphasis added)

to demonstrate the recounting of viewing a photograph, “it,” not a person, “he”). At this point, Curry began to report what he felt he should have seen, were he properly observant, not what little he did see, as well as what he “knew” and not what he “saw.” No distinction would be made between the two.

In comparing Richard Vario’s account with Bryon Curry’s narrative, Richard stated the car turned on to Root and moved real slow just prior to him and Curry having turned on to Pocito from Root. The automobile was a black or real dark 280 ZX, maybe dark green and fairly new but very dusty; he did not see the license plates.

When asked about the driver’s description, Vario replied, “it was a male, and it had long hair, looked dark and looked like it, you know, was pretty dirty and not combed. And it was kind of curly at the bottom. And unshaven, you know, had a starting of a beard, and it had a mustache” (emphasis added).

The continued adaption of the term “it” was a peculiar formation and seems to indicate Vario was describing a photograph, rather than a human being.

When queried about the driver’s nationality, the youngster asserted he was, “A Mexican. He looked like a dark Mexican, or you know?”

Pressed for further details on the mustache brought the revelation of an existing bare spot in the middle, the “seeing of skin in there,” furthermore, Vario stated the hair did not look parted.

On the vehicle, the rear window was louvered.

Additionally, Vario was specifically asked: “Uh, let me clarify one thing.... Okay, when you passed Vickie [sic], had the car already gone past the intersection of Pocito and Root Lane?” Response by Vario, “Yeah.”

Lastly, the lad was asked whether anyone other than him or Curry had observed the vehicle, to which Vario explained how a boy was chased by the same car a week earlier. According to Vario, the kid had been chased all the way home; a twelve year old boy by the name of Boyce Jackson who lived on Root Lane. Richard learned of the incident from Linda McQuoid, a friend of his mother’s (Barbara Vario). Det. Popp verified Barbara had also seen the same automobile; as reported also by Bryon Curry.

At the termination of the interview, Vario was again queried about the driver and answered, wait for it... “Yeah, well it looks like that person right there, except for a different hair-do and a mustache.” Once more, the use of “it” and this time in reference to the composite, that seems to have made the neighborhood rounds.

An interesting feature arose with the recounting of Boyce Jackson having been chased by the same vehicle a week earlier. Throughout the case’s roller coaster ordeal, having the appearance and oddly nagging feel of a badly written melodrama with too many anticlimaxes, the undercurrent of an abduction resided. Suddenly, there entered not only Boyce Jackson’s attempted kidnapping but a report of an approximately forty year old woman, with curly shoulder length black hair, olive or brown skin, of medium height and stocky build, driving a small dark compact car having tried to kidnap a child. Deputy David Aubry answered the dispatcher’s call and sped to the scene. Aubry arrived at the residence of Starlene Kalinski, the mother of the attempted victim. She

related the approach of a woman toward her car, while the mother was in a store, and speaking to Kalinski's two children before trying to abduct her son. Aubry then spoke to the boy, who reported the stranger as saying, "I want to take you home with me, I have a very nice house." The child said the woman opened the car door, however, as she began to get in and grab him the boy punched her. The lady ran to her car, empty handed, and drove off.

There was an additional similar occurrence. Dep. Aubry, when across from Homer Davis, was approached by Steve Nanez and informed of an incident in the apartment complex's laundry room one week before; he described it as a woman having attempted to abduct his nephew. Det. Popp summoned Homicide Sgt. Witte, who then interviewed Nanez. Mrs. Charlene Nanez was the mother of the child reported to have been the near victim of a kidnapping in the laundry room of the apartment complex on Romero and Root Lane the week before Hoskinson's disappearance. Twenty year old Nanez, accompanied by her child, Joseph, had been doing laundry when a woman appeared, grabbed her son, and tried to carry him away. Nanez clutched her son and a struggle for possession occurred.

The offender was described as perhaps Mexican, in her 20's, with shoulder length dark hair – the dark skin, meaning a tan colored complexion. The woman was 5'4" – 5'5" and she had an average build. At one point the "crazy lady" yelled something about her child not really being dead and Joseph was her little boy.

The number of 280 Z cars reported in the neighborhood spanning the week before and week after Vicki Lynn Hoskinson's disappearance is astounding. In addition to

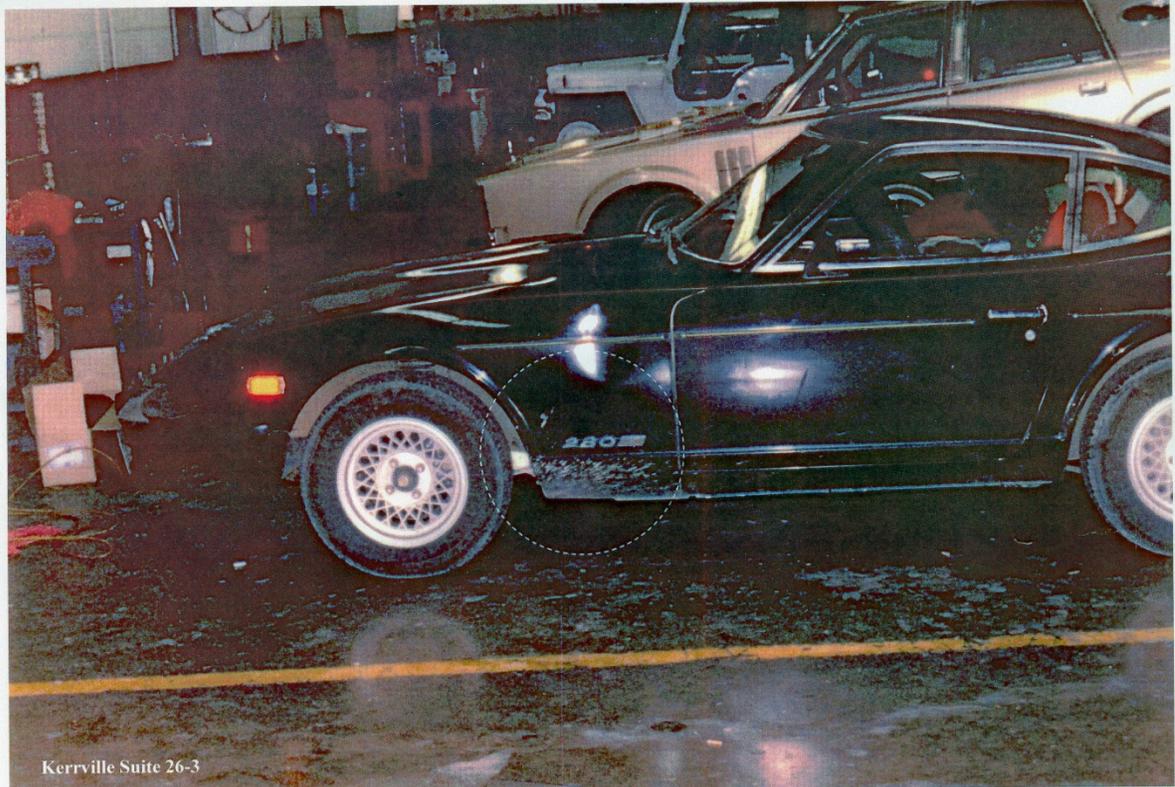
those recited thus far there also was a dark brown or black 240 or 260 Z, with California plates, parked in the La Cholla trailer lot. Jim Brown, of Champion Collectors and Recoveries, was in the area to repossess a black 240 Z with personalized license plates IMRSR; yet another Z car within one mile radius of Homer Davis School.

Chapter Four:

FJA'S Black 280 Z

During most of the ensuing morning, on September 18, detectives spent much of their time revisiting the previous night's contacts and running down leads. Det. McKinley interviewed the librarian at Homer Davis School, Nancy Jo Sales, who had reported seeing a black Datsun driving by the school in a northerly direction at 2:45 p.m. The driver was a white male with long hair. Nancy Jo informed McKinley about how the man had looked left and right, like he was searching for an address or something. She also said the vehicle passed by the school several times between 2:45 and 3:15. McKinley made a note about the Sales sighting, but did not seem to be urgently concerned about it. He had knowledge about the school's layout and were it the same person seen by government witness Sam Hall at 3:20 p.m., headed into the Flying H trailer park, the erratic driving pattern would not have seemed unusual or particularly significant; it actually would have made sense. The trailer park was at the east end of an alley running along the south edge of the school and Romero Rd., the thoroughfare upon which Sales observed the Datsun, was at Homer Davis' western reaches.

On the morning of the 19th, Special Agent Carl Gosting and Detective Richard McKinley went to Homer Davis School to re-interview Nancy Jo Sales. As stated, Sales was the librarian who had seen the black Datsun 280



Kerrville Suite 26-3
In Exhibit 26-3 above, the area within the dashed white circle is almost centered at the camera optical axis, but the 280Z logo is out of focus. In fact there is nothing in the cars field of depth that is in complete focus. All of the other Kerrville photographs suffer from an imperfect focus.

Z passing back and forth in front of the school just prior to Sam Hall's observation of apparently the same automobile in the alley, just south of Homer Davis, headed toward

the trailer park. Gosting labelled Sales' sighting as, "happened to make an observation, which might be pertinent or helpful in this case."

Nancy proffered the same narrative to the FBI as told to Det. McKinley, however, she added the driver was 28-30 years old with a dark beard.

The timing of this witness' observations, and her reference to the man having looked around for an address would eventually become problematic for the prosecution, and it would become necessary to alter her testimony; an occurrence not being any problem at all.

Sam Hall: Sometime close to 7:30, on Tuesday morning, September 18th, Coach Sam Hall, the physical education teacher at Homer Davis School, was informed by two of his student equipment mangers that Vicki Lynn Hoskinson had disappeared. Hall had been unaware of the incident and nearly went into shock (being an exuberantly melodramatic character of hypersensitive inclination). He ran out to his truck, retrieved a tiny slip of paper from his glove compartment, and raced back into the school and straight to the principal's office. He would recount later, that everyone in the office was stunned and sitting around crying. Hall, excitable individual that he was, experienced the state of his discomposure at a zenith when bursting into Principal John McCarthy's office with his explosive news. The day before, as he was leaving school for home, he had seen a "suspicious" black car in the alley just south of the school. The vehicle's sole occupant was a scruffy longhaired and bearded man in his late twenties or early thirties who was driving slowly toward the Flying H trailer park located at the alley's east end. After a few minutes, as Hall was locking the gate, the car returned, heading west, and

came to a stop near the schoolyard gate. Hall thought the driver acted strangely, making weird gestures as he struggled with the car's gear shift, so he wrote down the license plate number on the back of a bank deposit slip. The automobile was a black Datsun 260 or 280 Z with California license plates.

Hall gave the deposit slip to the school principal, McCarthy called the command center and passed the information on to them. Records indicate detectives failed to immediately interview Sam Hall and, in fact, the first handwritten notes of investigators are dated September 19th. Sgt. McKinley recorded in a report, of his daily activity, he had spoken with a "Mr. Joe Hall" who was a coach at Homer Davis School and received from him a bank slip with information about a black Datsun Z car. Apparently, at the time there was no interview, it appears the slip was provided to FBI Special Agent Larry Bagley.

On September 19th Hall entered the command center to describe what he had observed. Bagley was present when Hall appeared and made notes about Hall's assertions. Variant reports differed, for instance, Hall at one point claimed that once he informed investigators of the slip it was several days until it was retrieved. Whereas, on another occasion he indicated the provision of the slip was given to John McCarthy, the school principal, the day after Vicki Lynn Hoskinson had been abducted.

McKinley did finally interview Coach Hall. Bagley did not attend, the transcript offers a date of September 20th. As for Bagley, he alleges he provided the information to Agent Gosting, the abduction's case agent who would play a very prominent role in the early stages of the FBI's involvement. Gosting authored a report re the McKinley interview on

an FBI 302, mentioning McKinley's presence and then capturing the interview on tape; however, here the claimed date existed as September 19th, 1984. To further bewilder events, there resides a one page report made up of handwritten notes by Bagley indicating he had a much briefer interview with Hall, whereat only items on the deposit slip were discussed. The sheet of notes does reference McKinley but it is not dated; yet, clear from the contents it preceded a much longer interview by Bagley dated September 19th. The report of his interview contains some of the data in the undated document plus two and a half additional pages of information. Confusion must be maintained at all costs, it seems, for the FBI is not known for sloppiness; thus, Bagley's notes do not seem to reflect McKinley's presence when Hall was interviewed.

Bagley had indicated in his notes the driver had been "observing kids at Davis School" while nothing in Hall's account supported the assertion. In fact, the coach related, in his first meeting and the two subsequent interviews, when the automobile headed into the trailer park the only child in sight was Bobby Decheski, one of his students. Bobby was in the gym with coach, so only visible to Hall, and no other kids were on school grounds. According to Hall, once having exited the gym he saw the driver was fixated on the gear shift, so oblivious to all else around. Apparently, Bagley had injected his own warped ideas into case notes, thus having infected the investigation.

What can be surmised from the jumbled recordkeeping exists as Bagley having received from Principal McCarthy Hall's slip of paper, then an initial interview on September 19th by Bagley and McKinley, followed by re-interview by Det. McKinley and Special Agent Gosting. The main points describing the sighting by Hall remained

relatively unchanged. Hall stated he left the gym with Bobby Decheski between 3:15-3:20 p.m. and observed a black Datsun traveling east in the alley toward the Flying H trailer park. He spoke to Bobby for a few minutes, walked the boy to the outer gate, and locked it behind them. At this point the vehicle returned, this time moving west before coming to a stop nearly parallel to Coach Hall.

Upon turning to look at the Datsun, he noticed California license plates. While not seeing the full-face perspective of the driver he could tell the man had long hair, a full beard, and acted weird. Hall believed because of what he perceived as unusual movements the driver was either “crazy” or high on drugs. Coach described the man as seeming to be having gear shift difficulty. Due to apparently odd behavior and out of state plates, Hall went to his truck and wrote down the license plate number. Meantime, the car backed up and began to turn around slowly, after which it re-entered the trailer park. Hall added a few notes to the bank deposit slip and placed it in his glove compartment. However, there is a curious feature about the notations: they appear to have been written with two different pens on three separate occasions. The topmost notes are unevenly spaced, unaligned, and were likely hastily written. Information in the middle looks like another pen was used, words are aligned with the borders of the deposit slip, and they are evenly spread. Finally, the bottom entries also line up and are evenly spaced, however, they were printed.

Hall noticed the back of the automobile was packed full of items... the license plate recorded by Sam Hall was 1KEZ608 (the car was registered to one Frank Jarvis Atwood of Los Angeles, California). While Hall’s descriptions of what he had observed remain relatively unchanged from previous statements, there did occur some modifications in

the form of rather melodramatic editorial elements that were absent from earlier accounts. For instance: "The window on the passenger side was down, so I got a good look at the guy. I did not pay as much attention to the car as I did the person. The person had black hair; it seemed to me that he had streaks of gray. He had a beard on. The person was not an attractive man as far as I could tell from the profile. And when he backed up, Bobby said 'I gotta go home, Coach,' and I noticed that Bobby ran home. And that made me think, the guy stops and then starts to back up, I thought well maybe he's gonna you now, go and try to talk to Bobby. I'm very aware of strange vehicles in the area and people that that, because of the kids are here."

A far cry from the driver being thoroughly absorbed with the car's gear shift, and an editorialized version reflective of what was generally happening with many of the other witnesses. They were beginning to rationalize rather than remember, and their interpretive foundations were beginning to encroach upon earlier statements. It is interesting that notes on the deposit slip at the top and in the middle were all concerned with the car while notes about the driver seemed to be addendums, written later as he thought about the incident.

"And so, I put that down and then I put down below that, after he had, after he had left my sight and I started writing these things then I put down the, the thing that really caused my attention to, to take these notes was that the man made weird gestures, shaking his head, and I put down that he either was high or he was weird, or, or he was just mad because he couldn't shift his car. But the man, if the man would not have made those kind of gestures I may not have ever thought a thing about it."

It is hard to imagine if Hall actually had concerns, at the time, about this driver possibly going after Bobby Decheske. Hall later stated Decheske had gone home before the driver quit fiddling with the gearshift. Moreover, the coach told Bagley, how the driver was utterly engrossed in his problem and did not look up or around during the entire incident. None of what Hall described could be, even mildly, construed as characteristic mannerisms of a lurking pedophile. Had they been, assuredly an elementary school coach would have immediately reported the incident to authorities. On the day in question his impressions lay elsewhere, not in a dark premonition that he encountered a child-stalking molester; any veiled suggestion of worry about a possible incident with the boy and the driver of the car was obviously a retrospective on Hall's part. However, this does illustrate the problems that would arise in separating perceptions from projections; unfortunately, the mixing of the two during the investigation would be even more enthusiastically embraced during the judicial phase.

On the morning of the re-interview the time element was no doubt a topic of particular interest to the investigators, the estimate of when Hall first spotted the vehicle met with especial inquiry:

McKinley stated, "Okay. Um, last night when we talked to you, myself and ah, [Agent] Bagley, you stated that you looked at the, ah, clock on the gym wall."

"Yes, sir," Hall replied.

McKinley then asked, "Okay. And ah, do you remember approximately what time?"

"It had to be right at 3:15, 3:20," Hall answered.

“Now to be more specific,” McKinley continued, “when you first spotted the vehicle as you came out of the gym, do you recall approximately what time it was?”

“I cannot recall approximately how much time had lapsed from the time that Bobby and I were on the gym floor throwing passes and then I told Bobby, ‘I gotta get going, it’s late.’ I had to come in, lock up, put up the equipment, lock my office, and get out the front door.”

Certainly efforts requiring 5-10 minutes, thus placing his initial view at about 3:20-3:30.

The investigator’s second item of particular interest centered on Hall’s statement to Bagley on the driver having been alone in the car. Hall had been absolutely unwavering about the driver being by himself; according to Bagley’s notes, Hall had said there was “nothing in the front seat.” McKinley followed up the next day questioning Hall about how far away was the vehicle when he observed the driver and interior at its closest point.

“I feel that I was within at least twenty, thirty feet,” Hall said.

“Okay. To be specific, could you see anybody in the fr–, in the vehicle with him?” McKinley asked.

“No, sir,” was Hall’s reply.

The interview then turned to Bobby Decheske’s sight of the car, Hall’s comments incited the investigators to summon the boy to the school office to be interviewed. What followed might be one of the most blatant examples of memory implantation ever

recorded by police investigators, and it is impossible to construe it as unintentional. The “interview” not only included questions from Agent Gosting and Det. McKinley, but also from Coach Hall, who lived up to his job title throughout the interview:

“Do you remember exactly what color it was? Can you tell me?” Hall asked him.

“I think it was black,” the boy replied.

“Black? Okay,” Hall prompted. “Um, you mentioned when you, when you went back home, you didn’t see it afterwards, right?”

By this time, it must have been obvious that Bobby and Coach Hall already had a long rehearsal for this interview and that Bobby’s memory needed a lot of prompting and reinforcing. At this point, one of the investigators should have taken control.

“You said you saw that car [also] on Sunday.... You said, okay, on Sunday, Sunday....”

“Yeah.”

There ensued a coaching session wherein Hall reminded Bobby he’d seen a car parked near the wall, and even drew a diagram to show him where he had seen it.

“Where’d you see it parked at?”

“By the, that one trailer right here.”

“Oh, okay. Okay, my friends and I, we already drew a picture.”

There followed an incredible amount of preparatory conversation and prompting by the coach to get Decheske's memory up to snuff, after which the coach continued "his" interview.

"From that one here on the corner, see, the road turns like this and here's those little yellow poles, remember those yellow poles we talked about? Okay, here's, here's the trailer on the corner, how many trailers down?"

It was decided that the boy's "recollections" could be aided were he escorted outside to the alley to refresh his memory. The two investigators and Coach led Bobby to the alley and Hall guided him through the sighting of the car, its orientation and location.

McKinley asked, "Did you ever, for example, go by the car on foot or on your bicycle and have occasion to look inside of it, did you see anything inside the car, ever?"

Again, Hall answered for him, "You know, you told me those windows were dark like my truck...."

"They were rolled up," Decheske conceded.

"Cause, yeah, yeah," Hall reinforced, "because you know, you told me, you said, 'hey, coach, those windows are just like yours, they're tinted.'"

They walked Decheske around the alley to see if any other treasures were buried in his young memory before releasing him to return to class.

The most incredible part of the Bobby Decheske interview, in addition to the blatant attempt to instill in him memories he didn't have, was the prosecution's intent to actually

use him as a witness in the trial. But the boy's family moved to Georgia and he was unavailable either for deposition or testimony.

After Nancy Jo Sales observed Atwood driving on Romero Rd. from 2:45 – 3:15 p.m., followed by Sam Hall's viewing of the 280 Z in the alley east of Romero (both described a bearded driver), the car and driver were then observed by Michael Egger at the Flying H trailer park entrance. Egger was northbound on the road at the park's western extremity, a small lane leading to the alley where Sam Hall saw the vehicle, when the car and Egger nearly collided. Egger's automobile had no reverse gear so once the cars came to a head to head stop he informed the driver he could not back up. The driver backed up to make room for Egger to pass, however, while doing so he backed into a utility pole – hitting his head on the steering wheel and suffering a small cut on his eyebrow. The driver exited his vehicle, in search of damage, Egger asked if he was alright; the driver laughed. Egger entered his automobile and went west down the alley, after which the other car entered the Flying H, where it was observed by Mary Ann Redgate.

Det. Clark and Special Agent Duficy interviewed Ms. Redgate and obtained the following data: Redgate lived in the Flying H trailer park and on September 17th, at about 3:30p.m., noticed a black Datsun 280 Z, with California plates, parked by the lane. The driver, being the sole occupant, was a white male in his late twenties and had long bushy dark brown hair.

Ultimately, in the view of law enforcement, a divergence would materialize between brown cars – which, as we shall see, were germane to one Annette Fries, the

“composite lady” – and dark Z cars, Frank Jarvis Atwood owned/drove a black 280 Z. Once Atwood had been identified as a suspect investigators came to believe only one person existed in Tucson who happened to be driving a black Datsun 280 Z with California plates down the alley south of Homer Davis School on the afternoon of September 17th, 1984. Actually, the conviction of detectives and the FBI became that it must have been Atwood in all of the other dark colored 280 Z cars spotted in the area during that time period, despite their respective colors.

Consequently, three primary thrusts propelled the investigation’s early stages: the undisclosed but conscious decision by authorities to go after Atwood, a purposeful determination to discredit all brown car sightings, and an effort to deflect public attention from these objectives by appearing to pursue other leads. Multiple goals required carefully constructed illusion to make all the diverse elements converge.

People were still rushing hysterically around Tucson searching for traces of Vicki Lynn, many yielding numerous reports to the command center about brown cars from those who had not received the word that brown vehicles were out. To the core team of investigators the prospects for uniting a suspect to a brown car did not look promising, especially given that details of the vehicle were scarce. It would seem, on the surface, absent a conspicuous incident to rivet an observation in the mind, few people would note many details about a casually sighted vehicle they happened to pass as they pursued normal routines. It is a familiarity of life that nearly all human beings share the rather uneventful everyday experiences as they go about their lives. Questions would have to arise if, like most 280 Z viewers, a cache of detailed information claims were accumulated about something that is otherwise not a memorable event.

Initial indications that there was movement away from a brown car assailant adopted the form of deflecting public attention and appeared in Wednesday's Arizona Daily Star, the Tucson morning newspaper, meaning the decision began Tuesday the 18th. This emphasis upon changing police efforts occurred in this paragraph:

“They [the police] checked reports of a brown Datsun 280 Z that some neighborhood boys said had cruised through the area shortly before Vicki's disappearance. Contrary to earlier reports, the police are not certain that Vicki actually talked to anybody in the 'brown car' the boys described Monday. One of the boys is only 4 years old and really could not describe anything, police said.”

It was a double deflection. The 4 year old boy was, of course, Jonathan Atkinson, who had never suggested remotely that the girl had talked to anyone in a brown car, only that she had been hit by a race car he initially described as brownish/orange. Nor was he one of the neighborhood boys who had reported the brown car sighting to which the article referred. Furthermore, buried within the paragraph was another deftly disguised preemptive scheme. Neither of the boys who sighted a brown car alongside Vicki Lynn had mentioned or described a Datsun 280 Z.

A second indication of efforts to escape the brown car theory appeared in the same article, 14 paragraphs later:

“A repeat of the door-to-door search conducted the night before pro-

duced nothing new, except the reversal of the neighborhood boys' earlier assertion that they saw Vicki talking to someone in a brown car. 'Nothing. Nothing' the police would say when they met on the streets bordering the houses. Then they'd become quiet."

The two boys were Travis Spencer and Christopher Beckley. Neither said Vicki and the person in the brown car were talking to each other. During interviews with Det. Popp they indicated the car was moving next to Vicki and they might have been speaking, but weren't sure. Neither boy reversed his story about seeing the brown car next to Vicki Lynn Hoskinson.

Reporters did seem to think there existed an unusual aspect to the lack of interest in the three other brown cars also reported. The article observed, "At least three other cars were described however, and police at the search command center shrugged in futility when asked if they thought the car leads would amount to anything." Perhaps it was more than futility prompting the police response, or lack of it; a more likely culprit was disinterest. It does not necessarily take a directive or bulletin to propagate awareness within a tightly knit unit, such as the investigative task force; information has a way of passing itself around in a variety of ways. An extraneous comment, a tone of voice from a supervisor while addressing a specific issue, an expression of derision or scorn when a question comes up, or simply shuffling off to the side any related leads involving the car – any of these tactics by the right individuals can convey to the team a redirection of focus. Thus, the messages carried by indirect means among the similarly minded individuals of the integrated task force were every bit as discernable as those conveyed

by more conventional means. The message was clear, the brown car was out and the black Datsun was in.

What proved futile, however, were efforts to tie a Datsun 280 Z to Pocito Place. In addition to sightings of Hoskinson and/or her bike on Pocito, authorities sought to evidence damage to a gate and mailbox resulting from a Datsun hitting them. Steve Ross was a stocker at a supermarket, working the midnight to 8:00 a.m. shift, and reported having been home Monday until 5:00 p.m. He informed investigators of having awakened sometime in the afternoon, going outside to check his mail shortly afterwards. He observed a bicycle lying on Pocito, he also noticed the post of his mailbox had been damaged as well as his chain link fence. He was certain there was no damage to either of them when he returned home from work that morning.

On Thursday, the 20th, accident reconstructionist Clifford McCarter was instructed by Homicide Supervisor Sgt. Douglas Witte to report to Sgt. Paul Pederson in front of Steven Ross' residence on the street where Vicki Lynn Hoskinson disappeared. Upon arrival he was to examine, in the manner of a crime scene, damage to the mailbox and gate of the Ross residence. The working theory revolved around damage having possibly been committed by the kidnapper's vehicle during an abduction. It was reasonable, the gate and post were located directly across the street from where the bicycle had been discovered by Stephanie Hoskinson; Pocito was a very narrow street.

McCarter took measurements, the crime scene technician, Linda Ulen, took photographs. They even came up with a Datsun 260 Z to use for comparison to determine whether the black Z car seen around the area could have caused the

damage. The 260 Z and 280 Z were deemed to be similar enough to make the gross determination of whether or not the dimensional evidence was consistent with their assumption. The height of the damage on the mailbox post was found to be inconsistent with the height of a 280 Z bumper. The same results were obtained for damage to Ross' fence.

It was an interesting exercise; prior to examination it was postulated the fence and mailbox damage were relevant due to location and timing appearance. The damage was recent, however, upon discovery it could not have been caused by a 280 Z the connection was dropped entirely and the items simply became miscellaneous pieces of dross.

Amid this case's churning and confusion, it is not surprising that the side effects of the information cleansing operation would spill over to task force members. These obscuring exercises always have a backwash effect, where the confusing information feeds back to the operational organizations. It is an inescapable trade off in such efforts, yet must be tolerated because revisions of evidence require the occurrence of some muddling of the database before the new line and theory can effectively displace the old regime. Since much of the information investigators possessed had to be revised during the fogging activity, it is a necessary condition that members of the operational organization not be made aware of the detailed plans for misdirection and revision. Thus, the task force personnel had to be stirred and tumbled around a bit to thereby interject adequate random confusion to camouflage the deliberate alterations. In this case, one of the telltale signs of the information cleansing operation having successfully

occurred were primary reports became late and original notes grew scarce, leaving sanitized information for subsequent review.

Chapter Five

Annette Fries - Composite Lady

At the Carlson residence the night of September 17 it was a home racked with grief. The family was gathered around the mother, still hoping for some encouraging sign, a hunch, a piece of news offering even a glimmer of hope, maybe a promising lead offering something to grab and hold onto in the midst of their emotional turmoil.

At 11:45 p.m. Detective Roger Popp suddenly appeared at the Carlson's and a rather dramatic scene followed. Popp quickly sequestered Kilpatrick and Aubry to relay breaking news. Sgt. Pederson received a phone call from a young woman who worked in the Tucson Mall and observed Vicki Lynn Hoskinson in the Mall at about 7:00 p.m., the description of the child's clothing fit what Vicki was wearing at the time of her disappearance. Popp stated the girl was believed to be in the company of a middle-aged woman.

Popp, Aubry, and Kilpatrick were to meet at a mall security office while Pederson and Det. Weaver Barkman went to interview the female caller. The news was an electrifying break with the revelation generating waves of newfound hope and a state of excited anticipation. While the anguish of missing her daughter was still unabated, however, some of the terrible fear the mother suffered may have been allayed by the news; likely Deborah Carlson was not aware, but undoubtedly Kalahar or another deputy would have told her police experience had shown women who kidnap children rarely harm them. According to profilers, they are often grief stricken and delusional women who either could not have children of their own or for one reason or another lost a child so are frequently guilt ridden and terribly lonely. They seek a child surrogate for what they have lost and desperately long for.

Investigators arrived at the Tucson Mall's north entrance at five minutes past midnight; once again, the ever-present Van Skiver was already there. Initially Aubry and Popp went through an employee time book to discover who had been working that evening around the time of the Hoskinson sighting with the unknown woman carrying a Mervyn's shopping bag while pulling a reluctant child alongside her in the Mall. Popp began calling employees from the store to query them about the incident; however, none could recall any customers matching descriptions of Vicki Lynn or the woman. Aubry noted the last call took place at 1:00 a.m.

As deputies at the Mall were tracking down possible witnesses, Sgt. Pederson and Det. Barkman were in a shopping center parking lot on the south side of Tucson interviewing 20 year old Konnie Dee Koger, a sales clerk at the Cartoon Junction store located in the Tucson Mall.

Upon their arrival, Pederson and Barkman reported during the course of the interview Koger was well oriented to time and place, her answers were responsive and appropriate, and there existed no evidence of alcohol or drug intoxication... her demeanor was one of sincerity and concern. He also noted that throughout the interview Koger's replies, statements, and descriptions were entirely consistent; she merely possessed interest in the welfare of the child.

Barkman asked Konnie to describe occurrences of the evening in narrative form. She stated she had been on duty at the Cartoon Junction at 7:00 - 7:10 p.m. when she noticed a child entering the store in the company of a woman. The child was crying and Konnie's first impressions were of a mother buying her child a toy to shut the kid up. As she watched the movements of the pair, she heard the little girl say, "I want to go home." The woman told her they would go home.

Koger related how the two first approached the Cabbage Patch figurines display before moving on to various other areas in the store, and how the woman held the little girl's hand the entire time and would not let go of her. As the couple approached Konnie, she described the child as hanging onto her, Koger's leg, and continually saying "I want to go home, take me home" to the woman. Barkman interrupted to ask how often the girl repeated this and Koger told him, "She said it over and over." Konnie also stated the child saying, "You're not going to take me home," to which the woman replied, "We'll go home." Koger told the investigators ultimately the woman purchased a Garfield doll, paying with a twenty dollar bill. The woman also looked at t-shirts for the girl in the display near the doorway of the store.

When asked about the time of the encounter, Koger repeated it all occurred between 7:00 - 7:10 p.m. She was able to place it within that time frame because of an experience with a sale she had just made. Just prior to the woman and the girl's entrance, Konnie sold a Mickey Mouse clock to another customer. She remembered the clock, which was on display and had been purchased for \$39.95. Mickey had not struck yet at the time of the sale. She explained to the puzzled officers the clock, when plugged in, sings songs every hour; such as, it's time to brush your teeth, or something like that. Koger recalled as she was removing the clock from the wall for the sale it was just before 7:00 p.m. and Mickey had not sung yet.

When asked if anyone else in the store saw the girl Konnie replied, the other salesperson was on a break so she was the only employee in the store at the time.

Koger described the woman as white or Spanish explaining she was dark, as if having been in the sun for a while. She estimated the woman's age as thirty to thirty-five years old, and was 5'5" or 5'6", gesturing as she described the woman's height. According to Konnie, the woman was not thin and not real fat, but "sturdy," with "black to white or white to darker" hair. She clarified the hair had obviously been colored and roots had begun to show. She added the hair was "permed and growing out," not real wavy, but not straight.

When asked how the woman could be picked out of a crowd, Konnie responded she had a prominent nose, identifying it as, "large and it had a hump in it." Barkman offered the term "Roman nose" and Koger agreed with the description. She also noted the woman looked like she needed a bath, stating she was not filthy but was not clean.

Koger was unable to describe the woman's clothing, except for the purse and hat. The purse was a large brown leather clasp top type with a shoulder strap and cushioned pad attached. The purse, measured by gesturing, was approximately 18" x 12" x 8" and had built into it, on its exterior, two cigarette pouches; one or both of them contained cigarettes.

The hat was brown, described by Konnie as ugly and weird looking with a round brim and round crown. She said it was constructed out of a woven type material and had a dark hatband about an inch wide. The woman had been wearing the hat when entering the store but removed it soon thereafter.

No wedding rings were visible, Koger notified the officers that by habit she always looked to see if people were married. She also noticed the woman wore earrings, Koger described them as "dangling on a chain or something."

The woman had a deep, scruffy voice and spoke in short curt statements without an accent or speech impediments. She, Koger, also remembered the woman was carrying a shopping bag from Mervyn's a kind of brown bag. The bag was larger than the one given at Cartoon Junction and Konnie thought it contained a comforter or towels. Although she had not occasion to view the bag's contents, the touch and feel were soft and bulky like a comforter or some towels.

Koger stated she paid more attention to the little girl, however, she believed she would recognize the woman if she saw her.

Konnie had seen Vicki Lynn Hoskinson's photograph on the ten o'clock news and had recognized the girl from the encounter at her store earlier in the evening. She was

shown a color 8 x 10 photograph of a smiling Vicki and asked if it depicted the child she saw earlier. Konnie studied the photo for 5-10 seconds before looking up and stating it did look like the girl she had seen.

Konnie described the child as a white female between five and nine years old, approximately 3' 10" tall – gesturing the height with her hand as level with the height of Dep. Barkman's sternum; Barkman later measured the relative height with a tape measure. The girl was further described as thin, with hair lighter than in the photograph; which Konnie described as "still short, being layered in the back, then straight across" as she drew an



FJAEX190 (Court Ex. AAJ)

imaginary line with her hand across the midline of her neck. The hair, in the back, had “just a little curl” as if having grown out.

Koger, after viewing the photograph, said, “I remember her teeth. Like in the picture. There were no teeth on the side.” She pointed to the photo, saying, “There were spaces on the sides where the teeth hadn’t come in.” Konnie recalled the child had a soft voice, and her ears were pierced.

In Barkman’s report, he stated, “it should be noted at the outset of the interview immediately after Koger had been given a photograph of Vicki Hoskinson, I asked her how the kid was dressed, or words very similar to that. At that time, Koger, after reflecting for perhaps three to four seconds, said, ‘She was dressed patriotic,’ simultaneously making ‘up and down gestures’ as if she were describing vertical stripes. When asked the specific question, ‘What do you recall about her dress,’ Koger said, ‘There were stripes that went up and down on her.’”

At that juncture, Barkman provided Koger with a pen and paper, and asked her to draw, as best she could, the dress she remembered the little girl to have been wearing. The drawing was submitted and made part of the case file. Notes made on the side of the drawing by Koger included “had full collar,” as well as “elastic waistline,” along with “short sleeved,” and a notation about “tie shoes... relative new but worn.” Koger told Barkman the dress was to the knee.

Konnie could see tears on the child’s face and assumed the impression she had been crying for a while; the girl did not look mistreated or abused but whimpered as if

attempting to cease her crying. Konnie added it appeared from how the woman clutched the girl's wrist at all times there was fear of the child running away.

When the woman was ready to pay for the doll she produced a white bank envelope from which she extracted a twenty dollar bill. The Garfield toy was placed in a blue bag and the woman then "pulled the little girl out of the store."

Koger remembered another odd item. As the child repeatedly stated her desire to go home the woman looked at Koger and said, "I have visitation tonight."

After the woman and the girl exited the store, Koger waited on two more customers. Once they left, she walked out of the store and onto the mall balcony, where she observed the woman and girl get out of the elevator and onto the main floor. She watched them approach a bench by the fountain, at which time she noticed a conversation between the woman and a man. Estimating the distance between the bench and where Konnie stood on the balcony, in relation to fixed objects in the parking lot, she provided an approximation of 175 feet. The man seated on the bench was a white male with brown hair and a beard, he wore blue jeans.

As the woman approached the man she, according to Koger, kept hold of the child and while standing in front of the man began speaking to him. The man nodded, after which the woman and girl left; Koger expressed her opinion that the man and woman knew each other.

Once Konnie got home from work, she watched the later portion of Channel 13's news. As a picture of Hoskinson flashed on the screen Konnie recalled thinking, "My God, I've seen that kid," so telephoned the command post at once – the number was

being given on the air along with a request for citizens to call in any information they might have to assist the police in the search for Vicki.

At 1:40 a.m., as officers were still questioning Konnie Koger, Deputy Lee Ann Dauberton arrived at the shopping center parking lot. In her possession, Dauberton had a dress belonging to Stephanie Hoskinson, Vicki Lynn's sister. The collar and bottom border band of the dress were blue while the same areas on Vicki's dress were red. The dress was purportedly identical to the dress worn by Hoskinson at the moment of her disappearance, with the exception of the color variation.

Dauberton gave the dress to Pederson who explained to the witness the dress they were going to show her was similar to Vicki's, except colors on the collar and lower border were different. Upon having the dress displayed to her, Koger remarked, "Oh God, that's creepy." Konnie requested the placement of Vicki's 8" x 10" photograph in the neck opening of the dress, and she studied the imagery for about ten seconds. "That sure looks like it, but the colors are different," Koger exclaimed, before saying "this is red and this is red," pointing to the collar and lower border.

While Barkman was finishing up with Konnie Koger's statement, Sgt. Pederson was putting in a call to headquarters, asking that Kathy Bright, the PCSD Identification Technician be contacted and sent to the shopping center's parking lot for an emergency assignment. Bright was one of those rare utility players every police department desires, but infrequently find. She was a police artist who had studied composite work with the San Francisco, San Jose, Los Angeles, New York, and Philadelphia police departments. She had also attended the specialized composite school through the FBI at Quantico,

VA, a singular honor because it was offered by invitation only. She had graduated from the University of Arizona with a degree in public administration and minor in law enforcement. She was also the PCSD crime photographer, in addition to a forensic crime scene evidence collector.

Bright was contacted at 1:30 in the morning and informed of the extreme importance for an image of a woman in the mall to be immediately produced for use in the search of a missing child. She drove to the shopping center with her kit and awaited the completion of Konnie Koger's interview by the investigators. Once Koger finished, Bright went with Konnie, to Konnie's home, to work on the composite drawing. Sitting at the kitchen table with the young woman, Bright laid out her exemplars, various shapes of eyes, ears, noses, lips, and head shapes on transparencies which Bright worked into combinations as Koger described the woman she encountered at the mall. Bright patiently examined facial features and sections, one at a time, until Konnie chose those most resembling the woman she had seen. After selections were made, Bright talked to Koger, however, did not start drawing. She took notes and listened to comments while rearranging the exemplars on her paper, moving them until Konnie was satisfied with the face she observed in the mall.

It was an intricate process. Only after every detail had been worked out did Bright create a line drawing and, as the two women sat alone in the quiet of the night, adjustments persisted until Koger felt sure the image matched the mall lady. The product had been built and adjusted with shadows, textures, and contour shading while Konnie carefully observed and commented on what was needed. Once the final drawing had been optimized for the best fit to what Konnie had witnessed, Bright sprayed a

fixative on the artwork to prevent smearing and preclude any changes. Konnie no doubt sighed with relief as Bright stamped and signed the drawing. It was after 3:30 a.m. when Kathy Bright left the Koger residence to head for the Sheriff's station to turn in her paperwork. The drawing was reproduced for



Sketch 59-84
JUL 15 1985 1
Case 810917040
NOV 01 1984 1
Date 9-18-84
UNIT
PCSD Artist Bragitz

CR-FLA02045L

use by deputies and auxiliaries that morning as the search for Vicki Lynn Hoskinson continued.

On Tuesday, the 18th, Sgt. Pederson and Deputy Don Chavez re-interviewed Konnie Koger – Chavez was the newest member of the special investigative team. Pederson reiterated Konnie's account from the previous night and asked if she could identify the woman she saw with Vicki Lynn Hoskinson in the mall. Koger said she believed so, then Pederson showed her a photograph of Anne Fries. Konnie stated it sure looked like her, adding the nose and eyes looked the same but her hair was a bit different. After examining the photo a little more, Konnie stated, "It looks like her." Prior to his departure, Pederson asked about the previous night's composite drawing, displaying one of the copies to Konnie. She indicated satisfaction with its accuracy.

Later on, as investigators continued to canvass stores in the Tucson Mall searching for witnesses, Detective Randy Clark visited Anne Fries at her home. Clark asked if she would step outside for a drive-by identification, Fries agreed. Sgt Pederson had picked up Konnie Koger from the mall and drove her to the Fries residence. As deputies Clark and Chavez stood in front of the Fries home with Anne, Pederson slowly drove by the house three times. Koger informed him it looked like the woman she had seen in the mall with little Vicki. Pederson reported Koger as stating, "it looks like her" and

Genie
Correll



TUCSON ARIZONA

67-11A020039

"[the] face looks like her," as well as the woman's " build is an awful lot like her."

There was hope, real hope, in the Carlson house that Vicki Lynn might soon be returned. Long after this evening, when memories faded and details became obscured by time, most of the investigators involved in this case would remember very little without consulting their notes to refresh recollections. One investigator remembered something quite clearly, a sliver of memory not confined within any notes, as he stood on the back porch of the Carlson home in the quiet of the night listening to the subdued and sadly nostalgic voice of Deborah Carlson earlier on; as the mother described the tiny curls nestled on the back of her daughter's head. It was the other half of the human equation, the indelible part that endures long after names and places have faded into the shadowy folds of time; the part that cuts, hurts, and torments, yet mystically restores our faith in one another.

Annette Fries

At 11:00 a.m., on September 18th Det. R. Clark went to the Valley National Bank to conduct an interview with Rosa Toggias. This institution occupied the corner of Prince and Flowing Wells, close to the command center. Ms. Toggias had called the command post to report one of the bank's customers might be the woman in the composite being circulated.

Even before the "composite lady" had appeared in the evening newspaper, the Tucson Citizen, the public was able to view the composite on the morning and afternoon newscasts; actually, copies had been posted in convenience markets and elsewhere.

As Toggias spoke to Clark at the branch office, she related how upon seeing the composite, which was delivered to her office, she immediately recognized the woman

depicted therein as a person who frequented the Valley Bank on numerous occasions during the past four to five years. Rosa explained to Clark the woman often caused disturbances in the bank. The woman was identified by Togias as Anne or Annette Fries, known also to bank personnel as Farida Burns. She described Fries as someone having the appearance of a “wild gypsy,” being extremely unkempt and usually wearing large dangling earrings. She added Fries possessed obviously dyed black hair with light or gray roots. In describing Fries’ general demeanor, Ms. Togias stated, “she’s a mean bitch and she hates cops.”

While unable to specifically recall the date of Fries’ last visit, Rosa did remember her having become irritated with a clerk for no reason. Fries became extremely loud and verbally abusive. Togias also told Clark that Fries had been convicted of arson within the past couple of years, having come into the bank previously to obtain a cashier’s check for payment of restitution. Togias referred the detective to her daughter, Kathy Togias, and a friend, Kathy Filipelli – both were employees of the Tucson Police Department.

Det. Clark contacted Kathy Filipelli at the TPD headquarters building and received background information along with a recent photograph of Annette Fries. Accompanied by Clark, Deputy Marty Cramer contacted the manager of a Circle K convenience market on Romero and Wetmore, where Vicki Hoskinson had mailed a letter on Monday. The manager identified a photo of Fries as a person who frequently comes into the store. Clark and Cramer then returned to Valley National Bank, Togias also identified the photograph as the woman she knew as Annette Fries.

Late afternoon harbored the onset of renewed frenetic activity. Having identified a probable for the “composite lady,” detectives Randy Clark, Kathleen Brennan, and Gary Dhaemers set out to investigate Anne Fries. In addition, a combined force of PCSD deputies and FBI agents descended upon the Tucson Mall to sweep through stores and shops like a juggernaut. Asking everyone what they may have seen the night before, when Vicki and the mystery woman with the big hat had been sighted by Konnie Koger.

Clark, Brennan, and Dhaemers arrived at the house of Annette Fries at 3:30 p.m. It had been a rather circuitous journey; large scale investigations often possess the property of being strangely convoluted and confusing, with urgently needed information frequently lying hidden in cracks, right under the nose of investigators, and yet, seemingly out of reach. The identity of Anne Fries had been secured by a rather involved investigative process. If Sgt. McKinley had only been shown the composite drawing an immediate identification would have instantly occurred, as opposed to the painstaking efforts over the course of a day. McKinley knew Fries; as a patrolman in the Catalina district he experienced many encounters with her and her abusive husband, Francis Fries – including shots fired once at her ex-husband with an M-16 type weapon. McKinley took the rifle away from Fries.

Anne lived in a doublewide trailer a few miles north of the kidnap site. When detectives appeared at her door, and requested entrance, she admitted them without incident; according to Clark, she was cooperative in responding to Dhaemer’s questions. They asked to search her home, she consented. Clark and Brennan conducted a walk-through examination of the trailer and outside area, nothing of interest was found. After having interviewed Fries, detectives left the residence; however, it

would be necessary to return once inconsistencies in Fries' statement became evident to investigators.

Lead Det. Gary Dhaemers, investigating the prime candidate for being the composite (Anne Fries), stopped University of Arizona student Juan Flores, a boarder at Fries' residence, on the corner. The interview was taped in Dhaemer's car. Dhaemers obtained basic background (name, date of birth, address) before moving on to inquiries on Fries' whereabouts on September 17th. Juan, once again, acknowledged renting from Fries and informed the detective Anne was home in the morning but not in the afternoon or evening, replied Flores without prompting. He placed the return of Fries at around 8:30- 9:00 p.m., in her BROWN Datsun station wagon. Juan saw no child with her at the time, nor at any other time.

When Juan was asked about Anne's character he grew visibly uncomfortable, obviously hesitant to demean his landlady he would only say, "she's not exactly a criminal, but, uh, she, she's eccentric and, uh, she's got her, uh, she's got, she's pretty much, uh, she's not, uh, she's not a psychopath... that's all I'd like to say really." The entire interview spanned an, inconceivable, four minutes and Dhaemers would undertake but one collateral investigation concerning Anne Fries. Of course, given Fries' likelihood of being the composite, driving a brown car, and lying about her whereabouts on the 17th, a bit more effort by the lead detective was expected; especially, a cursory search of her vehicle for trace evidence from Vicki Lynn Hoskinson.

The purposeful deceptions by Annette Fries: Dhaemers interviewed her at the PCSD facility on S. Mission Rd. Fries, age 44, when asked about her employment, said she

cared for an elderly lady during the day. Dhaemers then reminded her of the previous visits by himself, along with Brennan and Clark, regarding the Hoskinson Case and asked her to recount movements on the day of the child's disappearance, Monday. Anne reported she traveled to the home of Sharon Moon, the elderly lady for whom she was a caregiver... address unknown. After a couple of hours she returned home, left again briefly to apply for a job, and went home again. At around noon her son, Todd, came over to have lunch, then she did a couple of loads of wash.

Anne asserted a trip to the Tucson Mall on Sunday, the 16th, but claimed to have remained home on Monday. Initially she told Dhaemers of aiding a boarder, Henry Romero, to move in, however, the story soon changed to having mowed the grass. According to Fries, Romero was probably unable to verify the activity. Quite simply, Fries could not settle on where she went or what she did on the day in question. When Dhaemers posed the query regarding whether Anne had gone to the mall on Monday she answered she never went to the mall on Monday and would normally be home by 7:30 p.m., unless with her boyfriend. Fries was unable to tell Dhaemers where her boyfriend resided, saying only by 14th street, near the cemetery. Suddenly, Fries offered that on Monday, she had gone to the Stage Coach, a motel on Benson Highway, where she spent the night.

Anne denied knowing Vicki Hoskinson and claimed to have not picked her up on Monday.

Dhaemers confronted Fries with Juan Flores' information about her not being home, to which an alteration of when she was at Sharon's transpired, now maybe it was in the

afternoon. Moreover, the time of her having gone to the motel became 11:00 p.m. the following discourse occurred:

“Yes, and you weren’t, weren’t at your home until 8:00 at night,” stated Dhaemers.

Anne replied, “I don’t know if he’s right, I can’t remember, but, uhm, I don’t know. I stop in and out usually. In fact, I, I’m out usually so, I don’t know about that. You know, I have groceries to get. I’m the one that’s running the show down there. I have to buy food, pay the bills, clean the yard up, and everything. But I have other things to do.”

“So the answer to that question is you just don’t, you’re not sure where you were?” Dhaemers asked.

“I don’t know exactly, I don’t remember, 8:00, I was home before 8:00,” was all she could say.

To which Dhaemers said, “He says you weren’t home. You weren’t home all afternoon, is what he, that’s what he told us.”

“No.”

“On Monday.”

“Oh well, big deal. He’s not home sometimes either.”

Despite Rosa Toghias’ affirmation that Fries usually wore dangling earrings, Anne denied it, insisting she only wore little white ones.

Whether or not Fries was the “composite lady” is a question that will never be answered. What is evident, however, is the incident illustrates glaring defects in the way

the PCSD, in particular Gary Dhaemers, performed the investigation. Many people who saw the composite drawing at least tentatively identified Fries as the “composite lady.” Including the woman who witnessed Fries with Vicki Lynn Hoskinson in the Tucson Mall, Konnie Koger, and Rosa Toggias at the Valley National Bank, who was thoroughly familiar with Fries and identified her by name from both the composite and her photograph. The only other collateral investigation by Dhaemers was a verification of Fries’ allegation of having been at the Stage Coach Monday night. A year and a half later, Dhaemers was questioned about Fries and he revealed having checked with the motel; there was no boyfriend and Anne Fries had not been at the motel that night. Where Fries had been that evening was attested to not only by Konnie Koger, but also via Patricia Romero. Ms. Romero was an employee at Sears in the Tucson Mall and identified Fries from her photograph when verifying Anne had in fact been at Sears on Monday evening, the 17th.

Sightings of the “composite lady” at two Circle K stores in Vicki’s neighborhood also received no follow-up. The one at Romero and Wetmore and a second maybe half a mile away, on Roger Rd. The photograph of Anne Fries was not displayed to staff at either convenience market.

The actuality of Annette Fries frequenting Circle K stores, and the ineptitude of one Gary Dhaemers, we can observe the passing by of categorical evidence against Fries. A woman named Sharon Pablos called the Catalina substation and informed the desk officer she had information regarding the female perpetrator in the Vicki Lynn Hoskinson case. Nearly at once, detectives arrived at Ms. Pablos’ residence on the northwest side of town and heard a stunning narrative.

Pablos worked at the W. Roger Rd. Circle K and, prior to Vicki's disappearance, a woman came into her store and Sharon was sure she was the same woman depicted in the drawing being passed around by investigators. Pablos relayed that Fries came in her store on Friday night, September 14th, between midnight and 12:30 a.m. According to Ms. Pablos, Deputy Cowan could confirm this since he also saw the woman when patrolling the neighborhood that night.

The woman called herself Anne and told Pablos she worked in an "old folks" center. The woman then stated she had a daughter named Vicki who she lost in an "illegal adoption" when the child was only 3 years old, her daughter was now eight. The woman continued by relating to Sharon her 8 year old Vicki went to school down the road, meaning Homer Davis, and she, Anne, always stayed near Vicki (who did not know Anne was her real mother). The class roster for eight year olds at Homer Davis contained only one Vicki, being Vicki Lynn Hoskinson.

PIMA COUNTY SHERIFF'S DEPARTMENT

P. BOX 910, TUCSON, ARIZONA 85702

Report Number S/84-09-17-040	Incident Location Root Ln. & Pocito (4200 North)	Class 51.01	Dist. C	Beat 19	Page 1 of 1	
Connect-Up Report Number	Reporting Officer R.L. Van Skiver	Badge 466	Date 10-18-84	Time 0800	Reviewed By	
Typed By R.L. Van Skiver	I.D. 466	Date Typed 10-18-84	Time 0800	Storage Code		
Type	Item	Qty.	Disp.	Serial Number	Description of Property	Value

On 9-19-84 at approx. 1350 hrs. a subject called the Cataling Station and advised that she had some information regarding the female suspect in the missing Vicki Lynn Hoskinson case. At approx. 1400 hrs. this officer and Det. R. Popp #630 responded to the subjects residence and met with her. She identified herself as

Sharon Pablos
4908 W. Condor
Tucson, Arizona No Phone
Employed: Circle K store 1770 W. Roger

Mrs. Pablos advised that she had talked to a Detective before that is working the missing girl case, however, she didn't remember that much at the time she was talking to them. She advised that she now recalls that a female subject came into the store, prior to the girls disappearance, and that she is sure that this is the same woman in the drawing that is being passed around. She advised the following incident.

Pablos advised that a woman came into her store " Last Friday night " (9-14-84) at approx. 2400 to 0030 hrs.. She advised that this could be confirmed through Dep. Cowan #382, as he drove by the store that night and saw the woman. The woman said that her name was and gave her the following background

Ann , however, likes to be called Anna.
that she works at the hospital down the road (believed to be Northwest Hospital).
and that she worked with " Old folks " center or dept.
She said that she had a daughter named " Vicki ".
That she had given up in an " Illegal adoption " when she was only 3 years old,
and that she is now " 8 years old ".
That the girl " Goes to the school down the road " (believed to be Homer Davis).
The woman advised that she always stays " Near to Vicki " adding that Vicki does
not know she is her real mother.

The woman went on to say that she grew up in and around Dayton, Ohio. That she was put into a " Orphanage " and a " Mental hospital ". She ran away when she was 16 years old. and her family moved to an area 50 to 60 miles North of Dayton.

The woman was on foot and said that she rides the bus to work.

While in the store the woman purchased some " Milk, two chili dogs and a pack of cigarettes ". She paid cash for the items.

Mrs. Pablos said that she didn't think that it was unusual that a stranger would come into the store and tell her so much about herself. She advised that she had never seen the woman before and hasn't seen her since.

Mrs. Pablos said that when the detectives came into the store, she just didn't recall talking to the woman or just didn't put it together. She couldn't recall which detective she had talked to in the store.

Pablos told deputies the woman was on foot and it was not unusual for customers to disclose personal information, there are lonely people who enjoy striking up conversations with store clerks late at night.

A story like this, despite the police's best muffling efforts, is hard to contain and it would not be long before it circulated the community, often with varying details but a fairly consistent theme. It became a vehicle for conveying hope the child was still alive and was being cared for and people passed it on to one another as a gift of the sacrament. After all, who could let go of that glimmer of light in the face of the darkly looming alternative?

In his last official act in the case, Det. Weaver Barkman briefed supervisors and the FBI about the interview with Konnie Koger and the "composite lady." Momentarily, investigators worked through the confused tangle of resultant reports and contacts as the case converged on two theories: the man in a brown car and the "composite lady" – maybe, if the driver of the brown car was actually a woman, or if it was a man, was it the one that spoke to the lady at the mall by the fountain, closing in on one unified theory would develop. While the FBI prepared to join the PCSD sweep of the mall in an attempt to confirm or discredit Konnie Koger's account, the lion's share of their resources went to another scenario, a third party possibility simmering on the back burner: the man in the black Datsun 280 Z, who Sam Hall had seen. For the moment, it was simply a vague hunch, a half-baked notion cooking in the mind of Special Agent Larry Bagley, and its rise to prominence seems strange when examined in the light of the preponderance of the evidence pointing to Fries and the brown car, still having not been thoroughly investigated.

However, television news flashes with capsules of updated information about the girl's disappearance promising full coverage at 10:00 p.m. began to have effect. Stations were advising anyone with information to call the PCSD hotline and responses flooded in. There was also a picture of Vicki Lynn Hoskinson, an older one, so her appearance had changed markedly in the year and a half since it had been taken. As the investigation progressed, it would become evident that media involvement and photograph choice would impose a decided detriment to the reliability of data flowing into the command center.

Nevertheless, there always exists hope in these cases, hope in miracles of the child being found safe and sound. However, scenarios infusing such a confluence of events, to realize a positive outcome is hard to construct from prevailing circumstances for even the most faithful and optimistic of souls. It is difficult for a rational person to imagine a situation of an abandoned bicycle, and eight year old child missing, since the previous day, a massively and thoroughly exhaustive search, and a complete lack of fortuitous indicators while still being able to produce any expectation of a benign outcome. Suddenly, like a bolt of lightning, one appeared. News of the "composite lady" with Vicki in the Tucson Mall swept like a brush fire through Tucson. The citizenry searched for hope, as police realized prospects for the girl's safe recovery had grown very dim, the simple calculus of experience and training. Now, too, they could hope. In the early morning hours of September 18th teams of investigators, searchers, auxiliaries, and volunteers assembled in the command post with a renewed sense of contagious fervor and invigorating determination.

At the Tucson Mall, the PCSD investigators and FBI agents were entering stores and asking managers to identify employees who worked the previous evening; included were not all Tucson FBI, but also fifteen agents from Phoenix, all as an aid to the PCSD. Before the evening moved into late night, authorities carrying the composite drawing would interview several hundred employees, all of whom were shown the composite of the woman and photograph of Vicki Lynn. Most could provide no information, but several reported seeing the pair in the same time frame as Konnie Koger.

One of the first discovered was Kimberley Ann Hilbert, a fifteen year old Catalina High School student working at Burger Express, near Koger's Cartoon Junction. Kimberly recalled having seen the report on television about Vicki's disappearance and told Det. Van Skiver she was sure she observed the "composite lady" and Hoskinson the evening of September 17th going past the Burger Express between 5:45 - 6:00 p.m. She described the woman as possibly a Mexican, about 32 years old, with medium build. She estimated a height of 5'7", with shoulder length dark brown hair with gray in front. She remembered the woman was carrying a large brown leather purse. Also, Hilbert was sure the little girl was Vicki, in the patriotic dress.

She did not notice the two speaking to each other; however, as they went by, from west to east, the lady was "kind of pulling" the girl along, it appeared to Hilbert the child put up some resistance. Hilbert felt she would recognize the woman and girl if she saw them again.

After the interview with Kimberly Hilbert, Van Skiver was told another employee in the picnic area had also observed the woman and girl. Teri Pongratz, a 16 year old Amphi

High School student worked at the Hot Dog on a Stick concession. Pongratz reported to Van Skiver her having sighted, the previous night, a woman and child she identified as the pair described in the news broadcast. When shown the composite drawing and Hoskinson photograph she was sure those were the persons she had seen. They stopped at Hot Dog on a Stick, the little girl was complaining and the woman acted real strange. She recalled the woman ordered only one hot dog and two lemonades or one lemonade and two hot dogs. She noticed the woman was very harsh with the child. When Van Skiver fished for additional details he was referred to a second employee, Sylvia Graham. Sylvia also had seen the woman and girl, she related it occurred at 6:30 p.m. when she had just gotten off work – she, too, observed the female treating Vicki harshly. Both Pongratz and Graham were shown the photograph and composite, each positively identified the images as those of the woman and girl they saw the previous night; they also thought they had seen the woman in the mall on other occasions. Teri and Sylvia agreed the female was white, about 30 years old, with curly brown hair. Van Skiver noticed in his report that Hot Dog on a Stick was near the Burger Express stand.

One other positive identification was secured in the mall, as told to Special Agent Sherree Doyle when conducting interviews in the mall's picnic area. While questioning an employee at the pizza concession, Doyle displayed a color photograph and a black and white composite drawing to Susan Rossi. Susan remembered having witnessed the unknown female and the little girl at about 6:30 p.m., they purchased pizza at her stand. Rossi particularly recalled Vicki's dress and her teeth, she also remembers the woman had a rough voice.

Det. Dhaemer's response to those preeminent witnesses? Why, of course, to threaten both high schoolers by inferring should their memories not become reshaped (in a more government friendly direction), trouble with their parents and at school would be a distinct possibility.

Sometime during the morning hours of September 19th, 1984, a decision had been made that the "composite lady" was out, brown cars were out, and the man in the Datsun 280 Z seen by Sam Hall was in. Sgt. Witte, the supervisor of the Homicide Section, indicated when being deposed that by that Wednesday the "composite lady" theory was already dead. When asked at what point investigation ceased regarding the woman, Witte mumbled, "I- uh-h-h, I'm going to say, probably and this is just uh, a guess, because I guess you'd have to figure out first who, indeed would make that decision and who was in charge. But, uh, in my mind, probably by no later than Wednesday." Later in the deposition, Witte added, it was "maybe even earlier than that."

To the core team of investigators, prospects for finding the brown car suspect did not look at all promising, details about the car were scarce; besides, Anne Fries' brown Datsun remained entirely uninvestigated. As for the "composite lady," she seemed to also be an unsuitable suspect because descriptions and sightings demonstrated too many people looked like her; besides Anne Fries had already been positively identified by several reliable witnesses. Far from needles in haystacks, Fries and her automobile had been served up to the government, however, they opted to merely pursue these realities cosmetically.

The situation was confusing to the public. Wednesday's morning paper was filled with already dead information, thus inoperable. Police had held out momentary hope via the sighting in the Tucson Mall of Vicki Lynn Hoskinson with a "crazy" but non-violent woman to only, for some inexplicable reason, cruelly yank the precious shred of light away; casting the collective public into a bone chilling darkness.

Chapter Six

Mayberry RFD – The Investigation

After a mere few minutes of attempting to work out of the Carlson home – the call was at 4:36 p.m. and an initial briefing conducted by Deputy Kalahar and Sgt. Kilpatrick began by about 4:45 p.m. – Sgt. Paul Pederson determined communication and control entanglements were manifesting as a direct consequence of seeking to conduct the operation out of the victim's family home. Relatives were arriving, concerned neighbors continued to drop by, officers came in and out to exchange information, and concerned family members anxiously awaited any word or development with nervous anticipation.

Family and neighborhood search parties were already forming and a buzz of hectic activity was building, Pederson recognized circumstances would soon render command and control unmanageable. He suggested setting the command center for operations at the Homer Davis School, away from the confusion and tense atmosphere engendered by the tension generated by the Carlson family along with officers coming and going. At 5:00 p.m., with Kilpatrick's agreement, Pederson left to establish the command post at Homer Davis. According to his report, at 5:08 p.m. Pederson was on station at the new center with the Sherriff's Assist Team; communications operators were being set up to

control and direct search activities, such as contacting area hospitals and the bus line drivers for Sun Tran for any possible news of the girl.

Still, sheriff's deputies continued to pour into the area. The shift supervisor for the Catalina Station district, Sgt. James Kilpatrick, was initially directing activities as the overall shift leader, being assisted by Strike Force Sgt. Pederson (a special ops supervisor). Things were moving at an astounding pace, the response of the PCSD to Deborah Carlson's call had been remarkable; not only in enthusiasm, but also in magnitude. Within six minutes, multiple units had already arrived for what, at the time, was simply a case of a child having been a half hour tardy in returning from an errand. Certainly enough to alarm a mother, but still very possibly an instance of a little girl having stopped by to visit a friend and losing track of time. The abandoned bicycle had been examined without any finding of damage having occurred, children often leave their bikes lying by the side of the road in residential areas while playing. The mother initially informed arriving deputies she'd allowed time for her daughter to stop and see friends. Until a search in the immediate neighborhood was made it would be impossible to assess whether this was a case of a child abduction.

Nevertheless, Detective Sgt. Douglas Virgil Witte, a homicide supervisor, was at Homer Davis about a half hour from the callout to hand out assignments; such as sending deputies to check the Wetmore/Romero Circle K, the school grounds, and the area around Root Lane and Pocito Place. Pocito would be a likely locale for a child to leave a bike in the street; it was a short one block unpaved road running parallel to the north/south main thoroughfare of Romero Road that bisected the little enclave surrounding the Homer Davis Elementary School in the northwest part of Tucson. Given

the short and narrow cul-de-sac on Pocito's north end, so no through traffic, it functioned as a kind of safe passage zone for neighborhood kids going to/from the convenience market at Romero and Wetmore Roads; they were able to travel, absent hazarding Romero Rd. traffic, along a foot path running through a gap at Pocito's terminus and emerging right behind the Circle K. Ironically, in terms of affording a safe and secure egress, the tiny unpaved street was a parent's dream; however, for one woman anxiously awaiting news of her missing child, it had become the focus of a mother's dawning terror and worst nightmare.

The unusually accelerated pace continued to pour deputies from other sectors into the area while search plans were being formulated. In addition to officers, a Strike Force supervisor, shift supervisor, and homicide supervisor having appeared within 40-45 minutes, even more response continued and the numbers would quickly increase. Within an hour of the initial call, no less than thirty officers would be in the area; including five detectives, six sergeants, a traffic accident specialist, three K-9 teams, a search helicopter, a crisis team, an additional compliment of more than two dozen Sheriff's auxiliaries, and a score of neighborhood watch volunteers. It would be comforting to think every incidence of a child who was lost or missing for such a short time could provoke such directed and immediate response from law enforcement – but such an expectation would be wholly unrealistic.

By 9:30 p.m. press members had gathered in force; public information officers and community service representatives gathered and were busy taking names and helping to screen reports of local residents who were rushing in with bits of information and prospective leads. Even more impressive, however, was the presence of the Sheriff of

Pima County himself, Clarence Dupnik, and one of the ranking PCSD members, Maj. Dennis Douglas, along with the substation commander and a few lesser notables. Commander Lt. Starr led the charge in providing, for the benefit of the voracious lenses of the cameras and fact starved notepads of reporters, a visible sign of leadership's attendance in a unity of purpose. This was solidly anchored amidst turmoil of frenzied activity around the command center and the frightened and rabidly angered neighborhood that surrounded it.

It is, indeed, an extreme rarity to see the Sheriff of so large an organization as the Pima County Sheriff's Department personally engaged in a field response, especially one so early in its formative stages. Of course, it was an election year – by the year's end, this case would share honors with President Ronald Reagan's reelection as 1984's top stories of southern Arizona – and voting was merely 7 weeks away. The sudden appearance of the Emperor of Pima County, with his entourage, must surely have been the clarion signal to local politicians and policy wonks this was not just a crime against a child erupting within their domain, it was something far bigger; it was politics, public relations, television air time... and the gravy train was about to leave the station. At work here was a situation promising opportunities for accumulating political or career capital or to even provide the rarest of avenues, the chance to harness an entire community's emotional energy into a unified and goal directed political agenda. Heaven help whoever would be brought upon the sacrificial altar, rightly or wrongly, to further perverse ambitions – possibly at the expense of Vicki Lynn Hoskinson.

By 5:00 p.m., on September 17th, Det. Roger Popp arrived at the Carlson house to re-interview the mother, an event ushering the onset of detectives assuming control of

the case. A criminal investigation had begun, and it was only 25 minutes since the initial call from the mother had been made.

Popp re-interviewed Deborah Carlson, his approach was wider in scope and more focused in its search for subtle details than the questions posed by the patrolman... a more detailed picture was forming. Carlson informed the detective of Vicki having been seen at a friend's house on Pocito after she mailed the letter, a little girl Mrs. Carlson identified as Jennifer Spencer, Vicki's schoolmate. The mother offered that Vicki's father, Deborah's ex-husband, lived in Tucson and they enjoyed a good relationship. Vicki also had a positive relationship with her stepfather.

Popp noted in his report Vicki Lynn's natural father, Ron Hoskinson, and stepdad, George Carlson, were both at work at the time of her disappearance and each appeared at the residence shortly after she was reported missing. Popp finished his assessment by stating there existed no evidence of a family member having been involved in the incident. The shift in emphasis of questioning and attention on events was an ominous sign in the minds of investigators, this being prospects for finding the child unharmed and within the neighborhood were rapidly diminishing.

To some in Tucson, the FBI's method of investigation might have seemed quite a bit more intrusive than the PCSD, an actuality likely more prevalent to the victim's family. Sheriff's investigators simply asked the Carlson's and Ron Hoskinson a few questions, recorded the readily accepted information at basically face value, and immediately concluded no family involvement. Of course, even mild peripheral examination would have evoked a sense of discomfort, given the family's level of stress from the missing

girl; however, to some extent they must have realized some inquiry, regardless of pain, was unavoidable and necessary. Afterward, any bruised feelings were smoothed by the careful and compassionate attention provided by authorities. A community victim witness organization was sent to help in coping with their fears and stress each was enduring while the constant presence of a deputy in the home was maintained to shield them from unwanted intrusions, sympathetic officers also provided information as it became available.

The FBI investigators, on the other hand, were more emotionally detached and far more rigorous in their inquiries. No doubt the case agents sympathized with the family, yet procedure was still procedure and unlike PCSD investigators the FBI would make no assumptions and no exceptions. There resides a rather interesting metric for contrasting the FBI's attention to detail with the Sheriff's Dept. On the 22nd of October lead Det. Gary Dhaemers produced a 14 page report detailing the case and investigation, from the mother's initial call to the arrest and investigation of the suspect. The FBI agent's contact report on the Carlson family alone was four pages longer, and contained no extraneous information.

A year and a half later, while being grilled about the large holes in the investigation; points where vital questions should have been asked and were not, when verifications and follow-ups were necessary but had not been performed (e.g., the victim's family, Annette Fries, et al.), Dhaemers could only offer lame, and thoroughly unpersuasive, excuses.

The FBI queried Deborah Carlson about family relationships, her marriage to Ron Hoskinson, relations with Ron and his daughters, Ron and her, Ron and George Carlson. Deborah described her interaction with Ron as not good, given the presence of bitterness due to his lack of child support payments and his lack of effort to see his children (usually they had to initiate contact and visits). Further probing took place to determine if motive existed for the ex-husband to kidnap his daughter.

It turned out that Carlson was involved with Family Support Services in an action against Ron to recover delinquent child support; apparently, Hoskinson exclaimed he would quit his job before paying the child support. The FBI conducted a thorough interview, and it was only the beginning.

George Glenn Carlson, husband of Deborah and stepfather of Vicki, was also re-interviewed by Special Agent Zobenica. Carlson was a soft spoken average Joe and had worked for ten years at the same company, progressing to middle management. He married Carlson five years previously and enjoyed good relations with his step daughters. George and Deborah had a son who was three years old. His information to the FBI took the form of stating he arrived home from work at about 4:40 p.m. on Monday and at that time learned of Vicki's disappearance.

The relationship, as George described, with Ron was not amicable as Hoskinson was about \$3000 in arrears on child support. He also stated Ron did not demonstrate the normal feelings of affection a father has for his daughters. He never called to arrange visitation and George related a confrontation with Hoskinson in 1979 when Ron

came over with his two brothers and wanted to fight George. There had been, according to George, three or four court appearances in recent years over support payments.

Carlson's account was not simply taken for granted. Zobenica visited George's boss, Don Braun, at the 7-Up Bottling Company to verify the employee's whereabouts on September 17th. When asked about Carlson's in/out times a copy of his time card was provided; inquiry ended not there, however, punch out procedures were explained and the possibility of someone having clocked out for Carlson was discussed. Zobenica was confident Carlson punched out himself at 4:28 p.m., yet a fellow employee, Doug Lineburger (a vending machine repairman) also was consulted and further confirmed when George departed.

Next came Rodney Paul Hoskinson, known as Ron. In response to FBI questions Ron explained he was at work from approximately 6:00 a.m. until around 2:30 p.m. at the Tanner Construction Company on September 17th. He was the asphalt plant supervisor and provided the name of his boss. He acknowledged being Vicki's natural father and having divorced the girl's mother, Debbie Trimmer (using her maiden name).

Finishing with Ron, Zobenica went to the job site and spoke with the plant manager, Mary Underwood; Underwood had a discussion with Wayne Barteau, the plant superintendent, and could verify Hoskinson's work hours were from 6:00-2:30; Ron had worked that day.

Hoskinson previously claimed after having left work around 2:30 he stopped at Super City on Thornydale and Ina to purchase beer. He arrived at approximately 3:20 p.m. – the 50 minutes to drive several miles around the time of his daughter's disappearance

apparently did not bother investigators nor agents – but when attempting to leave he experienced car trouble. One of the store employee's went out to see if Hoskinson wanted his beer back in the cooler, while he got his car running.

The Super City employee was identified by the FBI as Mike Shade, who verified it was about 3:30 when he offered the beer to be placed back in the cooler.

Deputy David Aubry began the task of determining whether or not Vicki Lynn was simply playing at the home of a friend, or indeed was missing. Using the external public address speakers on their cruisers, he and another deputy drove through the neighborhood, starting at the intersection of Root Lane and Pocito Place, where the girl's bike had been found. He called out her name asking the child to come out to the street if she were inside a friend's house or in someone's back yard playing. The effort failed to produce the missing little girl, although it succeeded in bringing neighbors and other curious onlookers out into the streets.

Over the course of the evening and the next few days, people would become increasingly curious, alarmed, solicitous, and angry. Nearly all were concerned about the child's welfare, and many were naturally driven to become involved on personal levels. But the pouring of residents into the streets and alleys also got them talking to one another before having spoken to the police about what they claimed to have seen, what they had not realized they had observed, what they thought they had viewed or might have seen. Some were only just "discovering" what they had witnessed and what it purportedly meant; that is, for some there remained the danger of, through a subliminal process of intellectual osmosis, memories being altered or implanted via a

mixture of ears filling gaps that eyes neglected. Once the persuasiveness of the media seeped into the process, the railing effect on the information pool, and ability to both investigate and prosecute this case, would be astounding.

As dusk approached, the urgency of the search intensified. Multiple teams were sent to scour the desert areas northeast and northwest of the intersection where the Circle K stood. Officers and volunteers searched alleys and culverts, behind houses and garages, under shrubs and bushes, even in dumpsters. Residents were asked to check their yards and storage sheds as teams fanned out across the neighborhood. Storage lots and business properties south of the residential area were checked and searchers also looked along the railroad tracks running beside the freeway a couple of miles away. During the course of the evening, every nook and cranny able to conceal a small child would be examined, every patch of land searched, and every wash would be walked. Areas were checked and rechecked by different parties, some led by police or auxiliaries, others by concerned neighbors and friends of the family, and some strangers who had come by to help once having heard about the missing girl on news alerts on their television screens by local stations.

At 5:35 p.m., Deputy Weaver Barkman of the Intelligence Unit, having overheard radio traffic generally associated with the Flowing Wells vicinity attempt to locate a “lost child,” inquired into operation developments; shortly thereafter, the status was upgraded to “missing” and Barkman diverted from his normal patrol to drive to the command center. Upon arrival, Sgt. Pederson directed him to function as an observer in the Department of Public Safety helicopter, Ranger 32, this was at 5:52 and Barkman headed out to scour desert areas to the west and north.

While DPS Ranger 32 searched above, on Pocito Pl. Dep. Clifford L. McCarter from the traffic division was examining the scene for any artifacts or indications of a collision between a vehicle and bicycle. McCarter was an accident reconstruction specialist, if there were any telltale signs of an encounter he would discover them. He examined the area where Stephanie Hoskinson had found Vicki's bike; combed over the road surface all the way up one side of the road and back down the other side without having located any marks or tracks indicating the occurrence of a collision. He also searched Root Lane, again finding nothing. McCarter then journeyed to the Carlson residence and inspected the bike. There existed no recent damage, only old scrapes and scratches on the frame, not out of place on a child's bike.

At 6:01, the first official indication that the complexion of this incident of a lost or missing child was changing to one of a victim of abduction appeared. For the first time police were looking for someone in particular, other than Vicki Lynn Hoskinson, in conjunction with the search.

At 6:33, a PCSD communications alert advised all agencies and personnel that information had been developed on the child having possibly been struck by a brown vehicle; therein laid a notification of it also being possible the driver panicked, placed the little girl in the car, and left the scene.

Dep. Barkman had returned to the command center by 6:30 p.m., dusk and visibility dropped to levels too dim for an adequate air search to continue. In the little more than half hour of daylight he searched areas around the enclave and underdeveloped desert to the west of I-10 and the Santa Cruz riverbed; nothing of interest had been spotted to

report to ground search parties. For about an hour Barkman spoke to citizens coming in with information, then Dep. Aubry returned with photographs of Vicki Lynn for distribution to law enforcement personnel. Sgt. Kilpatrick instructed Aubry and Barkman to conduct a second door-to-door search and interview survey.

If there had been any lingering hope this might still be simply a lost child search in Aubry's mind, it must have been quickly doused by Barkman's advice that he (Barkman) would do the interrogating while Aubry's purpose was to maintain a high profile because of his uniform. Clearly, no longer were they seeking leads to determine the location of a missing kid; transpiring now involved looking for suspects in what was in practicality, if not officially, a felony investigation. Kidnapping, and perhaps murder, served as the anticipated outcome, even if no one was saying it publicly.

The television news flashes with capsules of updated information about Vicki Lynn Hoskinson's disappearance, with promises of full coverage at 10:00 p.m., were having effect; the volume of calls coming into the volunteers manning phones at the command center increased dramatically as more people became aware of crisis team activities. Television stations were advising anyone with knowledge about the incident to telephone the Sheriff's Dept. hotline. They also were displaying a photograph of Vicki Hoskinson; the picture was an old one, her appearance had changed markedly in the year and a half since it had been taken. As the investigation progressed and the search for information widened, it would become evident the expanded media involvement and choice of photographs would have a decided impact on the reliability of material flowing into the command center.

At 9:30, press and photojournalists were at the Carlson residence, awaiting comments from the family and working investigators for more information than was available. In addition to investigators and media, the Carlson home experienced visitation from people stopping by to express concern and condolences and family members continued to offer comfort to the stricken mother. Police officers would check in and then go back out on new searches with noticeable traces of growing desperation and despair beginning to settle into their demeanor. It was a very tense and anxious environment for the agitated mother struggling with the crushing agony of her fears and frustrations.

On the Carlson's patio, Det. Van Skiver examined the bicycle. Like other officers before him, along with civilian inspectors, he could find no damage to indicate contact with a vehicle.

The news of Vicki Hoskinson's disappearance had become a high priority item in the media. Camera crews from every news channel and reporters from the newspapers clamored to know everything investigators had learned up to the minute, and more. Inquiries were not confined to PCSD personnel, or public information officers; reporters queried people leaving the command center about what they had told police, they even questioned those entering to determine what they were going to tell the investigators. Other reporters mingled with people in the street, listening in on neighborhood chatter. At times, reporters must give information to get some amidst these informal exchanges. There is no way to know how corrupted the flow of information became, how much some reporters may have contributed in the form of conversational stimulus to the

infective background noise that was already influencing the community information pool (see Appendix A).

In short order, the case would not only flood the Tucson news market, but national coverage (e.g., “Good Morning America”) would transpire. In fact, international attention was generated, such as via a lead article in the “Reader’s Digest” on the eventual suspect, Frank Jarvis Atwood, to poison potential jurors, followed by two post-conviction television programs aimed at maintaining the obviously flawed guilty verdict.

This media presence was certainly not lost on the highest echelons of the PCSD. For instance, when Dep. Aubry and Dep. Barkman returned from the door-to-door investigation at 9:35 p.m., Barkman went over the results, in the presence of Sheriff Dupnik and Major Douglas, to thereby enable the brass provision of the opportunity to give the public an impression of their being knee deep in the investigation and on top of everything. Barkman withdrew, to pursue useful duties, before the allotted photo-op time was extinguished. Aubry wasn’t so lucky, before he could escape, Maj. Douglas collared him and gave him a strange and rather mundane assignment.

Aubry accompanied Douglas and the Homer Davis principal, John McCarthy, to the classroom where Vicki’s desk was located, and were the Major conducted a search of it; going through belongings and papers. Apparently, it was felt the press required a bit more convincing that a personal touch was being provided by the top brass... the media dutifully recorded the charade.

Outside of the neighborhood’s confines, life went on at much the same pace as always. In the Arizona Daily Star offices, reporters and copy editors were rushing to get

the morning paper ready; sorting and knitting all the diverse information they had gathered about the story into a printable form. County deputies maintained normal patrol duties, restaurants were closing, patrons were exiting theaters, and workers returned home... much as they did every night. It was a night just like any other, but one. That night in Tucson, mothers held their children closer to their breasts and let their lips stay a bit longer on their cheeks as they tucked them into bed.

The urgency of finding the little girl was not diluted by the first day's passing, and had even intensified. Were Vicki Hoskinson kidnapped by the lady in the Tucson Mall, with whom she was spotted, chances of finding her diminished as time passed. However, had she been injured and left in the desert, time was an even more critical factor. In either case, urgency served as the paramount driving force in the investigation. By 6:00 a.m. deputies were already out in force.

In northwest Tucson, residents awakened on that Tuesday morning in a state of dreadful anticipation. Worries of the previous night understandably carried over after what, for many, would have been a fitful night's sleep; nor were hopes revitalized by the early morning light that dispelled the eerie shadows of searchers and deputies having haunted the streets throughout the previous evening. Like absent minded travelers, who suddenly realized they were not at home, a feeling of disquietude crept into minds as memories of the night reformulated in consciousness. Televisions and radios sprung to life and the pondering of the girl's fate compelled anxious and intent searching for scraps of information, hoping against hope Vicki had shown up during the midnight hours and was again in the care of her family. Others opened newspapers, expecting to read the worst and being relieved not to see it.

It would be a very long and disruptive day in the neighborhood. Many leads and contact reports would be generated, stirred up by marauding deputies out scratching and digging for any clue about the child's fate. These bits of data would need to be sifted, as the previous day's material was digested, so context could be established by supervisors and detectives for the mapping out of various tasks. Law enforcement is as much about logistics and resource management as it is about investigating crime. Leads would be prioritized, a theory had to be constructed, so efforts would be refined and concentrated. Often, in cases such as this, stress arises from the tension existing between the intellectual need to structure and plan versus the compelling visceral urge to stir something up; the two activities compete for attention.

Early on Tuesday establishment of a new command center, at the Community Center of the Flowing Wells District Water Authority (about a half a mile south of Homer Davis School), was under way and homicide supervisor Det. Sgt. Witte assigned Det. Dhaemers as the lead case investigator; Dhaemers named members of his new investigative team.

When the Homer Davis school bells rang on the morning of September 18th, there were sheriff's deputies stationed around the school, news cameras were on site, and nearly every child in attendance that day was escorted by a parent or older sibling. Community Service specialists were standing by to provide counseling for traumatized children, and teachers were instructed on how to address the incident if it arose. It is sad when a tragedy, such as the one that struck the Flowing Wells neighborhood, becomes a media event... and this case would remain a media event for a long time. The idea of reporters approaching and asking children how they feel about the

abduction of a friend or classmate, or of trying to induce them to discuss their fears for the camera, strikes a lot of people as being an inexcusable violation of an exercise of unconscionable journalistic zeal.

Journalistic zeal. Frequently during a crisis intervals rise wherein facts are simply not available and here the media confronts its limitations. Its vultures become bereft of any meaningful questions to ask, there dwells no skillful and clever intellectual way for dealing with or mitigating visceral issues, no salutary formulas for addressing the community's immediate concerns – especially within the temporal confines of a two minute sound bite. It is amidst these lulls when the factories of fantasy crank up their concocted illusions by reaching into the crevices of their verbal knapsacks to bring out something, anything, to report. Even when it is not the truth.

While detectives scrambled to harvest as much data as fast as they could, significant changes were taking place at the command post. At 10:00 a.m., on Tuesday the 18th, the FBI became formally involved in the Vicki Lynn Hoskinson case. FBI Special Agent Lawrence Bagley, who was assigned to the Tucson Resident Agency, had been watching the news on Monday evening and became very interested in the case. According to Bagley, he contacted the Supervisory Resident Agent of the Tucson office, Richard Rogers, who agreed the Bureau should get involved. Rogers was subordinate to the SAC (Special Agent in Charge) of the FBI field office in Phoenix. Rogers said he possessed sufficient autonomy to make an on-site executive decision sans approval by Phoenix and proclaimed to have opted for entry after having determined there was reason to believe a kidnapping had occurred. Once the decision had been made Rogers contacted the Pima County Sheriff, Clarence Dupnik, and went to the command center

himself. The FBI's sudden presence at the center was not a public relations exercise, nor a gratuitous offer to provide assistance for local authorities; it was a takeover.

There is also an element of inherent resistance to the FBI inserting itself into local police jurisdictions; perhaps due to the Bureau no doubt bristling at the characterization of local law enforcement as rivals. Such an equation, the use of the term rival, implies peerage and this has always been unacceptable to the FBI's way of thinking. Interestingly, conspicuously absent from Roger's meeting with locals, to announce the FBI's takeover, was Dupnik; the Sheriff instead sent a subordinate. The scene must have seemed curiously reminiscent of the surrender of Yorktown, where Lord Cornwallis, claiming illness, was not present and had sent an underling, Brigadier General Charles O'Hara, to offer his sword to Washington. The only thing missing was a French intermediary to stand in for the French General, LeConte de Rochambeau.

There would be a lot of effort devoted by public relations people to characterize the move as a benevolent cooperation and pooling of resources to help the community; however, if there ensued the appearance of a somewhat enthusiastic partnership, it was more implied than real. Rogers would later say, "We don't get in it to help the locals because it's nice to have the FBI. We get in it because we feel we have jurisdiction." It was their case, plain and simple.

The FBI's entrance into the Hoskinson case was almost precipitous. Their authority and jurisdiction flowed from the 24 hour presumptive clause; at their discretion, they are free to presume after 24 hours in kidnap cases there transpired interstate transport of the victim. The FBI did not await the presumptive time because, according to Agent

Bagley, they did not want leads to chill and desired to get the girl back safely. There may have been another reason as well.

The two forces – FBI had asserted jurisdiction, and PCSD also possessed jurisdiction, since the child was taken from their streets – mattered not at all to the Carlson's, whoever found her they just wanted Vicki safely returned. The same could be said for the community. However, should the child not be found alive, in 1984 there was no federal death penalty. Both in and out of the criminal justice system, people were already thinking about the consequences of jurisdiction. Local police had often heard from neighborhood residents if someone does something like this he/she should be hung.

By noon on Tuesday, the federal agents from the Phoenix field office were arriving, more than a dozen had been assigned to assist on the case. Rogers sought to ease bruised feelings by having announced publicly the FBI would be working with the PCSD, however, it was a qualified statement, at best. Agents began immediately reinvestigating ground covered by the Sheriff's Dept., revisiting the residents on Pocito and spreading out from there.

Rising public furor fueled by ungratified expectations, tension which would soon become very noticeable. People wanted immediate answers and, unable to get them, were growing ever more impatient and short-tempered. There even occurred an incident where residents at a rally were whipped into such a frenzy by the speaker, one Pima County Sheriff Clarence Dupnik, they burned to the ground the trailer where Frank Jarvis Atwood had stayed overnight (see Appendix B). Also, according to newspaper

accounts, deputies were beginning to hear several “unofficial complaints” from area residents about the frequency of visits from law enforcement officers. The reinvestigation by the Bureau would do little to calm frayed nerves.

Over the next few days, the conditioning by immersion in an atmosphere of uncertainty would sharpen the edges of public predisposition to a razor edge. One of the most frightening and dangerous consequences of public hysteria, as in this case, was the causing of the community to generalize the particular, and then to act on it. In the Hoskinson event, it was beginning to approach the point where the community was becoming so sensitized to mere suggestion, even the slightest hint of suspicion by authorities would be enough to confirm validity in the public’s perception. Validity is its own affirmation; it requires no further scrutiny – in Tucson it was almost like autohypnosis in its effects... and it was contagious.

During the late afternoon of September 18th, PCSD and the FBI visited banks, stores, and other businesses in and around the northwest side of Tucson, showing Vicki Lynn’s photograph to hundreds of people along with the composite drawing of a possible suspect. Public expectations were growing that the missing girl might soon be found, at Homer Davis School children and teachers were planning to welcome Vicki home. Principal McCarthy read a message to the children in her class from the girl’s mother, Deborah Carlson, telling them Vicki would be back soon. The children, in turn, wrote welcome home letters to her and began to stack them on her desk. At the same time, Sheriff’s deputies were visiting the classrooms and talking to students to tell them not to be afraid.

The news was reporting nearly all of the leads and information investigators were gathering, almost as soon as it was received and, occasionally, before investigators got it. Any lead was creating a feverish anticipation in the minds of the public; of course, the media sensationalized every potential bit of useful information, thus fanning the flames of community expectancy to a dangerous crescendo of false hope. The aftermath of horrific silence would plunge Tucson into bitter disappointment, which would soon be followed by rage. It would not be long before it became evident the media was not simply reporting public reaction and individual perceptions... it was shaping them. In what is probably one of the rarest events in modern social science and media communications history; the investigation and development of the case, in total, provided an incredible sequence of unintended benchmarks that would make the effect of news coverage on the community, as well as on individual perceptions, qualitatively measurable. The sequential generation of initial contact notes, incident reports, taped and annotated interviews and depositions reveal an astounding adaption and modification of the public mood and disposition, and in witnesses' perceptions and testimony, insofar as to what they were learning as a result of the media's invasion of the investigation process. Before the case went to trial, it would look as though either the media had effectively hijacked the investigation, or the investigation had assimilated the media.

The nation experienced a similar all-consuming event on October 16, 1987, at 8:30 CST, when two paramedics, Steven Forbes and Robert O'Donnell, twisted and squirmed their way through a narrow claustrophobic channel and drilled sideways through rock twenty-two feet below the surface of a small back yard in Midland, Texas.

When they emerged from the dreadful confining darkness, they carried with them a tiny 18 month old baby girl named Jessica McClure who had been wedged at the bottom of an uncapped well shaft for sixty grueling hours. An entire nation, brought into the drama by riveting media coverage, had been gripped with fear, dread, hope, anxiety, and finally joy as they watched the infant brought to the surface by her rescuers. The power of the press, especially the visual media, to involve the public on emotional levels of unreal intensity cannot be overstated. Media is a powerful empathetic amplifier, and human beings are remarkably sensitive receptors – e.g., when a microphone had been lowered into the shaft to attempt detection of any sound, rescuers tearfully reported the child had begun singing what sounded like her Winnie the Pooh bedtime song; tens of millions of mothers wept and a nation prayed – this amplification and receptor relationship constitutes one of society’s most enduring and endearing features, that of saving grace. Empathy is a magically potent quality, ennobling our natures when we are at our very best, however, hideously abasing then when we are at our worst. The degree to which Tucson had been caught up in the drama of Vicki Hoskinson’s disappearance, reached hysterical proportions, a profound and communal emotional investment had been consummated and was readily recognizable; actually, it soon spread throughout the entire state. There was a rare change of venue in this case, but the poisoning had precluded a pure jury in even the state’s furthest reaches. As such, a climate developed wherein a flood of frightening backlash would lead to merely a very few who would cry out for a rigorous examination of facts, with fewer still willing to listen.

The maestro of this orchestra of deception would be prosecutor John Davis, who would perform one of the most mysterious and convoluted changing of the guards

imaginable; this was to be accomplished with a perfected subtlety rarely present in Arizona politics. Unlike his contemporaries, Davis avoided the glare of the spotlight whenever he could, all of the documents seem to indicate he was a master at working effectively through surrogates and subordinates. Almost like a wraith, he slithered from place to place without leaving discernable footprints as he applied the oil of lies liberally to this case.

There was an abundance of confounded information distributed to the press. The deliberate smoke screen was masterful, even though reporters and news anchors didn't need much help in tangling up information, they are very proficient at doing it on their own. The casualties, of course, of this disarray are facts and public perceptions; however, they can be replaced.

In a Tucson Citizen article, "Girl Seen in Mall," on September 18th, reporters Roy Olivas and Charles Bowden managed to accumulate an impressive conglomeration of misinformation:

- Vicki was seen at 4:00 p.m. when she visited a friend [Jennifer Spencer].
- According to neighborhood children, a brown Datsun 280 Z w/ California plates was driving beside her on Pocito Place.
- At 4:15 Deborah Carlson started looking for Vicki Lynn.
- Richard Vario and Bryon Curry saw a black looking Datsun 280 Z w/ California plates driving next to Vicki Lynn near Pocito at 3:15.

- Although the car seen was dark brown, they said it could easily be mistaken for black.

None of those statements were true. None of them appeared in any of initial police reports, nor did they show up in initial interviews or taped statements. If the misdirection had been intended, as in police applications for warrants, it had been performed cleverly.

The deception was maliciously aimed at infecting the process, but not all of what had been reported was false. The press gave accurate coverage to the victim's family as they made a daily trek to the command center, anticipating positive news. On Wednesday George and Deborah Carlson appeared before the cameras to make an impassioned plea for the safe return of Vicki. Clutching her daughter's Cabbage Patch doll in noticeable trembling arms, Deborah begged whomever had taken the child to please let her come home. She then returned to anguished seclusion. The plea had obviously been directed toward the better nature of the woman who had been seen with Vicki in the mall on Monday evening – the Carlson's having clung to the hope that Vicki Lynn was in the mall with the mysterious abductor who would now return the child safely.

Once law enforcement had focused on and arrested a single suspect, Frank Atwood, Det. Dhaemers' looseness with the truth became thoroughly complete; each fabrication, of course, being dutifully reported in the press. At 10:00 a.m., on Thursday, September 20th, Detective Gary Dhaemers was busy making out a search warrant affidavit; an effort of particular interest in that it provides insight into the working of Dhaemers' mind

and reflects the darkened nature of the man who was nominally the lead detective in the case. Absent a shred of evidence, he provided as background for the search warrant's basis as, "The Pima County Sheriff's Department is investigating the kidnap and first degree murder of Vicki Lynn Hoskinson." In disregard for every other reasonable possibility; an avenue of case management being characteristic of how the investigation and prosecution would continue to unfold.

Similarly, Dhaemers' assembly of the case history was equally laden with speculation and outright fabrication. He stated Deborah Carlson sent her older daughter, Stephanie Hoskinson, to look for Vicki at 16:00 and also provided the same time as when sheriff's deputies began canvassing the neighborhood to find Vicki; although, that would mean the police had begun to search for the girl 35 minutes prior to the mother having called to report her missing.

Dhaemers asserted Bryon Curry spotted Hoskinson on Pocito at 3:30, however, Curry related a time close to 3:00 p.m. the detective claimed Atwood had been convicted of child molesting in 1974, the report he used clearly stated Atwood had been acquitted of the charge; exposing how Dhaemers' mind functioned. Apparently, an acquittal was as damning a confirmation of guilt as a conviction, an assessment possessing no right to reside in a statement to which a detective was swearing to the truth of assertions. He invented a few other fallacies, such as Brian Hall and Gary Cisco being both at the downtown park [rather than, actually, at Cisco's northwest Tucson trailer] when having seen Atwood at 6:00 p.m. [rather than the factual before 4:00 p.m. when only Hall was at the Park and saw Atwood] with blood on Atwood's hands [instead of a dime sized smear on one hand from wiping a bump on his eyebrow]. Dhaemers'

statements were pure fabrication, however, they paled in comparison to the breathtaking manufacturing of evidence on the part of this individual in less than a week later... in what he believed to be a capital murder case.

What investigators knew by the evening of September 21st, was they had a very poor case against Atwood; although they were confident the vehicle would eventually produce a wealth of incriminating evidence in the form of blood, hair, fingerprints, and fibers. It would take time to accumulate, process, and analyze while, for investigators and perhaps the little girl, time existed as the critical element.

Evidence gathered thus far continually pointed away from Atwood. Vicki was not in his vehicle at arrest, the only legitimate sightings placed the parolee headed away from the abduction site at the moment of disappearance, blood reported on one of Atwood's hands held but a mere quite dim hope; they knew he hit his head during a collision with the utility pole, and maybe his nose, and the FBI confirmed a resultant bump and abrasion near his eye. Other developed evidence – Vicki Hoskinson in the mall on the evening of the 17th with a woman (identified by several witnesses as Anne Fries) and suspicious cars in the proximity of the child precisely at the time of disappearance, which were clearly not Atwood – categorically exonerated the arrestee and thus wreaked havoc on the case against Atwood.

None of this was to alter the Task Force's immediate plans, which included revisiting Pocito Place and the damaged gate and post; now the new interpretation would involve the Atwood 280 Z having caused the injuries; despite investigators having performed measurements previously that ruled out the car. Moreover, Dep. McCarter (the traffic

investigator) and Det. Dhaemers were ordered to San Antonio, a development reported to the press as purposing a match between the 280 Z and its [previously excluded] contact with the post/gate. Of far greater, and decidedly sinister, impact would be preparation for the government's placement of the paint from Vicki's bicycle to the bumper of Atwood's vehicle.

The case was about to undergo not only the bike/bumper metamorphosis but another startling development. It had begun to rain earlier in the afternoon; suddenly, a bolt of lightning darted from the ashen sky and struck Brian Hall dead as he stood beneath the canopy of a large mesquite tree in De Anza Park. Like a gleaming surgeon's scalpel, it had quickly and cleanly removed an abscess from the case's corpus delicti – at 6:47 p.m., Brian Hall was pronounced dead at St. Mary's Hospital.

Publicly, investigators would grumble and groan how it was a blow to their case, since Brian was a key witness to place blood on Atwood; it was generally played up as an obstacle the PCSD would overcome, no matter how difficult, with other evidence – so the investigation would progress unimpeded by the setback. In reality, no obstruction transpired; McDonald was more malleable and had already begun to change from noticing no blood to observing lots of blood, and Parisien would also cooperate with law enforcement's developing storyline. The lightning bolt proved to be a blessing in another way, Brian Hall's time constraint would go away and Gary Cisco's testimony had just become hearsay.

The initial scenario that the girl left home at 3:00, so abduction had to be at least 3:15, could be secured later because, when the body was found, the government was

no longer confronted by a pre - 4:00 p.m. of Atwood's return to the park; the window of opportunity (given Hall's death and Cisco's inability to now place Hall at the Cisco trailer after having seen Atwood at 4:00 or earlier) could now freely be expanded to more favorable dimensions.

We observe here how facts at a trial can vary from the facts of reality; courtrooms possess their own virtual reality. Historical fact had Vicki disappearing at 3:15 and Atwood back at Stone Park by 4:00, the body found at a location requiring – even according to Dhaemers – an hour of driving. No way Atwood could have contributed to or had any involvement in Hoskinson's death. Reality in court, however, permitted the authorities to employ wholly unreliable testimony to place Atwood's return at as late as 6:00; an obvious offense to reality.

This case would experience much more of this injury to the truth in its pursuit of condemning Atwood to death.

Chapter Seven

Wild Man of Borneo

Sometime during the afternoon of September 18th, 1984, a document was generated by the FBI. Precisely when manufactured remains unknown, however, content reveals the Tuesday, Sept. 18th, construction and the document was among those disclosed files by Special Agent Larry Bagley. This page had been attached to some notes dated 9-18-85, and it reads:

The following individual has been identified as a strong suspect in the kidnapping of Vicki Lynn Hoskinson:

FRANK JARVIS ATWOOD, aka:

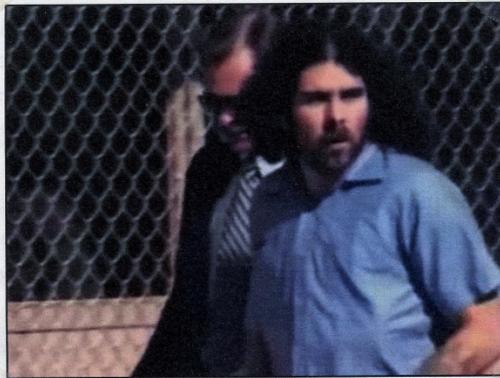
Anthony Edward Cranston

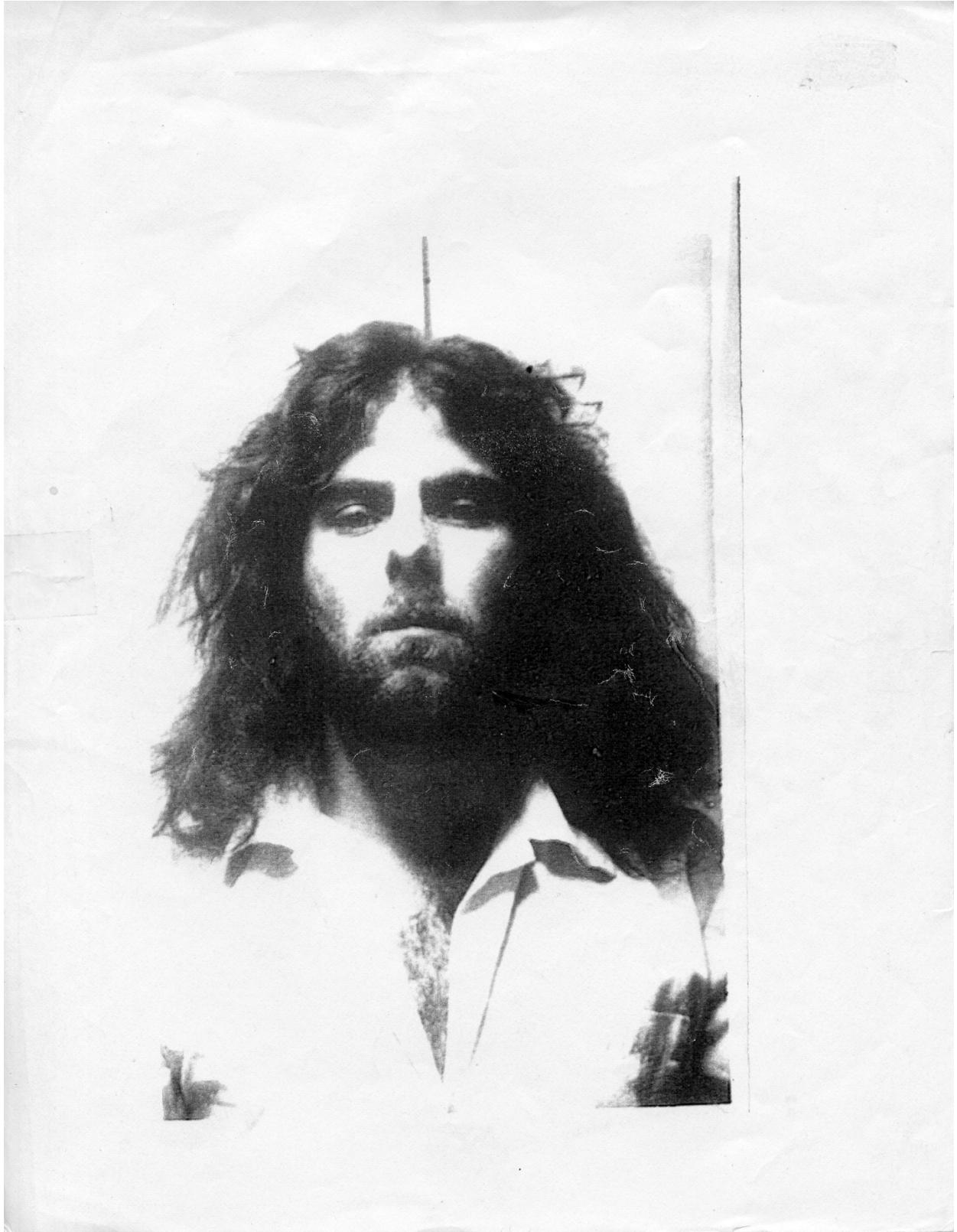
Joseph Ronald Perry

Steven James Tyler

Fred Heisiemer Leeds

White male, DOB: 01-29-56. Height 5'8", Hair: dark brown or black. Hair last believed to be shoulder length dark brown or black. Possibly wearing a mustache and several days' growth of beard.





At the present time no warrants are outstanding on ATWOOD; however, if he is located, the Pima County Sheriff's Department/FBI should be contacted immediately at the Kidnapping Command Post, 293-2700.

ATWOOD is believed to be driving a 1975 260 Z [sic], dark blue, black, or dark brown in color with current California plates, 1KEZ608.

Atwood should be considered armed and dangerous due to prior arrests for assault with a deadly weapon, and manufacturing, possessing, and selling weapons. ATWOOD has a four-page FBI identification sheet listing numerous arrests for child molesting, burglary, and narcotics violations. His last arrest was in 1981; he was sentenced to five years in Chino, California, for kidnapping.

Photographs are currently being obtained on ATWOOD and will be disseminated when available.

ATWOOD IS CONSIDERED ARMED AND DANGEROUS

Obviously, while PCSD investigators were running down leads on the numerous brown cars and "composite lady," including Annette Fries' involvement, the FBI harbored an entirely different theory and alternate suspect. The FBI had sandbagged the Pima County Sheriff's Department.

Notes by an agent, made while interviewing Sam Hall, possessed entries on Frank Atwood at the bottom of this page; including, address, physical description, aliases, and parts of his arrest record. Bagley had the teletype data early on September 18. This

investigator also looked into Atwood's movements while in Oklahoma and contacted Randy West of the Enid Police Department. West returned Bagley's call requesting information on Atwood, West initially sent out an alert on Frank Atwood on August 30th to warn law enforcement to look out for a suspected sex offender who might be on the way to Tucson; the warning originated from Ernest Bersienne, an occultist and homosexual who had been spurned by Frank Atwood.

Bagley announced to West the investigation of a kidnapping involving an eight year old girl in Tucson and Frank Jarvis Atwood being the chief suspect. Bagley cited West's bulletin and sought from West any additional information regarding Atwood and a man named Ernest Bersienne. West related to Bagley how in the last part of August, he and another police officer tried to make a drug purchase from Atwood with the assistance of Bersienne, a resident of Enid. During the operation's planning, it was discovered Atwood amassed an extensive criminal record in California, Bersienne had informed the Enid PD of Frank Atwood being in violation of his parole. West issued teletypes to Atwood's parole officer, Mr. Robert McLean in Los Angeles, as well as to recent prisons where Atwood had been confined – Tracy (Duel Vocational Institute), Soledad, Vacaville, San Luis Obispo (California Men's Colony), and San Quentin, along with an alert to the Los Angeles Police Department – to request data on Atwood; in particular, to determine whether he had violated parole and, if so, to send a request for EPD to pick him up. Det. West told Agent Bagley no response from any of the contacted agencies had been received.

West's narrative was of great interest to Bagley, who asked for further details. Bagley was told how on August 27th Bersienne filed a report claiming Atwood came to his house

and requested money, upon Bersienne's refusal it was alleged Atwood began threatening Bersienne. Eventually, according to Bersienne, Atwood took two books and departed.

Subsequently, Bersienne telephoned West on August 29th and West asked him to come to the police station. During the interview, West came to believe Bersienne was quite afraid of Atwood, who was described as a drug dealer/user who had just been released from prison in California for robbery and child molestation. Bersienne offered to file official charges for assault and larceny; West drew up the complaints, Bersienne signed them, and arrest warrants were issued for Frank Atwood.

As will be detailed amongst these pages, Bersienne's actions were a common pattern for him; the dissolution of his dreams of a lasting homosexual liaison, followed by involving police and criminal/civil courts – based upon trumped up accusations – in efforts to hurt those who had dared to not desire same sex relations any longer with him.

The instant incarnation of Bersienne's retaliatory actions took the form of false allegations, including, assault and larceny charges. However, Bersienne desired something more serious. Consequently, West readily agreed to have Bersienne make a drug purchase from Atwood while wearing a wire, an idea Bersienne was exceedingly pleased with and excitedly set up. However, when Bersienne went to where Atwood had been staying, while wearing the police wire, it was believed Atwood had already left town and was beyond Bersienne's reach. Or, perhaps not.

Not to be dissuaded, Bersienne, once back at the police station, insisted Atwood molested Sharon Baldwin's five year old son. He added while visiting Atwood in California in June he rode around in Frank's car and Frank pointed out boys he wanted to have sex with. Bersienne then claimed Atwood could not go long without sex so had likely molested a child while driving from Los Angeles to Oklahoma. Apparently, his rage toward Atwood knew no bounds.

Finally, Bersienne's anger revealed the falsity of his allegations. He told police he and Atwood were very close and Frank would talk to him. He continued by saying Frank had to be in L.A. by the first of September for a parole officer appointment but likely would return to Enid, at which point Bersienne would contact officers to rearrange a drug purchase from Atwood.

Actually, once incarcerated, Atwood related a very different last few days in Enid. On Aug. 27, 1984, Frank walked into Bersienne's house after having arranged to borrow a small amount of marijuana. Frank explained to him that a criminal associate had driven Atwood's car to Ft. Worth/Dallas to retrieve several pounds of marijuana for resale in Enid and were Bersienne to loan Frank some marijuana it would be worthwhile once the load arrived. Bersienne readily agreed.

Atwood was invited into the living room and asked to wait while Bersienne retrieved the marijuana. Frank noticed two books on a coffee table, which his mother had sent money to Bersienne for their purchase. Bersienne insisted, while Frank was still in prison and asked to receive these occult books via Bersienne that the money never arrived. This was proven false when it was learned the check had been cashed. At this

point, Bersienne asserted the book dealer ripped him off (now, with the books in his residence, this too was proven false). Atwood took the marijuana from Bersienne, then asked why Bersienne had ripped him off for the books. At this point, Bersienne retrieved both books from the table, along with a pair of scissors, threw the books at Atwood, and, gesturing with the scissors, screamed for Atwood to get out and never to return.

Initial complications between Atwood and Bersienne began once Frank was released from prison to learn Bersienne was not actually knowledgeable in occult matters, but merely sought a homosexual relationship with Atwood. On August 25 or 26, Bersienne picked up Atwood and drove to an isolated road near an Air Force base, where he pressed Atwood for a commitment of a life together. Frank profusely apologized for just not being ready for any relationship; at which time, Bersienne screamed, "God-damnit, Frankie J., I just gave up a wonderful relationship with an Air Force sergeant for you and now you just let me down. God-damnit, you'll be sorry."

This experience preceded Atwood's discovery of Bersienne having stolen the books, and a couple of days after threatening Atwood with scissors Bersienne attempted to set him up for a methamphetamine purchase. Atwood had been present, in a back bedroom, when Bersienne, wired by police, knocked on the door. He was ordered off the property by one of the owners.

The revelations – false as they were – by Det. Randy West had convinced Bagley he had the right man and authorities would either get the girl back or learn where she was very soon.

The communique sent by West on August 30th suffered mysterious treatment. Sent was:

Message Dated 30 August 1984: FROM ENID OKLAHOMA POLICE DEPARTMENT
SPECIAL ATTENTION: TUCSON AZ PD

This department is currently investigating a subject identified as Frank Jarvis Atwood. DOB 1/29/56 Soc. [deleted] Weight: 140 Height 5'8" Hair: Black Eyes: Blue. Subject has shoulder length hair parted down the middle. Currently wearing a mustache with approximately 2 week old growth of beard. Subject left California driving black 1978 [sic] Datsun 280 Z bearing California license 1KEZ608. Vehicle is rough in appearance. Subject is on parole in California for numerous charges, among these, child molestation and kidnapping. Information received stated that subject came to our city via Arizona and New Mexico, spending approximately a week or two in Tucson, AZ. If you have any unsolved molestations of children or kidnapping of children having a subject matching the description above, please contact Detective Randy West, Enid Police Department, Oklahoma.

When Bagley was interviewed, he provided cryptic responses and claimed only a local agency would receive such an alert and did not say whether the FBI had been informed by a local agency. Generally, it makes sense for the FBI to be contacted; the alert concerned a California parolee, in violation of release conditions, sought by Oklahoma authorities in Arizona, and pertained to possibilities along the lines of interstate flight to avoid prosecution, and kidnapping with interstate transport. Interestingly, the sole response to West's bulletin was from FBI Agent Bagley and West

confirmed having contacted the Tucson FBI office once he spoke with Bagley. Bagley's secretive conduct, in the face of certainly having received the teletype, is of great interest and concern.

As stated, by at least Tuesday, September 18th, the FBI's primary thrust was to go after Frank Jarvis Atwood. Records indicate after a rough start, no doubt facilitated by the FBI's machinations to gain the spotlight (i.e., constructing a case against Atwood while letting PCSD misbelieve focus remained on the composite and brown cars), the operation smoothed and rapidly gained speed.

In Atwood, law enforcement harbored the ideal candidate. On the surface, he looked good for it, he looked perfect, and the man would undoubtedly not garner any sympathy, nor would he gain the benefit of the doubt. Once the existence of Atwood had been made public, his (the wild man of Borneo's) image became the posterchild for sex offending and his photograph was plastered all over the television, newspapers, flyers, etc., day after day.

However, amidst the initial day or two subsequent to Hoskinson's disappearance, authorities merely had a great story. They needed a case. Even though it could be said Frank Atwood was made for the bust, there was not sufficient knowledge, only bits and pieces upon which to construct unbridled speculation that, in most instances, actually pointed away from the perpetrator. Not to worry, authorities would soon both cover-up crucial information (the burial of Vicki Hoskinson) and fabricate paint on the 280 Z bumper.

The decision was set in stone. Frank Jarvis Atwood was the kidnapper. There remained uninvestigated reports from citizens and re-visitation of sources were left undone as the thrust of investigations focused on concocting the case for an arrest warrant. However, time was not on law enforcement's side; Atwood's location was unknown, Sam Hall's trumpeting his observation to anyone who would listen, and media attention were all converging into concern over Frank Atwood learning about the FBI attack and ducking under the radar, even disappearing into Mexico with the aid of drug associates. Interestingly, information and press involvement functions as both law enforcement's greatest asset and most severe liability.

While the determination to go after Atwood had been unofficially made on September 18th, the official declaration was not long in coming. The Team settled on Atwood on September 19th, when the onset of a full court press would transpire. Special squads were assembled and briefed about the investigation's single focus. Four men – Det. Richard McKinley, Det. Roger Popp, Special Agent Edward Hall, and Special Agent Carl Gosting – comprised the main two units and were tasked with gathering the material necessary to place Atwood at the scene of the abduction, that is, build a case against him sufficient to arrest him wherever he might be found. The target date for the arrest warrant was the close of business the next day (Sept. 20th). The Los Angeles FBI office was assigned the job of running Atwood to ground... trumpets sounded and the race was on.

On the surface it was an FBI case, however, some with political and public relation savvy (often being the same animal) recognized once the FBI bathed in the glory of having jailed the fugitive, Arizona would still probably get the case regardless of what

the Bureau discovered. Arizona would likely be able to make a better case, with more charges, and were Hoskinson found not alive then Arizona had the death penalty. Consequently, prosecutor John Davis began assembling the network for gathering sufficient evidence to bring state charges against Atwood. He, as a county prosecutor, had already reached out to the assistant U.S. Attorney, for the district of southern Arizona, Dan Knauss under the assumption of Atwood's eventual return to Tucson for a state court trial. An unusual twist would manifest once Davis, and PCSD surrogates, would go to considerable lengths to deny they had initiated the process at this early stage; even though the girl was an Arizona victim.

In furtherance of the pursuit of Atwood, Los Angeles FBI Agent, John Trimarco, was sitting in an office located in the Ward Plaza Shopping Center on La Cienga Blvd., interviewing Robert McLean, the parole officer for the California Department of Corrections' Parole and Community Service Division for the West Los Angeles district. McLean was Atwood's parole agent and Trimarco was inquiring into the whereabouts of Frank Jarvis Atwood.

Special Agent Trimarco began by asking for details about Frank Atwood. While McLean was unable to immediately access Atwood's complete record, stored on microfiche at another facility, he stated working records, although limited, were available and contained recent entries. McLean related that Atwood was a convicted sex offender, the case for which he was on parole involved the kidnapping and oral copulation of a young boy. McLean could only say earlier in the week Atwood had been in Malibu.

On September 11 McLean had received a call from Atwood regarding a welding accident having burned Frank's eyes, now bandaged. Due to the injury, Atwood sought postponement of his required parole office visit. There also occurred, on September 12th, a teletype from the Enid police in Oklahoma, resulting in several phone calls between McLean and Det. Reece in Enid. Information had placed Atwood in Enid from August 13-27, 1984, Atwood did not have permission to be out of the Los Angeles area.

McLean advised Agent Triamarco about Atwood's purported occult instructor and supposed homosexual lover Ernest Bersienne having alerted Enid authorities of Atwood's presence in Oklahoma. He stated that evidently Atwood and Bersienne had not parted ways on good terms so Bersienne sought to get Atwood in trouble with California and Oklahoma authorities.

The Enid PD inquiry prompted McLean to conduct a parole search of Atwood's residence, at the time being the home of his parents in Brentwood, on September 14th. His arrival and questions to Mrs. Atwood, Frank's mother, were met with the response that Frank was at a friends in Malibu to look for work. During the search, McLean found sexually explicit love letters, from Bersienne, and photographs.

At some point during the McLean/Trimarco session, the FBI agent asked McLean to attempt contacting Atwood. Frank's father, Brig. Gen. John Atwood, answered the phone and, upon being informed of McLean's urgent need to reach Frank, was told he had left the day before and had yet to return. McLean advised Gen. Atwood to have Frank call as soon as possible.

Less than an hour later, Atwood telephoned McLean and claimed to be in Malibu. He told Mclean he could be in later that day to see him, probably between 2:00-2:30 p.m. (California time). It was 12:30 p.m. in Texas, from where Atwood made the call.

Around the time of Trimarco's continued interview with McLean, two other FBI agents descended upon the Atwood household. It was about 10:00 a.m. when Mrs. Atwood answered the door on September 20, 1984, she appeared to be in a hurry. Special Agent James Botting identified himself and Agent Richard Noyes before informing Mrs. Atwood they were looking for her son, whom they needed to locate and interview.

Botting asked if her son drove a 280 Z, she replied he did in fact own a black 280. Questions about Frank's location were answered in the negative, Mrs. Atwood would only offer he might still be at the beach in Malibu, after which she informed the agents of her need to leave immediately to visit a sick relative. When Agent Noyes advised her of the situation's urgency Mrs. Atwood reiterated her need to depart, agreeing to be back in about an hour and to contact her husband to have him return home. Mrs. Atwood then rushed off, leaving the agents standing in the front yard.

Fifteen minutes after leaving Botting and Noyes, Mrs. Atwood wired fifty dollars to her son. Western Union records of the transfer indicate the money was wired by her at 10:20 a.m. PDT.

The agents returned to the Atwood residence at 10:45 and were admitted entry by Gen. Atwood. They told him his son was being sought in connection with a kidnapping and it was imperative he immediately be located. Gen. Atwood confirmed his son lived

there but had not been home in days; given his son was 28 years old he did not inquire into his activities so knew not who he was with or where he could be found.

Gen. Atwood related some of Frank's personal history to the agents, stating he had been a normal boy until he became involved in drugs. He shared how his son had been in trouble for a number of years, having been incarcerated nearly continuously since age eighteen. The last arrest was described as Frank having picked up a young boy while riding his motorcycle, taking him to a secluded area, and molesting him.

The father offered that Frank was a loner, having no local male or female acquaintances. The General obviously disapproved of his son's involvement with Bersienne, with whom Frank had corresponded while in prison and, once out, Gen. Atwood explained his having paid for the man's visit to the Atwood home to see Frank. His son's purchase of the black Datsun 280 Z in July was confirmed. The only information he was able to provide regarding Frank's location was a friend near downtown L.A. or up north in Big Sur. The interview concluded with Gen. Atwood stating he possessed no further knowledge about his son's associates or whereabouts.

Subsequent to the interview, at about 1:30 p.m., Special Agent James Botting received a follow-up telephone call from Gen. Atwood. The General had called from a public phone, after a discussion with his wife on their son's possible involvement in a kidnapping (this being on their thirtieth wedding anniversary). He learned of his wife's telephone conversation with their son that morning and how Frank's car had broken down in Kerrville, Texas, whereas she arranged for repairs and wired her son spending money.

At this point, Frank's father provided a description of Atwood's traveling companion, Jack McDonald, a 5'9"-10" white male of slender build, being about 35 but looked 50. McDonald was said to be a "transient hippie-type" who was very dirty and unkempt in appearance.

When asked exactly when his wife wired the money, Gen. Atwood refused to respond. In all, the soldier was doing what the husband and father could not do.

In Tucson, Agents Bagley and Gosting were apprised of the Los Angeles agents' findings. They had already begun to assemble an affidavit for obtaining an arrest warrant for Frank Jarvis Atwood.

Carl Gosting was assigned to work up the necessary affidavit for Atwood's arrest warrant from Tucson's asst. U.S. Attorney. He contacted Lucy Bross, in furtherance of this objective, the Correctional Case Manager for the California State Parole Office in Los Angeles. Bross verified Gosting's affidavit regarding Atwood on parole from prison; she specified Frank Atwood was convicted in superior court, the Santa Monica branch, on October 27, 1980, on charges of kidnapping a seven year old boy, for which he was sentenced to five years in the California Department of corrections. Records placed the crime as occurring on May 29, 1980, Atwood being arrested June 3, and paroling May 16, 1984.

Obtaining an arrest warrant enjoys a low threshold; the requesting agency, in this case the FBI, need merely certify reasonable suspicion to detain the person. Simply Atwood's proximity to the crime scene and prior arrest record was information enough

for the magistrate to justify reasonable cause to arrest. Binding him over, on the other hand, especially had he an attorney, would be another matter.

Most of Agent Gosting's affidavit reflected truthful assertions; Nancy Jo Sale's account of seeing the car go by the school, Sam Hall's spotting of the vehicle at 3:20 p.m. in the alley, Lucy Bross' verification of Atwood's prison and parole records, Hoskinson's journey to the Circle K all were accurately depicted; as were McLean's and West's details. However, none of this provided a whit of information placing Atwood at the scene of the abduction. Thus, significant distance resided between what authorities suspected and what they could establish in fact, a gap needing to be quickly bridged. Consequently, what would be required was a lie, a big one. It had to be convincing, relevant, and capable of offering the affiant plausible deniability that he was committing deliberate perjury. The falsification was the easy part, it merely had to be written down; it was the sanitizing that required much planning and a careful integration of information. Gosting assuredly enjoyed great help in constructing it, having stated:

“At approximately 3:30 p.m., two 14 year old boys who personally knew the victim passed by what they described as a black Datsun sports car with California license plates. The vehicle was moving so slowly that the boys passed it on their bicycles. The vehicle was heading in a northerly direction on Pocito. After the boys passed the subject vehicle, they saw Vicki Hoskinson heading southbound on Pocito on

her bicycle. The boys did not see the actual abduction.”

The first line was false. Neither Curry nor Vario said it was 3:30. Vario had placed the encounter at 3:20, at the latest, and Curry even earlier. Everyone knew precisely where Atwood was at 3:20, headed eastward in the alley (going into the Flying H trailer park) on the south side of the Homer Davis School, where Coach Sam Hall had seen him. Moreover, once entering the Flying H, Atwood nearly collided with Egger before then having been observed in the trailer park by Redgate.

The second lie was the vehicle headed north on Pocito. Neither boy said that and, in fact, had stated the car drove past Pocito.

The remainder of the facts were deliberate and cleverly fashioned misrepresentations and omissions. The first sentence implied both boys saw California plates, to thereby add the powerful impact of a cumulative confirmation, when actually only one boy claimed to see the license. Omitted was the reality of one boy describing a dark brown vehicle and both teenagers identifying a Mexican/Hispanic driver without a beard, as well as a car with a rear louvered window. The most clever deception, however, centered on the phrasing of the automobile's speed. Both kids indicated the car had been traveling about 10 mph; there was nothing unusual in this, given the driver was in a residential area being approached by two boys on bicycles who were hovering near an intersection waiting to make a turn – most people would slow down under the circumstances. The statement of the car going so slow the boys passed it was sheer genius, the teens and vehicle were headed in opposite directions toward each other so the bicyclists would have passed it even had the car traveled at 100 mph. It was a

stunning composition, the paragraph functioning as a masterpiece of deception possessing the virtual shine of great works of fiction. Truly, one can rarely see so much misinformation ensconced in such an economy of words, unless, of course, one is reading Cicero.

The affidavit in its entirety, and this paragraph in particular, is most interesting because of its display of artful subtlety and untruthful facility not found in any of the reports authored by Agent Gosting, thus suggesting he received professional help in composing it.

Despite the masterful construct, another matter had yet to be arranged: plausible deniability. The two overt lies in the affidavit had to be massaged and covered up; not merely via the usual, “oh, there are varying reports, things get mixed up,” since both interviews of Vario and Curry were on tape and both unequivocally stated the sighting transpired between 3:10-3:20 (as did the original Curry statement to Det. Popp). Also, the two teens each categorically averred the vehicle continued west on Root, passing Pocito.

Omissions may not look very good, but one could likely get away with some as long as they were not too numerous or blatant. Lies are usually not big issues, either, that is, not like sedition or planting of a gun by police... no one would do jail time. Where the difficulty arises, however, centers on an often enigmatic and frequently irritating doctrine called habeas corpus, a bane to law enforcement. Habeas corpus, with resultant suppression of evidence and release of the prisoner, is to a defense lawyer what the fastball is to Nolan Ryan. Just as Nolan could do magical things with a baseball, things

even experts could not explain, likewise, to ordinary minds not yet bent into proper shape by the requisite convolutions of legal morphology, habeas corpus often seems to cause strange and mysterious things to occur in a courtroom. Should an incarcerated individual enjoy the services of a good attorney, habeas corpus can easily function in many cases as a get out of jail free card.

In Atwood's situation, police and prosecutors did not have a case but only harbored a hunch; besides, Atwood was in Texas, not Arizona, and it would require a probable cause for a removal hearing to return him to Tucson. The government's hope, however, was that there would be a ton of evidence in Atwood's vehicle that would terminate success of any habeas corpus filed over the absence of an Atwood/Pocito nexus at the moment of abduction.

In further examining government's sleight of hand operation we can observe the opening remark in Gosting's affidavit in comparison with that of San Antonio Special Agent Paul Hasselbach's, who would use it almost verbatim for the search warrant:

"Since September 17, 1984, I have been assisting Detective Richard C. McKinley, Pima County Sheriff's Office, Tucson, Arizona, and other officers in the kidnapping investigation involving one Vicki Lynn Hoskinson, an 8 year old female
[emphasis added]."

–Gosting Affidavit for Atwood Arrest Warrant

"The facts were developed during the investigation of Carl A.

Gosting, Special Agent for the Federal Bureau of Investigation
for 19 years and presently stationed at Tucson, Arizona, in
conjunction with Detective Richard C. McKinley of the Sheriff's
Office in Tucson, Arizona [emphasis added].”

–Hasselbach Boiler Plate to Gosting’s Text

There resides a subtle distinction, but nevertheless a revealing one. The FBI will assist some federal government agencies (e.g., Dept. of State, DOJ, DOD, NSA), however, it will usually not aid the CIA and won’t assist the DEA or NTSB. The FBI does work in conjunction with these agencies, however, it will never assist a state or local law enforcement agency in any Title 18 investigation because it jealously guards what the FBI perceives as its sole province; consequently, the FBI will never accept or acknowledge any kind of secondary or subsidiary position in these matters. Gosting, as a 19 year FBI veteran, was thoroughly familiar with Bureau protocol, culture, and terminology. This affidavit is the only instance wherein a secondary dependency was ever suggested while the Hoskinson abduction was still a federal case.

Even more revealing was Gosting’s annotation of his sources of information. Gosting freely named Nancy Jo Sales, Sam Hall, Lucy Bross, Robert McLean, Randy West, and John Atwood; however, he did not name the boys in the segment about spotting the black 280 Z headed north on Pocito as Vicki rode south at 3:30... the single most important link for probable cause in the entire affidavit.

Gosting deliberately conflated fragments from Vario, Curry, Beckley, Spencer, Evans, and Fought. He took the Evans/Fought 3:30 time, the car traveling north as Vicki headed south from Beckley/Spencer, and the Curry/ Vario 280 Z sighting. Each of these were mutually exclusive in both content and context in their individual reports. Beckley and Spencer saw a brown sedan, Vario and Curry specifically did not see a car going north on Pocito, Fought and Evans observed a bicycle (not an automobile) at 3:30. Furthermore, descriptions of a dark skinned and beardless driver obviously precluded Atwood.

Had Gosting named Vario and Curry he would have endured severe difficulty in explaining how extraneous material landed in their recorded accounts, likewise for the other two pairs of boys. Yet, by leaving them nameless, Gosting could plausibly deny having deliberately fabricated and sworn to a false affidavit. He could assert that all he possessed were various notes, with some information having been confused while other material was changing. Had he been challenged, perhaps a resultant reprimand for sloppy work may have been attached but not at the cost of lost evidence; besides, Gosting was the sole law enforcement person who was positioned to both engage in an “accidental” mix-up and author the false affidavit while getting away with it. Moreover, that he claimed to merely be “assisting” added credence to his posture of adoptee of only a secondary role and therefore responsibility for the informational validity remained with others. In any case, urgency was critical, the life of a little girl hung in the balance, haste was justified. Consequently, the entire ensemble is called plausible deniability... and is a most powerful enabler.

The fabricated affidavit served to permit the FBI the opportunity to nab Atwood, hopefully, get the girl, or at least search his car for evidence Vicki Hoskinson had been in it. The State of Arizona, should Atwood's arrest under a federal charge not provide an interstate nexus, would also enjoy added time to assimilate the mountain of evidence of Hoskinson having been in the vehicle from the FBI search so probable cause could be established for extradition to Arizona, despite having been unable to demonstrate his presence at the crime scene. In effect, they wanted to engage in precisely what the law proscribes: arrest a man who appeared to have motive, but not opportunity, until such time as they could find some evidence of his having committed the crime. How could anyone object? Atwood was an ex-convict with convictions for prior sexual crimes against children. To excuse these infirmities against constitutional protection – be they made in good conscience and deemed palatable because of the need to locate a missing child – would, before the Vicki Lynn Hoskinson case was over, lead some officials to go much further than a few simple perjuries and evasions in their pursuit of Atwood's wrongful conviction.

The arrest warrant for Atwood was given verbally to the desk agent in San Antonio at about 4:00 p.m. CDT. Gosting and McKinley would take care of getting the affidavit and warrant for Atwood's arrest signed off by Asst. U.S. Atty. Knauss and U.S. Magistrate Raymond Terlizzi. It is interesting to note listed in the material witness box, of the arrest warrant, was Richard McKinley, placed first, and Carl Gosting. It was a federal warrant, based on an FBI affidavit authored by FBI personnel, reviewed by the DOJ for assignment to the U.S. Marshal for FBI action in another state. The arrest of a fugitive sought in a federal crime and the material witness existed as a local police officer.

Once Terlizzi had reviewed the documents, he asked Gosting to swear to the truth of embedded facts, he signed the warrant and applied the seal; the lies were sanctified.

Gosting and McKinley filed the warrant and headed back to the command center, the wheels of “justice” were turning. Later, Gosting would say the warrant would be dismissed in a couple of days post-arrest; however, this would suffice to secure an arrest warrant to then recover the evidence against Atwood that would be spilling out of the car like water through a sluice gate.

It is fascinating to see the discrete intellectual processes subtly melded into a continuum during various stages of the investigation. At first, law enforcement scattered in all directions to gather any and all fragments of information they could uncover, pursuing every hint or clue for any indication of what may have happened to Vicki Lynn Hoskinson.

This first process might be called the orientation phase. Herein, nothing is known upon initiation and a blank sheet confronts authorities. Consequently, all data is amassed, almost uncritically, to lay out on their investigative canvass, changing and rearranging bits and pieces until a cognizable outline emerges.

Next comes a theory building phase. More than a single configuration of budding frameworks can be assembled from available crudely accumulated pieces. Frequently, variant possible images overlap and as more material is gathered some is thrown out while other information is added. Eventually the point is reached where the framework of an image emerges in which the greatest number of critical elements seems to fit. This marks the onset of the solution phase and once authorities settle upon what the final

composition of the emergent image should be, the items not quite fitting are screened out. Here the gathering becomes more selective and directed toward a finite goal. It is, overall, an almost mystical process; subtle in its development, powerful in its effects, but difficult to control. If the transition from theory building to solution phases occurs prematurely the filters for screening information may be incomplete, even defective. Investigators can reach a point where all received information is forced into a preconceived solution, exculpatory evidence will drop out of the field of view entirely.

In the Atwood case, investigators obviously leaped directly to the solution phase before the recovery of all available information; a grave error that may well have caused Vicki Lynn Hoskinson her life and which certainly precluded the discovery of her plight.

James Doyle McDonald, known to all as simply Jack, was Atwood's traveling companion and a transient. At the age of thirty-eight, his candle was nearly spent; he owned no ambitions, no aspirations, nor any prospects... except maybe to stay out of jail and pass his life one hour at a time until his clock ran out. He had no attachments to anyone or any place, any person he'd ever loved had already reduced to little more than faded shadows in a sodden mind. McDonald, like a dried leaf, drifted wherever the winds of change took him and subsisted as one of those scruffy social blemishes causing ordinary passersby to shudder while staring at trivial distances of adjacent architecture to avoid eye contact with the shaggy outcast. Jack and his cohorts could often be found bunched together, sleeping in parks, panhandling on sidewalks, or huddled in abandoned buildings while haplessly awaiting some kind of undefined and

unarticulated providence to intervene and somehow mitigate the mournful conditions into which life had collapsed, and to which Jack had already surrendered.

In such a state did Atwood meet Jack while the two were in Big Sur, California, around the onset of August 1984. Jack had taken momentary respite from his wretched existence in Tucson to attend what is known as the “Rainbow Gathering,” an annual conglomeration of withered and dispossessed creatures who ordinarily eke out livings from piecemeal scams; these so-called hippies are the chaff swept by winds grouping them into pitiful yearly clumps. McDonald would reach the end of this road within a few years, doomed to a brief monotone by some bored cleric droning a eulogy in the indigent’s corner of the graveyard.

Jack ended up traveling with Frank from Big Sur to Tucson, his compatriots, Brian Hall and Walter “Lukie” Stapleton, ventured along the same route but in a separate vehicle. Upon arrival in Tucson, Frank and Jack stayed only one night prior to continuing eastward to visit Atwood’s Enid, Oklahoma, criminal associates. After a few weeks in Enid, during which Atwood severed involvement with Bersienne, the pair left for the home of Atwood’s parents in Brentwood, California, where they spent a couple of weeks swimming, getting stoned, and going to concerts.

Jack remained unaware of Frank having erected a multi-state drug ring, nor had he knowledge of Frank’s accumulation of funds while the two were in Los Angeles for wiring to Texas as payment for drugs to sell in Oklahoma. Jack believed he and Atwood were traveling to New Orleans and/or Florida for work on shrimp boats, but not before a “lost weekend” in Tucson.

Atwood possessed several hundred dollars in traveling money, cash Jack convinced Frank to spend on drugs – cocaine, demerol, marijuana, LSD, and other pills – in exchange for assisting him in a couple of burglaries when they planned to leave town on Monday, September 17th. Frank and Jack reached Tucson on Friday the 14th and immediately checked the transient hangout at DeAnza Park (at Stone Ave. and Speedway, thus called “Stone Park” by locals). Brian Hall and Johnny Clevenger offered to let Atwood and McDonald stay at a mobile home on La Cholla, across the street from Flowing Wells Junior High School. Frank drove across town to the trailer, dropped off the camping gear, which was jam packed in the back of the 280 Z, and returned to the park to retrieve Jack. The evening was spent shooting drugs at the trailer until the early morning, an experience during which Atwood became acquainted with Gary Cisco.

The next day, Saturday September 15th, Frank and Jack were informed they could not stay at the trailer, so the Datsun was repacked to overflowing and the pair ended up driving south to get stoned and camp out at Pina Blanca Lake. Jack was a mellow person whom Atwood found pleasure traveling with, often they would park somewhere and smoke pot and read. Such was the enjoyable evening of September 15th 1984.

The morning after, Sunday, was spent using up most of the drugs on hand while at the lake before returning to the city to exhaust the remaining funds on a resupply of drugs. Broke, but pleasantly stoned, Frank and Jack headed for Mt. Lemmon State Park to camp out on the evening of September 16th.

On Monday, September 17th, Atwood and McDonald, by this time penniless, ate out of a dumpster behind a McDonald’s restaurant before arriving at Stone Park to share

their last couple of joints. Frank initiated discussion with Jack about the need to commit burglaries to replenish travel money. Jack changed his tune and subsequent to debate left at about 2:00 p.m. to panhandle money for beer and wine. Ten to fifteen minutes later Frank also left to go meet Gary Cisco to purchase some cocaine (please see Appendix H). He decided to go to Gary's neighborhood, the trailer on La Cholla, to hopefully steal some valuables and purchase drugs plus have traveling money.

What Atwood did and when he returned to the park depends on who is asked; if they are government employees, or the sort who spend their lives patching together the barest fragments of existence within a sadly despondent makeshift life utterly devoid of expectations; those who, more specific to this case, were bribed by government to proffer prescribed accounts of Atwood's movements on September 17, 1984. Jack McDonald had grown used to awakening each morning on hard surfaces, with an empty stomach and gnawing chill in his bones; that is, until Pima County put him up in a nice hotel, with a daily meal allowance, in exchange for a later time of Atwood's return to the park.

Frank's departure was nailed down by Mark Wolff, aka Armour Watts or "Boogie." This individual and his wife Mary Ann Elmore, were interviewed on September 20 by Gosting and McKinley, the following information was extracted:

Boogie frequented the park with some regularity, he and his wife lived a few blocks from the Stone Park meeting place, and was able to identify Atwood from a photograph – Frank had been at his house several times, including Sunday the 16th when he borrowed a tire iron. The following afternoon, Sept. 17th, Wolff had driven by Stone Park

when on his way to pick up his wife, a nursing student at Pima College, and observed Jack and Frank hanging out with Park regulars at about 1:30. When returning with his wife, at around 2:15, they observed Jack drinking beer at a nearby Circle K, Atwood was not with him or at the park. Everyone agreed Atwood left the park a little after 2:00. The time of his return relied upon Stone Park transients and was more open to interpretation.

There was Brian Hall, who described his having been with Jack and Lukie after the 1984 Rainbow Gathering, they camped at Big Sur while looking for soap stone and jade. Brian left the camp site, hitchhiking to a market to shop for the gang of vagabonds. Frank gave him a ride and decided to return Brian to the Willow Creek area to get high. The three explained how they had ripped off some surfers in Santa Cruz for several ounces of marijuana. They seemed to like Frank so all began the drive south in two cars.

Howard Brian Hall was interviewed by Det. Kennedy and Special Agent Coward, he seemed reasonably able to recollect events, however, when it came to times his mind was more porous than a sieve. For instance, in attempting to recount when Frank returned to the park he appeared to be actually citing events and times from Friday the 14th, when Frank arrived in Tucson, not Monday, September 17. Then again, in describing Atwood's car, particularly the over packed rear compartment, he was able to reference a Coleman stove, Coleman lantern, tent, sleeping bag, cooking utensils, and clothing.

Brian informed investigators about him and Jack sitting at Stone Park on Monday afternoon when Frank pulled up in his car. Jack went over, sat in the passenger seat, and began conversing with Frank. Several minutes later, Brian walked up to the driver's side and noticed a dime-sized spot of blood on Frank's left hand.

"I'd seen blood on his hand," Brian commented.

The officer replied, "Let me just interpret here for just one second. When you're indicating and you're pointing to the blood on his hand, again, we are talking on a tape recorder and it's not showing us where you indicate. You're indicating to an area on the top portion of his hand between the index finger and thumb. Am I correct?"

"Right, and about as much blood on there as were I could, my nose is bleeding and I want to wipe like that, you know?" Brian confirmed.

According to Brian, Frank described having stabbed somebody, but he made no gestures, gave no locations, nor provided any reasoning.

Atwood recalls the incident. He bumped his forehead on the steering wheel when backing into a utility pole after having nearly collided with Egger. When wiping at a bump above his eyebrow a bit of blood got on his hand. Questioning on the source led Atwood to reassert his posture as a just out of prison tough guy; rather than admit the dumb accident, he claimed to have stabbed someone – not wanting to be victimized, as were the surfers in Santa Cruz.

By the time the police finished with McDonald, his 4:00 estimate of Frank returning became 6:00 – 6:30 and the spot of blood became all over him; which, as we shall see,

worsened even further once law enforcement got through with Thomas "Mad Dog" Parisien.

Atwood's version of when he got to Stone Park initially found him telling the FBI it may have been 4:00 - 5:00. Having tried to tie his return to events, looking at watches not having been common practice, Atwood recalled his arrival at Parisien's. He was at the park, spoke briefly to Brian and Jack, then left with Jack to buy marijuana from Mad Dog. It took a few minutes for him to answer the door, a delay he explained to Frank and Jack as having been watching the conclusion of a television show. "Hawaii Five-O" concluded at 4:00 p.m. in Tucson on September 17, 1984. Consequently, Frank revised the time of his return to reflect these occurrences, saying it was likely between 3:30 - 4:00 when he returned.

Mad Dog initially confirmed Atwood's account, however, he eventually became unsure of whether it was "Hawaii Five-O" he had been watching. The blood? Ultimately investigators were advised, by Mad Dog, that Atwood was drenched in it; hands, arms, shirt, pants, and boots.

Atwood's version of return rings true, having been backed up by the verifiable conclusion of a television show. It was also given support by an independent witness, Gary Cisco.

Cisco told Det. Dhaemers about Brian Hall having come to the La Cholla trailer from Stone Park on Monday afternoon and once there had told Cisco about Atwood having blood on his hand from an apparent stabbing. The time of Brian's arrival was placed at about 4:00 p.m., perhaps 4:30. With Brian having seen Atwood, then hitchhiking to the

trailer, and arriving at after 4:00 must indicate Atwood had to arrive at the park prior to 4:00.

Constructed thus far had been Atwood driving around the Romero/Wetmore area from 2:45 – 3:15 (Nancy Jo Sales), driving east in the alley toward the Flying H Trailer Park (Sam Hall) at 3:20 – 3:25, entrancing the Flying H and nearly colliding with Mike Egger (3:25 – 3:30), and being in the trailer park around 3:30 (Mary Ann Redgate). This accords with a 3:45 – 3:50 return to the Stone Park, meeting with Jack, and arrival at Parisien's at 3:55, prior to "Hawaii Five-O" concluding. An actual time-line, supported by an independent witness; in contrast to government's fantasies that are absent one iota of supporting evidence.

In piecing together Atwood's activities during the less than two hours he was alone (post – 2:00 p.m. to pre – 4:00 p.m.) on September 17th, Gary Cisco again resides as a prominent player. Atwood had shared some plans with Gary; specifically, the commission of burglaries on that Monday and hope to purchase more cocaine from Cisco's dealer. This was related to Det. Dhaemers by Gary Cisco, the plan for Atwood to buy cocaine after Cisco got off work at about 2:30. Cisco was employed as a fence painter just east of the Romero/Wetmore corner, the trailer was west on Wetmore then a few blocks north on La Cholla, the Flying H was a block south of Romero and Wetmore. Consequently, it makes sense that Atwood's account to law enforcement was accurate:

He left the park at a little after 2:00 to keep the 2:30 appointment with Cisco. Unable to locate him, Atwood attempted, several times, to contact someone that he had dropped off on Friday night at a trailer in the Flying H and checked and rechecked the

La Cholla trailer for Cisco's presence. These activities, and the robbery of a drug dealer in the Flying H, took over an hour; with drive time all of Frank's time is accounted for.

Moreover, Jack and Frank had to eat out of a dumpster on Monday, both being flat broke, then when Atwood returned to the park he had cocaine along with sufficient funds to purchase marijuana from Mad Dog, fill his tank up with gas, pay for games of pool and pitchers of beer at a bar near Mad Dog's house, refill the gas tank in New Mexico, and buy some heroin in Juarez, Mexico. Assets certainly not obtained by kidnapping and killing Vicki Lynn Hoskinson.

Additionally, that Vicki disappeared about 3:15 p.m. and Atwood's movements accounted for, by government witnesses, from 2:45 p.m. and onward... there was absolutely no possible way for Frank Jarvis Atwood to have been in any way whatsoever with Hoskinson. Furthermore the neighborhood chant, "the composite drawing looked like a driver, except it was a man," may have held true for Vario/Curry, et al., observations; however, in no way, shape, or form did Atwood resemble the composite.

On the morning of September 20, 1984, a man walked into a Texaco gas station in Comfort, Texas; a small town on I-10 about 18 miles southeast of Kerrville. He had hitchhiked to the station after having left his vehicle, a black Datsun 280 Z, and his traveling companion, by the side of the road nine miles from Comfort; the car's electrical system had failed.

Both men looked shabby and unkempt, the elder of the two (Jack McDonald) appeared the worse for wear. He was 38 years old with an almost white beard and long hair, poor posture, unsteady gate, and leathery skin that looked like it belonged to someone in their 50's – 60's. Frank Atwood, also bearded and with long hair, was 10 years younger, however, he might have passed for McDonald's son.

After inquiring at the gas station in Comfort about available towing services and the nearest place for repairs, Atwood telephoned Ken Stoepel Ford dealership in Kerrville to request a tow truck. The service manager, Tom Sharpe, sent their wrecker with driver, William Baccus, out to Comfort to meet Atwood. Baccus picked him up, drove to where the car had been left, retrieved McDonald, and towed the Datsun to the dealership. It was a bad start to an awful day for Atwood, but it was going to get a lot worse. In fact, it would be one of the most horrible days of his life, and the last one in which he would know his freedom.

Atwood had informed the mechanic, John Outfleet, he thought the alternator was bad. Undoubtedly, the out of state plates and the men's physical appearance – both looked like vagrants – was the reason Atwood was asked to pay in advance. Thus, he asked the service manager to use a phone and called his mother to request usage of her credit card. Atwood handed the telephone to Sharpe and a female identifying herself as Mrs. Atwood gave him her Master Card charge number. She then spoke to Frank, telling her son she was wiring him \$50.00 via Western Union. Having arranged for repairs, Atwood and McDonald left the Ford dealership and headed into Kerrville's downtown area and the Western Union office.

The two tattered and indigent drifters, who had earlier stumbled into the dealership in the morning, returned from their excursion into town. There had been a delay in finishing the work on the car. The money had been sent as “will call” so could be picked up at any office, Frank and Jack had collected the funds and again departed for a shopping mall to pass the time. While at the mall, Atwood placed a call to Allie Burton; a relative by marriage to Frank, having married Gen. Atwood’s sister. The uncle dropped by the Stoepel Ford center to spend a few minutes with his vagabond nephew.

The FBI had alerted its San Antonio field office of Atwood’s presence in Kerrville and the Kerrville Police Department was contacted. Lt. Rosie McCray took the call and was asked to place Atwood under surveillance to verify and keep tabs on his location.

The car repairs were finally finished, however, the dealership had been contacted by the KPD and was asked to inform suspects McDonald and Atwood that the car was not quite ready as a means to stall them. Told of the apparent delay, the pair ambled across the street for a meal. Lt. McCray related to the FBI that she and three other Kerrville police officers were continuing surveillance, they had Atwood in their sights until the feds roared into town. John W. Dalseg, Special Agent in charge of the San Antonio FBI office, immediately ordered the dispatch of teams of agents to Kerrville to arrest Atwood.

Frank and Jack returned from dinner, Stoepel Ford sought to stall for more time by informing Atwood the fuse box was being completed; however, Atwood stated he was leaving and got his car keys from the service manager. The two entered the vehicle and prepared to leave.

Lt. McCray moved in. As she and her men entered the rear, the FBI rushed in through the front. There would seem to be some dispute about who made the arrest. Reported facts seemed to indicate McCray actually made the collar, although the FBI would not mention her or the KPD in its account of the arrest. Atwood could not recall who made the arrest, remembering only a lot of guns were pointed at him.

The arrest log recorded Atwood was placed in custody at 5:25 p.m., CDT, advised of charges at 5:26, informed of his rights at 5:29, and had been transported to the Kerrville police station at 5:34, having arrived at 5:41 on September 20, 1984. Special Agent Paul Hasselbach and Special Agent Harold Byford witnessed the log.

In Tucson, it was 3:41; the span of time between disappearance of the little girl from Pocito Pl. and the capture of her fabricated abductor in Texas, having seemed like eternity to some, had spanned merely 72 hours. The soaking up of accolades and self-praise would last much longer. For some, most notably the more political animals who had the least to do with the brief success, that process would continue into the next century.

Before placement in Agent Hasselbach's vehicle, for transport to the station, Atwood was told he had been arrested on the charge of kidnapping under United States Code, title 18, Section 1201. His rights were read to him from a standard Interrogation and Advice of Rights form. McDonald was detained but at the time not arrested on any charge. The agents had kept Atwood and McDonald separated to prevent their synchronization of stories.

At the police station, Atwood was placed in a room with a library style table and some chairs. A police officer was assigned to remain in the room with Atwood. McDonald was secured in another room and Agents Hasselbach, Byford, and McCormick conferred. The decision was for McCormick and Byford to interrogate while Hasselbach would move between the simultaneous sessions to check and cross-check stories.

Surrounded by the straight-laced, clean-cut FBI agents, Atwood's traveling companion looked very much like an old boot accidentally left in a Giorgio Armani display. Eventually, the FBI informed McDonald he would be held as a material witness in the Vicki Lynn Hoskinson case.

Byford had been interrogating McDonald when McCormick went into the investigation room with Atwood. Having re-identified himself, he initiated the interrogation. When told of being the suspect in the disappearance of an 8 year old girl in Tucson, Atwood stated he was a suspect merely due to his prior arrest record and while having been in Tucson he knew absolutely nothing about any kidnapping or missing girl.

Atwood was cautioned about anything he said could be used against him, he signed the advisement rights form. Frank then asked based on what possible evidence had he been arrested; of course, Agent McCormick said the FBI would not provide any information. Atwood's and McDonald's accounts generally agreed, only minor details differed (e.g., length of time in Los Angeles, highway traveled).

Frank did acknowledge having been alone in Tucson for 1 ½ - 2 hours on Monday while looking for Gary Cisco. Insofar as divergencies, the FBI would report Atwood as

having claimed to see Cisco when what was stated had been the plans for a meeting which never occurred. The Federal Bureau of Investigation, sticklers for protocol, “coincidentally” neglected to tape record the Atwood interrogation and precise details are forever lost.

When queried about prior offences, Atwood did acknowledge his convictions from the 1974 lewd kissing of a 10 year old and 1980 kidnap of a 7 year old; adding he had been sexually assaulted on multiple occasions, by various assailants, as a teen.

At the interrogation’s conclusion, Atwood signed a consent to vehicle search document, agreed to provide hair and nail scraping samples, and agreed to a polygraph test. Once in a jail cell, officers collected the samples, the FBI searched his vehicle, but, unfortunately, no lie detector has ever been administered, despite several requests by Atwood.

Frank was permitted to telephone his parents and was then searched, all recovered items were inventoried.

The discovery of Atwood’s whereabouts and news of his capture generated an explosion of frenzied activity in Tucson. Special Agent Gosting had already begun work on warrants, however, he continued to struggle with the probable cause because of Atwood having been in plain sight of state star witness Sam Hall, and moving away from the disappearance site, at the exact time, according to all witness accounts, the kidnapping transpired on Pocito. To bind Atwood over, after arrest, was a growing hardship; especially since once Ken Stoepel Ford began automobile repairs and it became known Hoskinson was not present... no reasonable grounds for presumption

under Title 18 @ sec. 1201 (B) of interstate transport existed. What law enforcement needed was to get in the car to find evidence she had been in the vehicle; this would at least grant added time for the state to put together a case strong enough to extradite him to Arizona. As it turned out, Atwood was illegally returned to Arizona, he won a lawsuit on that fact.

McDonald's presence in the Atwood car as they left Arizona, along with his statement of no girl having been in the vehicle, further complicated the process. Consequently, something far more compelling than Atwood having been in the area around the time of the abduction would be required, Gosting's affidavit (studied supra) would manufacture the necessary link.

With Atwood's arrest, all of the effort, the anguish, anger, frustration, expectation, and disappointment having accumulated over the prior three grueling days – melding and amalgamating its diverse elements into a powerful tension – was about to be released in a flood of emotion, finally giving the hysterical community a coherent target at which to direct their attention and focus their extreme animus. It was stunning drama at its most stunning intensity.

Chapter Eight

Ernest or Not

With the state's case drowning, evidence pointing away from and exonerating Frank Jarvis Atwood, maneuvering was required.

Amidst the clouds, a bright spot beckoned; help from Oklahoma, in the form of one Ernest Bersienne, was on the way. Bersienne had told Detective Randy West how Atwood stated he "was looking for a child to have sex with." This would be explosive; despite Bersienne's mix-up in exactly when this statement had been uttered – first, when Bersienne and Atwood were in Atwood's home (his parent's residence) in Los Angeles, then on the telephone while Bersienne was in Oklahoma and Atwood was in

L.A., also the possibility of when both were in Oklahoma – Bersienne was like the surprise candy bar found in the pocket of your jacket when really hungry.

Outside of the Enid police and FBI Agent Bagley, nobody really knew who Bersienne was, but he was about to become a centerpiece of the prosecution's case against Atwood... Bersienne was a prosecutor's dream. He hated Atwood with a venomous implacability knowing no bounds and was one of the most decadent individuals to emerge from the degenerate and shadowy netherworld Atwood had inhabited for most of his life.

It was Bersienne having established the mens rea (criminal intent) for government's charge of kidnapping and, later, murder. Serious crimes liability relies on not only the accused having committed an act prohibited by law, but while having also the required mental elements of criminal responsibility. The commission of a felony done accidentally or while suffering certain forms of mental disability preclude responsibility and punishment; mens rea is a necessary ingredient in criminal liability and must be established before a verdict of guilt can be attached because only a "guilty mind" can be responsible for a crime. In Frank Jarvis Atwood's trial, the mens rea rested virtually entirely upon testimony of a single individual: Ernest Henri Bersienne.

Born Ernest Henson Green in Washington D.C. on January 6, 1944, his mother was a native of the Philippines and his father was Afro-American. His grandmother taught him to play piano, he learned to play the organ on his own and regarded himself primarily as a professional musician.

Bersienne's personal history was clouded in obscurity until he appeared in southern California in 1975. His own accounts of his background differed dramatically from one another, depending on times and circumstances under which he gave them and to whom he was speaking. The last piece of dependable information about him prior to arriving in California was from 1960, and even that tidbit was mired in controversy. Bersienne, at the time still Green, claimed to have entered the Greenwall Franciscan Seminary in Garrison, New York, where he stayed for about two years. There was no Greenwall Seminary in Garrison, or any other area in New York. There were two Franciscan Seminaries in Garrison in the early 1960's; one belonged to the Franciscan Capuchins and the other was with the Franciscan Friars of Atonement (St. Pius X Seminary).

The records from St. Pius indicate between September 30, 1960, and February 2, 1961, there had been an Ernest S. Green, a man from Washington D.C. born 01-06-44. The individual professed no vows, did not enter any Novitiate, and was never enrolled as a student. In a letter written in 1982, he referred to his encounter with the Franciscans as one of the "many ordeals he suffered" in his life – Bersienne was pleased to refer to himself as "he" or "himself" – continuing with he stayed "not quite two years, leaving with all the enemy's secrets." He claimed to have learned Greek and Latin while studying there for the priesthood.

According to one of Bersienne's versions of his past, and there were many, he went to New York City where he underwent his "second ordeal." According to him, while there he studied music with the great organist, Virgil Fox, at the Riverside Church. He wrote, "In August of 1962, I set sail for Europe with a grant in my pocket to study at the

Conservatoire National du Paris [sic].” For six years he “underwent severe ordeals,” profound enough even after 14 years he still could not adequately digest them. He claimed to have graduated from this institute in four and a half years with some of its top awards. He then claims to have “returned to the United States in 1968, taking an associate professorship in Baltimore.” While in Baltimore he said he “held a demanding position as organist and choirmaster at one of the leading Protestant churches.” Then, he went on, he was appointed Organist and Master of Choir at Trinity Church in Brooklyn Heights in 1970. “He had five years tenure where he accomplished everything he had wanted there as a church musician and established an international reputation as a concert organist and composer.” When visiting Frank in 1984 at his parent’s home, Gen. Atwood – an organ aficionado working at repairing church organs as a hobby – took Bersienne and Frank to a job in downtown Los Angeles. Bersienne could not read music and his “playing” was clumsy, at best.

One would have thought with such impressive “credentials” he, as a composer, could have read music and played superbly. Furthermore, after supposedly four and a half years at the Conservatoire National Supérieur de Musique, he might have learned how to spell it. Once in Los Angeles, in 1977, an intimate acquaintance asked him to substitute for an organist, however, Bersienne was quickly fired when it was discovered he could not read music, and when the conservatory in Paris was contacted they had no record of his ever having attended the institution.

While, real events in his life were too obscured by Bersienne’s own imaginable constructs to be discernable, from 1961-74, it is known he had a homosexual affair sometime before leaving New York resulting in a bitter rejection by his lover, followed by

Ernest's revenge by way of a malicious and frivolous lawsuit charging the lover with having stolen his, Bersienne's, house. Ernest effectively tied up the other party's interests and ran up legal bills, causing incredible turmoil before it was established the lawsuit was totally groundless. Ernest never had any legitimate legal claims on or financial interest in the house. However, he had gotten "even," a pattern he followed consistently throughout his life. By the time the fraudulent claim was found out, Bersienne was out of reach; effectively immune from countersuit or payment of restitution. Additionally, his departure from New York had been prompted by arrest warrants for writing bad checks, a lot of them, another habit he seemingly could not break.

There is one other very interesting postscript to the interval in New York; Bersienne's reference to being a protégé of the renowned organist Virgil Fox carries intrigue. Fox was deceased when Ernest made the claim, but parallels between Fox and Bersienne's life, as described by Ernest, are astounding.

Virgil Fox, born in 1912, was a child prodigy; playing the organ at church services by age ten and at fourteen he played his first organ recital, in Cincinnati. When seventeen he was the unanimous winner of the Biennial Contest of the National Federation of Music Clubs in Boston, the first organist ever chosen.

He studied under Master Organist Wilhelm Middleschulte for three years, received a scholarship from Peabody Conservatory in Baltimore, and at the age of twenty Fox played five recitals from memory, completed his examinations with his classes' highest

grades, and became the only first year student in Peabody's history to graduate with the highest honor, the Artist's Diploma.

Virgil Fox enjoyed a professorship as head of the Peabody Organ music department at age twenty-four and was also, in 1936, selected to be the organist of New York City's famed Riverside Church where he served until 1965. Fox passed away in 1980, following a four year bout with cancer.

Ernest Green seems to have expropriated the events of Fox's life and reshaped and folded them into his own; creating a totally imaginary person, an alter ego, constructed from jumbled bits and pieces of information garnered from the books and articles he had read. Like a phantom Baron von Frankenstein, he was building the perfect persona in the dungeons of his debased mind. His bizarre process of vicarious rebirth and regeneration continued after he arrived in California, although it took an even darker turn.

Bersienne had already become interested in the mysteries of eastern philosophies and in the occult, especially Aleister Crowley, prior to going to California. The implications of the complexities and convolutions of Ernest's strange way of coping with the world around him, as he saw it, had become noticeable when viewed in context to the world of the California occult subculture. In particular the Ordo Templi Orientis, or the O.T.O., Crowley, and the fascinating currents of the counterculture whirling about him and enveloping him within its folds upon his 1975 arrival in Los Angeles.

Here was a culture a budding young warlock could embrace with easy enthusiasm. There are references by both Atwood and Bersienne to the occult, an interest serving as

the common constituent of their relationship. Bersienne claimed to have joined the Order of the Silver Star in 1969, yet also asserted 1970 as well as having been in the Order for three years when departing in 1983 (i.e., joined in 1980) and having been in the group for five years in 1986 (i.e., since 1981). Actually, he had even stated he never was a member, testifying under oath he knew nothing about the Order, not even its name. When Bersienne referenced involvement with the O.T.O., Imperator James Lusiewski, the head of the group Ernest asserted he belonged to, was contacted. He confirmed Bersienne took a correspondence course as a prerequisite to entry; Lusiewski added, disapprovingly, “Ernest Bersienne is a satanical type of individual.”

Another intimate Californian acquaintance of Bersienne, when asked about Bersienne’s involvement with cults, stated Ernest was a member of some cult before then saying he was “a very untrustworthy type of individual.”

It did not appear Bersinne knew Church of Satan founder Anton LaVey, however, he certainly must have known quite a lot about him; there were, ala Bersienne/Fox, eerie similarities between La Vey and Bersienne’s conflicting versions of his own history. Like Bersienne, La Vey falsely claimed to have been the official organist of a famous entity – LaVey for the City of San Francisco and Bersienne for Trinity Church – and LaVey said he was the Beast in the Book of Revelations whereas in a letter sent to Atwood in 1983 Bersienne presented a numerology exercise to demonstrate he was the Beast 666.

The perceived La Vey/Bersienne similarities must have obsessed Bersienne; who was two utterly distinct creatures: one a habitual under achiever who hung around the periphery of his own life, angry, resentful, suspicious of everyone, secret and evasive.

The other, a wholly fictitious creation, a composite surrogate comprised of the bits and pieces of those he encountered (whether in person or in the pages of books). He must have thought he was smarter than LaVey's Carlyle-like character and seems to have incorporated, in a chameleon fashion, the background of LaVey into his own complex persona – it became his pattern. Thus, Bersienne was a thoroughly vicarious character who spent most of his life looking at the world through a two-way mirror; he was a mere figment of his own imagination.

During Bersienne's five years in California, he acquired a lot of occult experience but could never escape from the other creature living in his skin with him – the entity he attempted to bury with the name change and new genealogy when leaving New York. In California he worked menial jobs, did drugs, practiced magick (indulging his bent toward Satanic ritual), and sponged off affluent patrons. He was unable to get gigs as an organist; according to one of his intimate acquaintances, Bersienne fell prey to disciplinary investigation for falsifying his credentials – the head of the American Guild of Organists in New York City had declared he was a fraud.

John Cohen, an attorney, befriended Bersienne; it appears this was yet another intimate liaison, with Cohen's legal services having been provided pro gratis. According to Cohen, Bersienne lied about his background in education and music; Cohen was arranging a concert tour for Bersienne, based upon his purported resumé, and later discovered the claims were false. Cohen also recounted the inability to get Bersienne's performances advertised in the Organ Guild magazine, they refused to accept his ads because Bersienne had lied to them about his credentials.

Bersienne's relationship with Cohen terminated as all of his intimacies seemed to end; bitterly, with recrimination, accusation, venomous attacks, larceny, and lawsuits. After leaving Cohen's house, Bersienne filed an accusation with the State Bar of California stating John Cohen had embezzled \$50,000 from him. The State Bar's investigation found Bersienne's complaint was absolutely groundless because he never possessed any assets.

Being brought before the Bar was quite unpleasant, though subsequently dismissed. Bersienne falsely accused his benefactor with embezzlement when, in fact, he had taken some of Cohen's artwork (paintings), along with books, the phonograph collection, furniture, family antiques, stereo equipment, and even attempted to steal his house (claiming it was his). At one point, when Cohen had lodged a complaint against Ernest, Bersienne threatened Cohen with a bat.

Given the many antics, Bersienne had to flee Los Angeles. According to Cohen, Bersienne borrowed a lot of money and then wrote rubber checks to pay it back; this seemingly served as the most compelling reason for his departure. Eventually, after a momentary jaunt through San Francisco, Bersienne landed in Enid, Oklahoma on the arm of Treva Dougherty, a matronly widow.

Bersienne moved in with Treva, amid floating rumors and suspicions about his character initiated by Dougherty's children and her son-in-law. Bersienne seems to have inserted himself between Dougherty and her children, and slithered into the running of the family business. The nature of his function in the contracting company remained a

cloudy issue and rumors about Bersienne and Treva, although she was in her sixties, caused enmity among the company's employees.

It was from Enid that Ernest began his four year campaign of using Atwood and his family. In 1980 a fellow inmate gave Bersienne's address to Frank, who began a correspondence with someone he believed was an occult instructor. It was a fateful overture by Atwood; one that, once he shunned Bersienne's desires for a homosexual life together, would eventually help put him on death row.

Chapter Nine

Three Blind Mice

Three highly doubtful witnesses claimed to have seen a child in a car they thought was Frank Jarvis Atwood's in the company of a man they believed, despite wildly inconsistent descriptions, was Frank Atwood on the afternoon of September 17, 1984. This would be an explosive case development, if accurate; however, there exists not a shred of credible support for these tales from the dark side.

A review of each fictionists' account, when the beacon of truth has been applied, will expose these illusory stories as not worth the paper upon which they were written.

Robert McCormick

Returning home from work at about 3:30-3:45 p.m. – after having made a delivery run to Phoenix for his employer (Rainbo bakery) – McCormick exited Interstate 10 to head east on Ina Road. While motoring along at around 30 mph (at the time, there was construction work being performed in the Ina and Meredith area) he claimed to have taken notice of a black Datsun 280 Z, a vehicle to which he issued cognizance as a consequence of his belief that pretty girls often drive sports cars (of course, he was heading home... to his wife). His efforts on that day to ogle a good looking woman became an exercise in the absurd as Robert expressed how as the vehicles approached and passed each other at approximately 30 mph (a closing speed of 60 mph) he viewed the other car and the driver for nearly two minutes – not the couple of seconds, at best, and this is on a busy throughway.

Robert McCormick's visionary prowess, according to him, knew no bounds. The purported couple of minute observation of car and driver also incorporated an exemplary sighting of the child passenger. The kid was sitting in an unrestrained yet

rigid posture, while the look on the driver's face appeared to express irritation; the passenger could only be described, by McCormick, as of unknown gender and short hair. Robert, still unfinished with his miraculous vision, contended he and the driver exchanged glances, during which the motorist scowled and gritted his teeth; an appearance McCormick interpreted as the driver's excessive irritation over the undesired intrusion.

Investigators were in contact with Mr. Robert McCormick one week later, on September 24, at which time they explored his most fertile imagination for any semblance of details. Once the topic of driver had been breached, the individual with whom McCormick had enjoyed quite the interaction, no specifics were available; when pressed for detail, all of a sudden Robert claimed he had not gotten a good look at the driver and could only state he was a man at the wheel.

Another week elapsed, McCormick was shown a picture of Frank Atwood and asked if this was the driver; McCormick could not identify Atwood as the driver. In fact, later, when shown Atwood's heavily tattooed arms in court, McCormick stated they were not the driver's.

As amazing as was Robert's eyesight, unless of course, required to provide specifics, his memory rivaled it for proficiency. According to him, everything was a bit fuzzy at first, however, with age, like fine wine, it magically improved. McCormick finally named Atwood as the operator of the Datsun, an eventuality he attributed to the repeated views of Frank on television and in the newspapers. At least he possessed the

same unique perceptibility powers as most other prosecution witnesses: memories grew stronger and became clearer with age.

Interestingly, offender of the truth, Robert McCormick, had also observed Vicki Lynn Hoskinson through multiple venues (e.g., television, newspapers, etc.) yet was completely unable to identify the boy/girl in the vehicle as Hoskinson.

Michael Young

At about 2:30 p.m. on September 17, Michael Young claimed to have seen a black Datsun 280 Z, with a driver he described as having “bozo” hair, traveling south as he was traveling north on Romero Rd., toward Wetmore. Young stated he took notice of the car and driver because he works at a nearby construction yard where recent security breaches had placed him on high alert.

The next couple of days found Mr. Young out of town and upon returning, and seeing on/in the news many reports on Vicki Lynn Hoskinson’s disappearance, he somehow thought the unusual looking motorist may have some relevance to the case. As a result, Michael contacted his across the street neighbor FBI Special Agent Lawrence Bagley to report his September 17th observation; a conversation that directly led agents to interview him at his work in short order. According to Young, both he and the agents were in a rush and the full provision of specifics could not be adequately shared. The

agents vehemently disputed the assertion, stating every opportunity to provide a full slate of details was present and, in fact, Young had been the subject of experts' questioning in a manner devised to elicit any and all information possessed by the interviewee.

At least seven months later, Young believed this to have been April 1985 (coincidentally, the juncture at which partial remains of Vicki Lynn Hoskinson had been discovered in the desert on the northwest side of Tucson), he enjoyed the amazing recall of a second sighting – of the same car and bozo haired driver, this time with a child in the vehicle – yet another example of the mystical prosecution witness ability for memories to improve with age. The second sighting epiphany was reportedly pronounced to Bagley at a local ball game. Predictably, Young was unable to explain his failure to have stated this calculated misinformation to neighbor Bagley upon an earlier instance. Apparently, his initial fabrication of a sole observation failed to generate his hoped for response, so a new and improved addition was Young's determination of a good idea. Besides, it opened the door wide to his frantic need to entrance the case as a major player.

The gist of Michael Young's falsification centered on a child, who Young could not identify as Vicki Hoskinson (despite her perennial presence in the news), in the 280Z on Root awaiting access to Romero. This supposedly transpired at 4:00 p.m., a moment in time that precludes any possibility of truth, of Vicki in a vehicle at Root and Romero around 4:00, according to the case facts.

Insofar as Mike's inability to make identifications, it must be noted that regardless of the hysteric coverage of Frank Jarvis Atwood's arrest in Texas, Young was unable to name Atwood as the driver. The best he could do was to eventually make a tentative identification of Frank Atwood in court – stating he “thinks” it was Atwood, it would be really hard to say – while still basically maintaining he (Atwood) resembled the driver of the Z car. Of course, to have said otherwise would have crushed his dream of case involvement.

Whatever Michael Young did, did not, observe on September 17th, 1984, we can be certain he never saw Frank Atwood with a child in his car at 4:00 p.m., which is irrefutable.

Nora Wilson

Nora Idella Wilson, actress extraordinaire, contended she saw a black Datsun 280 Z in front of her residence on Tortolita at approximately 4:20 p.m. on September 17, 1984. The driver, described by Wilson as a male with a wild mane of hair, was accompanied by a small child of unknown gender with short hair. He drove toward Camino de la Amapola, only to return and pass her home again at about 4:50; this time alone. There was but one exit from Nora's neighborhood and it passed in front of Ms. Wilson's house. Given the absence of passage from this neighborhood without going past the Wilson house, her pursuit of the ultra-dramatic is rendered senseless.

As the days rolled by, filled with wall to wall news coverage of Vicki Lynn Hoskinson's disappearance and Frank Jarvis Atwood's arrest, Wilson made no report of her alleged

sighting. That weekend Nora's husband, Scott Wilson, was part of a search operation, an occasion during which Nora sat in the sun reading a mystery novel. Apparently spurred on by her husband's involvement, perhaps feeling left out, she telephoned 88-CRIME on Saturday, September 22nd, and relayed her claim to the switchboard operator.

At 9:00 a.m. on September 24, PCSD Det. Robin Clark and another officer knocked on Nora's door to come in for an interview regarding her 09-17-84 assertions; however, Wilson had suffered a sunburn from being outside during the weekend and continually asked detectives to leave and to come back once she felt better. The investigators left after about 10 minutes.

On the evening of September 24th, Ms. Wilson made notes about her experience on the 17th; these records would become entries of controversy. These supposedly meticulous scribbles, it turned out, were a bit too detailed; having been authored on a Monday, they miraculously itemized interactions between Nora and law enforcement... an event that actually took place the following day, Tuesday.

At any rate, Det. McKinley and a FBI agent were not long in waiting to revisit Ms. Wilson, having returned the next day (Tues., 9/25) at 6:00 – 6:30 p.m. and spoke to Nora on her front porch. Detective McKinley displayed a photograph of Frank Atwood and asked Nora Wilson if she could identify the person depicted as the automobile driver she saw on September 17; Ms. Wilson could not. This despite the impropriety of police offering a single photo of a suspect to a potential witness, even under this inherently suggestive condition Wilson could not identify Atwood.

This witness would prove to be one of the most frustrating and difficult in the case; exasperating the judge, prosecutor, defense attorney, and most certainly, the jury. A simple answer to a clearly stated question would end as an impossibility – a common outcome for someone making it up as they go and having to try and quickly recall prior lies. What was determined from this bewildering and contradictory barrage of Wilson's deception included the comedy of errors surrounding her endeavor to identify car, driver and passenger. The automobile had consistently remained a Datsun 280 Z, black, however, Nora had asked her husband the color of California license plates (the news having reported Atwood and his vehicle were from California) and he told her they were white. With this response in tow, Wilson confidently reported the rear plate on the car, she had viewed, was a white California one. Upon discovery of her error (the plates on Atwood's car were blue and gold), Ms. Wilson fell back on the tried and true, "I didn't get a good look" strategy by claiming her tiny 11" tall dog totally and continually blocked her view of the rear plate as the car weaved down the street. Obviously, a ridiculous platform, thus, Wilson finally settled on the declaration of having actually observed a blue and gold license plate after all (someone having, at long last, fed her the correct color of Atwood's plates).

Things did not go much better for Nora Wilson during her pathetic efforts to construct a consistent and somewhat accurate description of the driver. Glaring mistakes in her attempt to portray Frank Jarvis Atwood as the driver, even given his picture being plastered all over the newspaper and television, exposed her falsehoods. Included were her depiction of the driver without a mustache or beard (Frank wore a full beard). Also Nora's insistence the motorist had no tattoos, she stated an ability to have observed

hair on the driver's left arm, as it rested on the car's window sill, but there were no tattoos (Atwood's left arm, from wrist to elbow, was heavily tattooed). She was shown Atwood's arm and exclaimed, "That's not the arm I saw, but he's the man I saw."

As for the passenger, it rapidly became obvious Wilson had been describing the photo of Vicki Lynn Hoskinson (having appeared on TV and in newspapers) as the supposed child in the phantom vehicle. Nora proclaimed the child had real short hair, cut flat across the back and lying flat on the kid's neck. The photo of Vicki was more than a year old, her appearance had changed dramatically in the interim; in particular, Vicki's hair had grown out and was longer in the back, with curls. Additionally, Ms. Wilson described the child passenger's hair as darker than the driver's, Atwood had dark brown hair and Vicki's lighter hair was auburn.

This poor woman, purveyor of a smorgasbord of fabrication, never could keep her lust to be front and center in the Atwood/Hoskinson case from condemning her made-up proclamations to the trash bin of utterly worthless insidious dishonesty.

There was absolutely no accuracy provided by these three, alleged, observants; perhaps if they had more rigorously studied the facts of the case, more plausible, believable works of fiction would have been produced, rather than the hubris that was offered. This outrageous deviation from any semblance of truth must stimulate the question of, "why (unless a win at any cost mentality prevailed) would government present such an array of miscreants?" A miscarriage of justice was intended.

Obviously, these three – whether observing absolutely nothing and having made up a narrative out of the whole cloth or having seen a similar car, driver, and child to then

try to fit that into the facts of this case – were describing the outdated image of Hoskinson, and not even doing an adequate job of it. The state's version of events further falls apart when realizing not only had these particular witnesses never claimed to have seen Vicki in Atwood's vehicle, but no one in Tucson reported having done so, even though the prosecutors claimed the child was driven more than 20 miles through rush hour city streets. All that government lawyers could mutter, in documents responding to Atwood's appeal, was, "It also bears noting that none of the three claimed to specifically identify the child with Atwood as being Vicki," and, "Someone matching her general description was seen in Atwood's car by three different people," as the state desperately sought to breathe a wisp of credibility into the three blind mice (Young, McCormick, and Wilson).

Further confounding the identification process was the continued placement of a tattooed and bearded Frank Jarvis Atwood in daily newspapers and on nightly broadcasts. Each of the three "witnesses," despite these images having been drilled into consciousness and investigators displaying Atwood's photograph to them, described a beardless and tattoo-free motorist. Their pronouncements were steeped in sheer absurdity.

Of abject surprise must be the trial judge permitting these circus clowns to have ever been presented to a jury. Then again, what could a jury have possibly been thinking to have applied any credence to their testimony? Constant media coverage had triggered the rarely used change of venue; a drastic action that removed this case from Pima County (Tucson) to Maricopa County (Phoenix) so a supposedly unbiased jury could be seated. Unfortunately, prosecutor John Davis publicly disclosed the sealed trial sight

and intense news coverage immediately flooded the new venue. The first day of trial was met with front page newspaper coverage greeting all potential jurors entering the courthouse – the plague of hysteria infected the entire community, and then the whole state.

The use of tainted witnesses, in a defiled township, all carefully engineered by police/prosecutors and news outlets, utterly condemned the judicial process to a preordained outcome, a mockery and mere formality, concluding in Atwood's residency on death row as a categorically innocent man.

Chapter Ten

Dueling Psychics

At the command post, a new element was arising in the investigation. The detectives up to now had only been compelled to adapt to a changing command structure, altered priorities, an often obnoxious media, and disoriented, meddlesome bureaucracy (including ambitious politicians from department hierarchy). In addition, until this point, was a stunned and confused public hauling into the mix a flood of diverse and often contradictory leads. Now, much to the dismay of many supervisors, they were going to get some help from psychics. A good number of police officers regard psychics as a nuisance, others wonder if there might be something to it. A few insist they are useful but, generally, the law enforcement community takes the phenomenon in stride – much like the old Sioux grandfather in “Little Big Man,” sometimes the magic works, and sometimes it doesn’t. Yet, most law enforcement personnel agree, psychics should not run amok in the early stages of the investigation. They create distractions and often generate turbulent tides of misinformation when their predictions seep into the public domain, and they do always manage to seep. It stirs up fantasies and seeds of rumor, which invariably prompts flurries of calls and tips that are usually unreliable and nearly always disruptive to ongoing operations.

Joyce Martin was a local psychic who had gained somewhat of a reputation assisting police investigations. Most accounts of her exploits seemed to have involved other city and county law enforcement agencies; however, one can always postulate that like prophets, seers are rarely honored in their own villages. How effective was Martin is hard to determine, gauging success rates among psychics is tricky business. All assert some kind of success, regardless of outcomes, and, of course, their forecasts are often open ended and as ambiguous as the Oracle of Delphi; the degree of “success” is usually subject to a lot of interpretation. According to Martin, she received a call at 5:30 a.m. from a Barbara Nathan, who said she was running the command headquarters. There is some doubt whether ranking headquarter officials would have agreed to that notable assertion. No one named Barbara Nathan appears to have been included on any of the organizational lists or charts available from that time. Nonetheless, Martin did receive an early morning call and her account of it is interesting:

“It was the morning after Vicki had disappeared and Barb Nathan, that [sic] was running the command headquarters called me about, I guess it was about 5:30 in the morning. And she said, ‘what are you doing home?’ and I said, ‘What do you mean?’ And she said, ‘don’t you know we have a kid missing?’ And I said, ‘well, yeah, I heard it last night, but being no one has called, I figured that, you know, that she must’ve been found.’ And I said I have to wait for a call. I have never just gone and tried to interfere. Because nothing happens that

way. So anyhow, she said: 'consider yourself called.'”

It is highly unlikely the call was made with the concurrence of any of the supervisors working the case, especially so early in the investigation.

Martin went to the command post and waited. She waited until about 10:30 a.m. and then, according to Joyce's account, she finally went over to see Barbara Nathan and told her she had a job to do (finding Vicki), and couldn't sit around waiting all day. She responded with, "You mean you haven't been interviewed yet?" And I said, "No." She got Doug Witte to do a token interview and, in effect, he said don't call us, we'll call you. So, it made me so mad. You know I thought, why am I wasting my time? I didn't ask to be there.

Sgt. Douglas Virgil Witte, the supervisor of the Homicide unit, was not particularly impressed with psychics, nor were his supervisors. In his own words, "I've never talked to a psychic that gave us any information that was worth a damn. We had psychics calling us and wanting all kinds of things. And my statement to them was, 'If you know where she is, go find her and then call us,' and I would be glad to kiss their ass on Main Street! You know?"

What had particularly aggravated the detectives, and in this case Witte, was objecting to what was regarded as a sea of unbridled hubris. Martin would have been free to go anywhere in Tucson she chose to go and look anywhere she wanted to look. What Joyce had come to the command post for was to be officially assigned to the investigative team, so to speak, and to have a deputy and a Sheriff's cruiser personally

assigned to her. She had friends and contacts within the county government, and before she was through, she would get it.

Martin's refusal to depart the case as she left the command center that morning resulted in, according to Sgt. Leroy Proctor's deposition, her having called him on the morning of September 18th at the Green Valley Sheriff's Station. Proctor had 23 years with the Sheriff's Department, had been around the circuit; patrolman, larceny squad, burglary unit, internal affairs, special investigations, and fugitive unit (which he headed); he recently returned to the patrol division. Proctor was born and bred in Tucson, his family enjoyed a long local tradition dating back to 1831.

Although Proctor seemed to be a believer in psychics, his acceptance of the phenomenon was somewhat qualified; Proctor had worked with Joyce Martin in the past. After Martin telephoned Proctor, he called Witte and was told there existed no interest at that time in using psychics. Either Proctor, or someone at his direction, then called PCSD Captain Moore. The sequence of events and participants cannot be known for certain, but it does appear Moore contacted the command post and spoke with Major Douglas. The pressure would increase as the levels of management were breached; by 3:00 p.m. the fire chief of the Flowing Wells fire department was also making phone calls and requesting the use of Martin (she was on the fire department's board of directors). No doubt, opponents of County Supervisor Ed Moore were also involved, since Martin was also a major player in a campaign to get rid of Republican Ed Moore, a member of the Pima County Board of Supervisors. Apparently, the spotlight of this case was becoming too alluring for anyone with ambitions and connections to resist. As such,

the command center was fast becoming the maneuvering ground for everyone with an agenda.

On the afternoon of September 18th, Sgt. Proctor was called by Captain Moore and was told to report to the command post on Prince Road. According to Proctor, Moore requested he bring Joyce Martin with him. However, Proctor also indicated, in his contact report, Martin was already there when he arrived at the command center. Parapsychology was apparently every bit as much a political enterprise as it was a paranormal one and the PCSD seems to have already learned earlier in the day hell hath no fury like a psychic about to be scorned.

When Proctor arrived, to his complete surprise, he was assigned a rather simple mission by Capt. Moore; locate the body of Vicki Lynn Hoskinson through the assistance of psychic Joyce Martin. Proctor was instructed to accompany the psychic and to drive her wherever her visions took her. "Reluctantly," Martin had accepted the heavy cloak of office that had been draped upon her shoulders. Citing the rigors of her involvement, she would recall in an interview later, "sometimes, I would even get home and get in bed, and somebody would call me and say, well, we've got another idea. Do you want to go out? And we would go out at night. Ah, it was just that being a psychic is really hard. It's like you have a lot of responsibility." Proctor in tow, Martin set off in search for Vicki Lynn Hoskinson, and the command center breathed a sigh of relief, but only for a while. The lady would be back: now she had a mission.

In the command center, on September 19th, something new was brewing in the basement. People had already become aware of Joyce Martin's presence. Once Martin

tromped around with Sgt. Proctor, and now a second minion, Reserve Deputy Duncan, was assigned to her as they searched throughout areas to the west of Interstate 10, even, incidentally, having contacted the owner of a ranch on Ina Rd. to arrange access to his property to conduct an extensive search. The presence of two uniformed PCSD officers beside her as Martin inquired about permission for a property search must have struck the owner, Mr. Serra, as something officially sanctioned, and he gave approval. Of course, the search parties for the Southern Arizona Search and Rescue Association, as well as the supervisor for the Pima County Sheriff's Search Team, Chuck McHugh (not to mention the National Guard and sheriff's mounted patrols), might not want to divert from their planned operations to satisfy Martin's hunches, but that would be hashed out later. Meanwhile, Joyce was becoming an object of fascination and something of a celebrity. She would, of course, protest against suggestions she was hamming it up for the publicity and would even complain, though not at all convincingly, that someone, to her dismay, had leaked her identity to the press.

However, to the contrary, Ms. Martin let it be publically known she sensed a "presence" in the area around the Santa Cruz River between the river and Silverbell Rd. to the west. A revelation having prompted a flood of off road vehicles and searchers into the area with amateurs and novices, and even bewildered passersby, to go stomping haphazardly over whatever evidence might have been present had the child been found. Certainly, this was in no way an intent to remain inconspicuous, nor was it at all helpful. Quite frankly, Martin actively courted exposure, such as when giving interviews; at one point proclaiming, "I know the family. My daughter and Vicki's aunt's daughter were very close friends. And they used to stay back and forth at each other's house,"

while on another occasion stating to the press, “I had stayed at the command headquarters quite a bit.” Not only was she engaged in interviews and offering continued public comments, but the theme always centered on herself. No intent to remain anonymous, nor to proceed incognito, was assumed by Joyce Martin. Instead, she functioned as a tangle of contradictions, with her proclivity for gaining attention having introduced a circus like atmosphere into the investigation, especially as other psychics began clamoring for equal time. Whether intentional or not, the perception was Joyce Martin was the officially endorsed resident psychic of the Pima County sheriff’s department; with her own station at the command center, her own department car, her own deputies, and her own official assignment.

Given at least the appearance of the PCSD possessing their own psychic, the question arose, why not have the media get its own psychic in the game? However it came about, KVOA-TV’s (the Tucson NBC affiliate) Dan Huff and prominent Tucson personality Asa Bushnell (Tucson Citizen Newspaper columnist, PCSD public information officer, and player in local politics) approached someone in the sheriff’s department upper echelons and convinced them to inject another psychic into the process. Huff had contacted, or was contacted by, a so-called psychic by the name of Shirley Nelson on the afternoon of September 19th, Nelson offered some sort of “vision” and Huff reached out to Bushnell regarding potentials for a contest on which psychic could first locate the body – at issue here remained a two day old missing child yet Tucsonan muckety-mucks were more interested in carnival games based on the devil’s workshop.

On September 20th, Deputies Cramer and Kastigar were drafted and assigned to Huff, Bushnell, and Nelson duty. What resulted was the sadly intended rather bizarre contest, a kind of garish rendition of “dueling psychics.” It was Joyce Martin for the Sheriff’s Task Force and Shirley Nelson for the media and public information office. Much later, Sgt. Proctor would allude to the situation during an interview where Det. Witte was present:

“What I would’ve liked to have seen there, is get these two ladies together and get Ace [Bushnell] and myself and let’s compare notes. Where did we miss the boat?” Proctor asked.

Witte explained, “Well, the problem is that we had, like I said, we had psychics coming out of the woodwork. They were calling from all over the country.”

As difficult as it may be to imagine, it got even stranger. Of course, with the PCSD having its own psychic and the media having their own psychic, it would seem natural if the victim’s family, who had the largest stake in the whole case, would desire equal representation and have their own psychic. And that’s just what happened. According to Det. Witte, he was ordered to fly in from Texas, at public expense, a man he remembered as being named John Ketchings; the order was issued by Sheriff Dupnik, at the family’s request.

Dupnik’s order likely did not please Witte, given his disdain for psychics, and especially when he (the homicide unit supervisor) ended up driving the occultist around. According to transcripts from Witte’s interview, it seems to have produced some rather comic moments, although most certainly he did not think so at the time. Dupnik’s

insistence that the family be placated with their own psychic was most probably due to his wanting to avoid any potential for accusations of insensitivity to the Carlson's before the election. They, the Carlson's, were the focus of public attention, so given the preponderance of communal sympathy for the family, it was good politics; their statements of support for Sheriff Dupnik soon would transform into nothing short of unabashed praise. They began to claim with unaffected sincerity that Tucson and Pima County needed Clarence Dupnik if children were ever to be safe; this translated effectively into needing his political allies, Dupnik was running unopposed.

There also transpired a visit with Dick Abernathy, a psychic and secretary of the Tucson Chapter of Dowzers. Abernathy advised deputies a fellow dowser, Howard Bright, obtained a psychic reading of the abduction incident in which it was revealed a dark brown pickup was involved, the driver being a dark complexioned man who was 35-40 years of age and 5'10" tall. The deputies were relieved to know if Abernathy or Bright received any further psychic data they would advise the PCSD. The spectacle was just beginning.

Discourse between Martin and Proctor, aside from the noise of the intruders, grants insight. On September 18th, Proctor picked up Martin and as soon as she entered the vehicle he started running a recorder. Joyce intimated that based on a vision in the morning, she fully expected to be involved in the case, she knew the Task Force needed her. Martin continued by offering how the PCSD all knew her.

It seems the psychic had interest in the Ina Rd. and Wade Rd. area, and a green pickup with rounded fenders. Martin, although wanting to travel west of the freeway on

Ina, insisted upon first being taken to the Root and Pocito disappearance site. On location, Joyce exclaimed the abduction occurred on the dirt (Pocito is unpaved, is all dirt) and she could “hear” a little girl whimpering – our public tax dollars hard at work. Martin said she could “see” a vehicle bump into the rear of the child’s bicycle, could see the girl tumble over the handlebars followed by a man exiting the car, picking her up, placing her in the car (apparently now possibly a green truck). Suddenly, the driver turned into a young kid of slender build, 18-20 years old, who panicked and put the girl in the truck. Not only did Martin’s “visions” ramble into inconsistency, she also, as is thoroughly common with psychics, spewed supposed details involving only publicly known material. However, Martin would, in a matter of minutes, utter contradictory information; for instance, the 35-40 year old driver, who became, miraculously, 18-20, now was in his early 20’s and rather than 5’10” was 5’5”. Atwood was obviously Caucasian, late 20’s, 5’8”, not real slim, drove a black sports car... guess the demons Martin corresponded with were not cooperating – in an interview more than a year later, Joyce Martin would insist she had described Atwood.

Once investigators obtained the tapes, it became obvious to them Martin was not psychically tuning in but instead was fulfilling every coach potato’s fantasy: playing detective in a huge public spectacle.

Martin experienced similar lack of success on other details, in her visions she saw a blue bicycle (not pink), brown sandals (not shoes) on the girl, a bench seat (not a Datsun’s bucket seats), and still stated in her 1985 interview to have been more than 85% accurate.

Upon the heels of these abject failures, Proctor took Martin to Ina/Wade area. Ina Rd, just west of I-10, was the initial choice of nearly everyone in Tucson for the disposal of the body, being the nearest undeveloped section of road to the abduction site. None of the inconsistencies or generalities – the unmasking as a fraud – would matter to Joyce Martin at that point, for at the time she was a celebrity, had a large following along with a car and driver. It was like a frat brat inheriting a brewery just before spring break.

Chapter Eleven

Trailer Trash

The residence at which Frank Atwood stayed through the night of Friday, September 14, 1984, was a bright fluorescent green trailer, extended on one side with a slump block extension along its entire length. It littered the La Cholla throughway with trash, old furniture, car parts, and other bits of old rusted junk in the front yard. Over the door was a sign, “Enter at Your Own Risk.” The neighbors constantly complained of loud all

night parties, the constant coming and going of every sort of frightful, shaggy, uncivilized creature imaginable.

The FBI intended to brave entry, on September 20th Agent Gosting and Det. McKinley identified themselves at the door. Several people lounged around, one such individual was permanent resident Robert Dennis Hawes, known as Billy. None of the dwellers had any particular affection for the police, in general, and all were anxious to avoid any association with Atwood. All people in the trailer were aware of the downtown park buzz about the kidnapping, the black car from California, and Atwood being a suspect. The agents also asked who Clevenger was, Johnny Ray Clevenger identified himself. Then Hawes, the actual renter, was interviewed first. When asked if he knew Frank Atwood or Jack McDonald, Hawes said he did not; when shown a photograph of each Hawes still declined recognition. Clevenger did acknowledge knowing Frank and Jack, Johnny had just begun being questioned when Sgt. Witte and Det. Van Skiver arrived.

Witte and Van Skiver started checking identities of the others who were present while Gosting and McKinley took Clevenger out to Gosting's vehicle for a taped interview. Johnny did not know Frank's last name but was aware he drove a black 280 Z and had recently been released from prison in California. Clevenger also stated Frank and Jack hung out at Stone (or De Anza) Park and had spent the night of September 14/15 at the trailer prior to Hawes running them off on September 15.

Witte and Van Skiver briefly questioned the trailer's other occupants, and coming to the conclusion they may possess more useful information they decided to isolate them

and question them separately. Consequently, arrangements were made to transport all of them, residents and visitors, to the Catalina Substation to interview them in one fell swoop.

Sometime after 5:00 p.m., deputies started to arrive at the trailer for transporting interviewees. It must have been intimidating, especially to people who, as a matter of course, mistrust authority figures and generally assume aliases, complete with false identification, to avoid being arrested on open bench warrants.

Still awaiting adequate transport vehicles, Van Skiver interviewed Hawes further. Hawes continued to deny awareness of names or physical description, nor anyone associated with a black 280 Z. He did say some people had stayed there and partied, but he threw them out Saturday. Despite other residents having noted Atwood was there and drove a black Z, Hawes still maintained an absence of knowledge. Van Skiver didn't believe him.

The people from the La Cholla trailer roundup arrived at the Catalina Substation at approximately 5:20. Several teams of interrogators were assigned to isolate and interview the individuals. The initial interview began with a person who identified himself as Mark Miller; it was an alias, but the officer who interviewed him, Det. Gary Dhaemers, did not know it and apparently did not verify his identity. The oversight was caught by Van Skiver, who seems to have possessed foresight to ask his interview subject to identify all of the others present as well as herself. Miller's real name was Gary Kevin Cisco; he was 25 years old and part of what sheriff's deputies referred to as the "burglar Cisco's."

Det. Van Skiver interviewed the third female found at the trailer. She was 23 year old Rhonda Lee Crampton. The drug and alcohol ridden environment must have seemed especially unsuitable in her case, to Van Skiver, as she was 9 months pregnant. Van Skiver informed Crampton they were seeking information on Frank Atwood, as well as a black 280 Z, in connection with the residence. She knew no people by name, only saying some street people had been staying at the residence and partying. Apparently, she and Johnna moved in on the day Frank and Jack left, Saturday the 15th. Rhonda did not see the subject vehicle. Van Skiver noted in his report that Crampton seemed quite unsympathetic to the investigation into the disappearance of Vicki Hoskinson, having stated the “only reason that people were making a big to-do about it was because of the reward that was being offered.” Van Skiver also indicated during his contact with Johnna Puckett she reflected the same attitude.

Van Skiver’s commentary in official reports indicates what must have been a gut wrenching feeling of dismay at seeing two very young women who seemed to have already set their courses toward existence of relative squalor and despair. The callous cynicism of their attitude toward the plight of little eight year old Vicki must have stunned and repelled the detective; he had the 39 years of being a law enforcement officer and was the father of four young daughters.

There were six residents at the trailer; Robert Hawes, Johnny Clevenger, Gary Cisco, Walter Stapleton, Rhonda Crampton, and Johnna Puckett. Only one, Johnny Clevenger, was at the park on Monday afternoon, the day of Vicki’s disappearance, and only he, Stapleton, and Cisco knew Atwood, and not very well at all. The reference, by the way, by detectives to the residents of the trailer as “transients” is rather curious; they

all lived in the home, paid rent, worked jobs, however menial, so could hardly be classified as transients. At any rate, Atwood was at the trailer partying for one night, he was not staying at the trailer when Vicki Hoskinson was abducted and had no reason to believe it would be empty, especially since he was to meet Cisco there on Monday. Quite simply, investigators had no reason to believe Atwood had been at the trailer on September 17th and, in fact, possessed only the knowledge that Atwood left on Saturday then never returned to the trailer. Nevertheless, when Det. Dhaemers made application for a warrant he knowingly misled the court by stating Atwood “had begun staying at the trailer on 9/14/84;” a sentence constructed to falsely convey to the judge Atwood resided at the trailer from Sept. 14-17.

Armed with the ill-gotten warrant, Dhaemers, Van Skiver, and others headed out from the command center to conduct a search of the La Cholla trailer. Even though it might have been expected, the judge, before having issued the search warrant for the trailer, would have asked about what probable cause existed for believing any people living in the trailer were involved in the crime – since it was them, not Atwood, who were having their privacy and residence invaded, they were being subjected to invasive police scrutiny. Barring that, the judge should have asked what probable cause was present to believe Atwood was at the trailer at any time on the date in question. Dhaemers knew any such questioning would not come from the judge... the process for obtaining the search warrant had traditionally been nothing more than using a rubber stamp with a judge attached to it.

The Task Force had informed the press much earlier in the day they were preparing a search warrant to then go and search the trailer for “evidence of a sexual assault or a

slaying.” The source was an “unnamed deputy,” who seems to have intended to put forth a very public false theory of the crime and reason for searching the trailer, even before the affidavit for the search had been completed. The newspaper account – yes, there was a newspaper account – said detectives “were preparing an affidavit to get a search warrant for a house in Vicki’s neighborhood where deputies believe Atwood and McDonald stayed for a couple of days before the girl disappeared.” The “unnamed source” described the residents of the house “as transient- types who were partying in De Anza Park at East Speedway Boulevard and North Stone Avenue on the day of Vicki’s disappearance.” The source – sounds an awful lot like a Dhaemers/Van Skiver operation – added “Atwood would have known that no one was at the house at the time of the disappearance, because he left the others at the park in the afternoon.” Of course, the source knew Atwood was to meet Cisco at the trailer between 2:30 – 3:00, the disappearance transpired after 3:00, and maybe Clevenger was the only trailer resident at the park. These purposeful deceptions adequately exemplify the manipulation of facts, and evidence, by police and prosecution throughout the life of this case.

Dhaemers’ search party arrived at the trailer, the hour was 12:50 and four people were at the residence. The team entered, with them was a crime technician Linda Ulen to take photographs. Dhaemers ordered thirty-five photos taken. Dhaemer’s tendency toward sloppiness continued, especially in his reports; as with having neglected to check Gary Cisco’s identity (when he used his alias, Mark Miller, during the substitution interview), Dhaemers only listed three persons as present during the search – despite the presence of others.

In a real investigation (this one being entirely for show) the presence of the owner of a vehicle at the residence might have had some significance. As a hypothetical, had Johnny not been there it could have indicated he had access to other transportation, such as the brown Datsun seen on multiple occasions outside the trailer by area residents.

Actually, the search report is striking for its inanity. Two full pages were devoted to describing the attributes in the house in the photographs: left side, right side, roof, yard, bedrooms, bathrooms, etc. They found a blanket in the yard that had a stain on it, which they photographed and put in evidence. Det. Dhaemers also noted, "We went into the residence. At that time, I was advised that a hairbrush was located in the living room and no one knew who it belonged to." Another example of his uncanny affinity for overlooking the obvious and assigning significance to the irrelevant; Van Skiver managed to devise a devilishly clever means for identifying the owner of the hairbrush: he turned to Hawes and Puckett, and asked them who the brush belonged to, and both said it was Gary Cisco's. At any rate, the brush was photographed and placed into evidence. Dhaemers noted in his report that "no other items were taken from the house. Though, I did note the house to be very dirty and the lighting very dim."

Again, the entire exercise appeared to be a dog and pony show to indicate to the public, during a lull, the investigation was proceeding aggressively and local law enforcement thus seized the opportunity for reassertion as the primary investigators in response to the stellar success of the FBI, much at PCSD expense.

Another strange facet of the search was the affidavit stated the trailer examination served the purpose of checking for signs or evidence of kidnap or homicide. Dhaemers presented it as: “blood, hair, fibers, fingerprints, bloody clothing, clothing, weapons, body fluids, body tissues, documents establishing the identity of the victim or suspect; any or all evidence of the crime of murder or kidnapping.” They were supposed to be looking for and testing biological and physical evidence of the crime, however, they did not take with them a test kit to check for blood traces and to gather any samples by swabbing surfaces. They did not examine the knives or any utensils able to be used as weaponry, nor did they test and/or take fiber or hair samples, and they did not dust for fingerprints.

The news of the blanket with the “stain” on it and the hairbrush that “may” have belonged to Vicki Lynn was leaked to the press, who dutifully splashed it across the television and newspaper reports. The story of little Jonathan Atkinson telling his mother of seeing a girl brushing her hair while riding her bicycle and being struck by a vehicle; after which, a lady got out, put the child in the car, and drove off had to be sanitized, or reformulated. When PCSD leaked it, along with locating the brush, media reports stated a boy possibly saw the car hit Vicki before a man getting out, picking her up, and placing her in the automobile.

Of course, the stain was not blood, did not even look like blood, while police knew the brush was Gary Cisco’s. The unfolding of events clearly exposes the leak as flowing from Gary Dhaemers and once the press inquired about the meaning of the items, PCSD delivered answers in a rather roundabout way from chief henchmen, Dupnik and Maj. Douglas. In a scene, mildly reminiscent of Marc Anthony’s address to the riotous

citizens of Rome after the murder of Julius Caesar, as Anthony cleverly announced he was not going to mention Caesar's will or the gift bequeathed to each Roman citizen, Maj. Douglas confirmed a stained blanket and brush had been recovered by investigators at a home on N. La Cholla Blvd.; deftly adding, "to speculate that the substance [on the blanket] is blood would really be out of line." Up until then, only an investigator had speculated about blood, immediately afterward the community would be drowning in lurid tales about the girl being taken to the trailer and brutally molested; the "proof" being the bloody blanket that had been found and, of course, they had found her hairbrush there, too. Interestingly, the PCSD falsified scenario serves to exonerate Frank Jarvis Atwood; government witnesses proved his absence of residing in the trailer on September 17, 1984.

Chapter Twelve

Search to Nowhere

When the first rays of sunlight began to skip along the ridges and troughs of the irregular terrain of the Tucson Valley, on Tuesday September 18th, 1984, Detective Richard Van Skiver was already airborne in Ranger 32, scouring desert areas of the northwest side for signs of Vicki Lynn Hoskinson. He had worked through the evening and into the early morning hours, until 5:45 a.m., with little if any rest, and he was back.

Once Frank Jarvis Atwood had been arrested on September 20th, and mounting evidence pointed away from him as the culprit, the enormity of the problem left team investigators scratching their heads in bewilderment. They had made a show of having the outsider, a parolee with crimes against children in his past, who journeyed to Tucson and preyed on one of their children; now the outsider, fingered by law enforcement, was slipping away. Realizing the serious disconnects in the hypothesis, and being precariously short of time for presenting probable cause to a judge, the Task Force had

to make some quick adjustments. Investigators called out the Search and Rescue consensus team to radically alter assumptions and constraints for a modified search to be executed. The most likely assumption, to be implemented, was the girl's body had to be hidden only a few minutes away from the scene of the abduction. They would also make another all-out push to locate any physical evidence that Atwood took Vicki Hoskinson. Possibilities were boundless, limited only by their imaginations.

There live indications in the files that someone on the Task Force considered a preemptive action prior to launching, unnecessarily, the largest and most intense emergency search in county history. A strange artifact in the evidence archive suggests someone recommended Atwood's car, in Texas, be quickly searched Friday the 21st of September. This was prior to the forensic processing of the vehicle to be done on Saturday, to determine whether there was any piece of obvious physical evidence of Vicki Lynn Hoskinson having been in Atwood's car. State's Exhibit 28 contains five photographs taken that Saturday just prior to the examination by Special Agent Edward Burwitz, the specialist sent by Washington D.C. to oversee the process. The photos taken of the Atwood vehicle, with doors and hatch open, demonstrate the condition of the car's interior, including contents, before the contents were removed and individually packaged for shipment to the FBI laboratory in Washington.

Enlargement and digital enhancement of these photographs show Atwood's car had been emptied of its contents twice, not once. According to all of the FBI claims, no one had touched the car until lab expert Burwitz presided over the events on September 22nd; the FBI was emphatic on this point. However, two of the Exhibit 28 pictures prove the contents were removed on September 21st and then replaced in reverse order of

removal. Items within the car were depicted from two angles in the two referenced photographs and, at first glance, it appears the nearly packed to the roof property had been piled back in the same order and positioned in both images. Yet, upon closer examination of enlargements several items differ in the way they are placed with respect to one another. While of itself, this alone is not convincing evidence of the Friday removal, however, when examined in conjunction with the vehicle inventory log from Saturday, it becomes clear the photos had been shot on two different occasions.

The precise order of items removed from the car on Saturday was logged, starting at the top and progressing to the bottom. Item number 5 is a book entitled, *The Equinox*, having a white slip cover and gray binding. On the bottom, under all the camping gear, clothing, and other belongings, the second to last item removed from the bottom of the hatch area was item 74, a book with a white slip jacket and red binding was called, *The Book of the Law*. One of the two photos show *The Equinox* on the top of the pile, the photograph was taken previous to the removal of items on Saturday. In the other picture, the red book, *The Book of the Law*, is on top. By Saturday morning, it had been moved out of sight to the very bottom of the pile; the prints were small (measuring approx. 3" x 4 1/2") and absent the enlargement, the switching error was not noticeable.

Most likely, the quick check for child-sized fingerprints explain the covert Friday examination. Were any small fingerprints in Atwood's car matching a fingerprint from the Carlson home, it would be a lock; no plausible explanation would be possible.

Thus existed the reason to devise the delayed plan for searching desert areas until the car could be surreptitiously gone through. Had prints, blood, anything indicative of

Hoskinson's presence been discovered police would have had probable cause to hold Atwood.

On Friday the 21st, John Dalseg was being pressed for information by the media for some kind of material about the Atwood arrest and for an update on how the case was progressing. The FBI is certainly more immune than local law enforcement authorities to press insistence for information, and had he opted to avoid questions it would have been routine; however, he chose to respond. During the press conference, he made the statement that there was "no surface evidence that the girl had been in the car." Investigators had seized from the Carlson residence Vicki's brush, a pillow case having her blood on it, and some items possessing prints; authorities had Hoskinson's hair, blood, and fingerprints along with her sister's dress of the same materials for use as fiber comparison. The Dalseg statement of no Hoskinson trace in Atwood's vehicle carried a profound impact, and was supported by a FBI supervisor's statement to Frank Atwood's parents in a court hallway, "if we did not find a trace of the girl in your son's vehicle, then she could not have been in there." As events unfolded, and more in-depth examination of the car transpired (i.e., all contents sent to the FBI lab in Washington D.C., along with actual parts of the car and vacuum scrapings), the same result occurred after careful comparison: Vicki Lynn Hoskinson could not have been in Frank Jarvis Atwood's car.

At 3:30 on Friday afternoon, September 21st, Dr. John Bownds and Dr. David Lovelock arrived at the command post. Both men were professors of mathematics at the University of Arizona and were volunteer Search and Rescue (SAR) analysts. Lovelock brought a computer with him for use in a revised search plan creation being formulated

by the SAR driven search task force. Using search results feedback and a slate of search parameters, a computer program was to be implemented for optimization of the search team's efforts. Up until Friday afternoon, the search for Vicki Lynn Hoskinson had been somewhat random; based upon sightings, clues called in via the hotline, and hunches. Searched areas included those in the neighborhood; especially nearby washes, culverts, and abandoned buildings. There was use of the sheriff's posse (mounted on horses), Ranger 32 flyovers, and people on ATV's, participating canine teams, and scores of people on foot. The continued hunt for little Vicki would be long and arduous in coming weeks; a desperate event eventually proving uneventful, and abandoned in October.

However, this renewed effort of Friday had sprung up like a twister, capturing the attention of the public for a short interval before then dissipating as quickly as it had appeared. It began with a call to the PCSD Special Operations section by media hound Maj. Douglas at 8:30 a.m.; contact having been made with Sgt. Lawrence Seligman, Special Ops commander, who was responsible for the SAR unit. Search and Rescue had not yet been involved in the case; the division's primary functions were to locate and rescue individuals, or parties of hikers/campers, who had become lost or injured in Pima County's mountain and desert wilderness. Unwary tourists and careless locals (e.g., those trapped by flashfloods from torrential rains filling normally dry washes with dangerous currents of rushing water) also would be the responsibility of SAR troops.

Seligman was ordered to report to the command center for a meeting with the Investigation Task Force management team at the Operations Command center on W. Prince Rd. to discuss an all-out search for Hoskinson. It is hard to precisely determine

what transpired at the meeting, there does not appear to have been any minutes kept, but there was in fact an immediate, massive, and concerted search for the girl's body ordered, the emphasis being time was of the absolute essence. Despite Dupnik's continued assertions of confidence the child would be found alive, the search warrant made it clear the search team presumed her dead. It was senseless to believe if Vicki was in the desert she could survive four days of exposure without food or water. If Vicki Lynn had been held by someone the SAR would be of little benefit, but if she were left out of doors one must wonder why the sudden super search had not been launched earlier.

After having been briefed regarding what the investigative team had pieced together as the new crime scenario, Seligman met with a planning and consensus team consisting of SAR officers and volunteers. A liaison from the Investigative Task Force also attended. The search command structure was determined and a basic plan for the search was laid out; Seligman would act as a command manager and Deputy Charles McHugh would take charge of command operations in the field. Areas to be searched were laid out in a preliminary order of precedence; an impressive array of search resources would be assembled: Five law enforcement agencies were sending assistance – Tucson's Police Department, the Pima County Sheriff's Department, Cochise County Sheriff's Department, The Federal Bureau of Investigation, and the U.S. Border Patrol. Included would be search helicopters and aircrews from not only the Tucson P.D., but also from the Department of Public Safety (DPS) and the Air National Guard. Five canine teams would participate, sixty-two Cochise Co. SAR members, the

Sheriff's mounted posse, Southern Arizona Rescue Association, the Sheriff's auxiliaries, and dozens of volunteers were all assigned responsibilities.

A forward area SAR command post was set up at the TPD Academy. The search area was divided into sectors on a grid; with information about terrain topology, vegetation density and type, road and footpath conditions all fed into a computer search optimization program to determine search success probabilities for each of the areas of interest. Information from

Dep. J. Sheehan, K-9
 Dep. J. Robinson, K-9
 Dep. S. Clark, K-9
 Dep. C. Kayler, K-9
 Dep. J. Himes, Traffic/Air
 Dep. S. Tipling, Traffic
 Dep. R. Benson, Traffic
 Dep. K. Pearman, SRO
 Dep. S. Seligman, Sex Crimes

2. Tucson Police Department
 Lt. J. Harris, et. al., TPD Air Unit
 Sgt. R. Entwiler, et. al., TPD K-9
 Lt. T. Patterson, et. al., TPD Academy
 Sgt. Ray Hardyman, Sex Crimes

3. Cochise County Sheriff's Department
 Lt. Larry Dever, SAR
 Sgt. Dave Jark, SAR

4. Department of Public Safety
 Ranger Helicopter Air Crews

5. Federal Bureau of Investigation
 Richard Rogers, Supervisory Agent
 Peter Zobenica, Special Agent

6. Border Patrol
 Officer David Lewis

Other Government Resources

1. Arizona Air National Guard helicopter

Volunteer Resources

1. Southern Arizona Rescue Association (15-35)

2. PCSD Sheriff's Auxiliary Volunteers (1-3)

3. Sheriff's Posse (7-10)

4. Cochise County SAR volunteers (62)

5. University of Arizona Math Department
 Dr. John Bounds, PhD
 Dr. David Lovelock, PhD, Dr. Sci.

B. Search Theory Section

Search Assumption

1. We assumed the victim was kidnapped at about 1530 hours, 09/17/84, for the purpose of sexual molestation by the in-custody suspect.

2. We assumed the victim would be unable to assist in her own rescue or find, and probably hidden from view.

3. We assumed the suspect would take the victim to a relatively close area that offered privacy and ease of access to a two wheel drive vehicle. We assumed an approximate twenty minute drive time from the point last seen.

Search Priorities

1. First priority areas are those based on clue or relevant investigative leads.

2. Second priority areas are sites that conform to the search assumptions.

3. Third priority areas are those based on hunch, gut feeling or psychic reports.

Search Coverage Criteria

1. Each defined search area was covered by at least one air and one ground resource.

2. Natural surveillance or uncontrolled search prior to 09-20-84 was discounted and not included in decision making.

3. All ground search personnel were briefed to be clue conscious and sensitive to crime scene protection.

C. Search Organization and Command Section

1. Search Manager--Dep. C. P. McHugh

2. Planning--Sgt. Seligman

3. Air Resource Manager--Dep. John Himes

4. Ground Manager--Mike Raymond, Scott Clemans

5. Probability Analyst--Dr. David Lovelock, PhD, Dr. Sci.

6. Investigative Liaison--Dep. Ken Pearman

Second Level

Each resource, air or ground, had its own overall commander and team leaders as required.

D. Search Area Description Section

840917040

DISCLOSED

REPORT OF SEARCH AND RESCUE

SEARCH EFFORT

FOR VICKI HOSKINSON

Disclosed Here JUL 5 1985 1
242
1890's

I. Identification Division
Documentation and Report of Search
Compiled by Sgt. L. F. Seligman

Case #84-09-17-040
Missing 8-year-old child Vicki Hoskinson
Point last seen: Root and Romero area
Phoenix map grid system P. 79
226-00

Kidnapping/foul play suspected

Search and Rescue requested 09/21/84
0900 hours

A. Executive Summary Section

This report documents the involvement of the Search and Rescue (SAR) Unit, Special Operations Section, of the Pima County Sheriff's Department (PCSD) in the Vicki Hoskinson case. SAR was requested Friday morning, September 21, 1984 by Major Dennis Douglas.

The search effort was coordinated by PCSD SAR Manager Deputy C. P. McHugh #446. The effort involved resources from at least five law enforcement agencies, the Arizona Air National Guard, and seven different volunteer groups that are sanctioned by law enforcement agencies. The peak search effort was Saturday, September 22, and involved at least one hundred and fifty individuals.

The search area was primarily bounded by Highway 83, Grant Road, the Tucson mountains, and Ina Road. Searches were conducted outside this area on Mt. Lemmon as well.

The full scale search operation concluded the evening of Sunday, September 23, 1984. Specific sites were searched throughout the week of September 24, 1984. No pertinent clues or other information can be reported from search efforts. The search management team has a high confidence level in the productivity index or probability of detection level for the specific areas covered.

Computer driven probability analysis indicates that continued coverage of these areas would not be a productive or efficient use of available search resources. A change in search assumptions or the introduction of new information would alter this analysis.

II. Data Division

A. Resource Section
Law enforcement based search resources

1. Pima County Sheriff's Department
 - Sgt. L. F. Seligman, Special Operations
 - Dep. C. P. McHugh, SAR
 - Dep. W. Westorling, Rural SX
 - Dep. D. Myrvold #398, Rural Rincon

243

searches would be fed back into the program so results could be utilized to pursue the best combinations of resources for subsequent step employment. Adjustments in assigned resources for each sector – such as low pass, low troops, and combinations thereof – would be applied for maximum target detection probability, the goal existing as the missing girl's body. Simply put, the search would be performed in the manner of a small-scale military operations research exercise.

Seligman had surveyed the search area from a DPS ranger helicopter, then met with the management consensus team to define search criteria, boundary conditions, and initial probability assessments. Probabilities were estimated by ground cover presence, road availability, and gut feelings from the search team's accumulated individual experience. Of course, Dupnik and Douglas, with press in tow, showed up at the field operation location, where the team was staging for the big push. The preliminary operations began the afternoon of September 22nd with helicopters surveying areas designated by Seligman and McHugh, while ground crews searched areas meandering along the irregular edges of the valley floor where terrain began to rise in graduated foothills toward mountains in the west.

In all, the grim assumptions, which contrasted directly with the official position given to the public, gave birth to but one scenario:

1. The child was dead, a victim of a sex crime.
2. The perpetrator was the person arrested in Texas and he was relatively familiar with the area.

3. The crime was committed in a secluded spot within a short driving distance of the point last seen, and that they had driven there in a 260/280 Z Datsun.

4. It is believed that this took place about 3:30 p.m. on Monday September 17, 1984.

5. The body was not too far from an area accessible to a 260/280 Z Datsun.

Apparently, PCSD poison infected the search scenario. Had the abduction transpired around 3:30 then Atwood was excluded by Sam Hall, Michael Eggers, and Mary Ann Redgate. The sex crime provides the impetus for blindness to Vicki Hoskinson's plight; obviously, once the horror and evil of child rape had been introduced into the mix all objective evidence (e.g., Vicki Lynn in the Tucson Mall on the evening of the 17th, Atwood as an outsider possessing no familiarity of Tucson, etc.) went out the window and with it perhaps the very life of Vicki Lynn Hoskinson.

Nevertheless, resident SAR team notes was "no one in the consensus team felt that any other scenario was realistic." Consequently, the most notable features of the search constraints were the contraction of the time envelope and assumption which, along with other assumptions were fatally flawed. This being clearly seen in the search and rescue effort's absence of recovering the child's body.

Chapter Thirteen

Paintbrush of Atrocity

Intense exploration of the record's tens upon tens of thousands of pages definitively establishes the sole purported link between Frank Jarvis Atwood and Vicki Lynn Hoskinson resides as paint from Hoskinson's bicycle on the front bumper of Atwood's vehicle; a residency created by law enforcement having placed that paint on the bumper. Specifics involve:

1. Atwood was arrested in the afternoon of 20 September 1984, his car seized and the next day had been transported to the San Antonio FBI garage.

2. On or about September 22nd Pima County Sheriff's Department (PCSD) detectives removed the vehicle's front bumper and took it to Tucson.

3. Once in Tucson, Vicki's bicycle was struck against the front bumper and then scrapings were taken.

4. The bumpers were returned to San Antonio during the evening of September 24 or early on September 25 and improperly reattached to the car.

Inquiry into this manufacturing of crucial evidence in a capital murder case must initially center on the PCSD need to have fabricated evidence with such immediacy. Two key points emerge: (a) the bicycle was scheduled to be shipped to the FBI lab on 25 September, the bicycle/vehicle union had to transpire prior to the bike's departure, and (b) evidence being uncovered in the hours after Atwood's arrest was exculpatory, probable cause to continue his detainment had to be established rapidly.

FBI Special Agent Declan Hoffman was assigned to the FBI field office in San Antonio, on the afternoon of 20 September 1984. He received instructions to travel to Kerrville, a town about seventy-five miles northwest of San Antonio, to assist in the arrest and recovery of evidence from the fugitive, Frank Jarvis Atwood. By the time Hoffman arrived in Kerrville, Atwood had been arrested. Hoffman was directed to go to the Ken Stoepel Ford dealership, where Atwood's car was being held under guard in a mechanic's bay within the service department's garage. He was to perform a cursory search of the automobile for any information joining Atwood to the missing girl and to

help to discover her whereabouts. While there, he also conducted an initial photographic survey of the car's exterior.

None of the individuals – FBI Special Agents Declan J. Hoffman, Charles Klafka, David Priarone, Maureen Murphy, and Kathleen Kennedy, along with local police detectives Robert McCutcheon and Brown H. Stokes – observed any paint on the bumper on September 20th; including the photographic recorder Agent Hoffman (cf., taped statement to defense attorney Stanton Bloom, June 1986 pre-trial hearing testimony, trial testimony in February 1987; see also Appendix I). Given eventual assertions of paint on the bumper, the avowals of no such substance dwelling thereon on the evening of Atwood's arrest was an extraordinary revelation. All present were trained observers and experienced investigators, not one of them viewed any paint.

After the initial 20 September search and photography, on 21 September the vehicle was taken to San Antonio. Close inspection of photographs from San Antonio reveal a second search, this one of the car's interior, despite FBI claims to the contrary; an odd denial, given incontrovertible photographic proof and Atwood having signed a consent to search document. A search warrant was secured late on September 21 and led to a third examination of the automobile on September 22; throughout each search attention to the most minute traces of physical evidence was applied – door knobs, carpeting, soil samples, other car parts were all safeguarded for comparison – a meticulous exercise of hunting for an Atwood and Hoskinson relation... wholly absent success.

The bicycle had been shipped from Tucson on 25 September, arriving in Quantico, Virginia, at 10:55 a.m. on 26 September. At 8:15 a.m. on 26 September, Special Agents

Gregg G. Van der Loo and Harold L. Byford, Jr., placed Atwood's vehicle in a Ryder rental truck in San Antonio and drove the truck to Tucson; arriving 27 September at 4:20 p.m., Department of Public Safety Sgt. K. Brennan accepted custody of Atwood's car at 4:30 p.m. An FBI memo, dated Sept. 26th, contended that upon the Atwood car's return

FXO 001 2702240Z

PP HQ LA SA

DE PX

P 262240Z SEP 84

FM PHOENIX (7-1196) (P)

TO BUREAU PRIORITY

LOS ANGELES PRIORITY

SAN ANTONIO PRIORITY

BT

UNCLAS

FRANK JARVIS ATWOOD, AKA; VICKIE LYNN HOSKINSON - VICTIM;
KIDNAPING; OO: PHOENIX.

RE PHOENIX TELETYPE TO BUREAU 9/24/84.

DATSUN 280Z BEING TRANSPORTED BY SAN ANTONIO AGENTS TO TUCSON,
TO ARRIVE P.M. OF 9/26/84. BUMPERS TO BE MATCHED TO DAMAGED AREAS
OF FENCE GATE, TELEPHONE POLE AND MAIL BOX, AND THEN TO BE
SUBMITTED BY PCSO TO FBI LABORATORY.

ALL EVIDENCE IN POSSESSION PCSO AIR FREIGHTED TO FBI LAB
AND ARRIVED 10:55 AM THIS DATE. EVIDENCE SUBMITTED INCLUDED ITEMS
CONTAINING FINGERPRINTS AND HAIR OF VICTIM, ELIMINATION HAIR AND
FINGERPRINTS OF FAMILY MEMBERS, VICTIM'S BICYCLE, MAIL BOX, AND
WOOD FROM POST, AND SCRAPINGS FROM TELEPHONE POLE.

Searched _____
Serialized 7
Indexed 7
Filed 7

7-1196-37

FD-302 (REV. 3-8-77)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 10/1/84

At 8:15 a.m., September 26, 1984, SA GREGG G. VAN DE LOO took custody of a Datsun 280 Z automobile, which was evidence in this investigation, and physically was present when this vehicle was transported to a loading area near the San Antonio International Airport on Wetmore Road, whereby this vehicle was loaded into a Ryder, 22 foot, rental truck. At 9:30 a.m., September 26, 1984, SA GREGG G. VAN DE LOO, and SA HAROLD L. BYFORD, JR., locked and secured this Ryder truck, and thereby transported the truck containing this Datsun 280 Z automobile from San Antonio, Texas, to Tucson, Arizona, arriving in Tucson, Arizona, on September 27, 1984.

At 4:20 p.m., September 27, 1984, the truck was re-opened, and the appropriate security devices removed, and at this time the vehicle was turned over to Sergeant K. BRENNAN, Pima County Sheriff's Department, Tucson, Arizona, badge number 560. A receipt for this transaction was signed by Sergeant BRENNAN and retained in evidentiary file. When this vehicle was turned over to Sergeant BRENNAN, this transaction occurred at the Arizona Department of Public Safety Office - Vehicle Storage Area, Tucson, Arizona.

During the entire transportation of this vehicle on September 26, and September 27, 1984, no parties other than SA's BYFORD and VAN DE LOO had any access to this evidence until this truck was unlocked and unsealed, and the evidence turned over to Sergeant BRENNAN on September 27, 1984.

San Antonio, Texas - PX 7-1196-216
Investigation on 9/26 - 9/27, 1984, Tucson, Arizona File # SA 7-1196
SA HAROLD L. BYFORD, JR. &
SA GREGG G. VAN DE LOO:tlf Date dictated 9/27/84 *lpt*

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SEP 27 1984

FBI/DOJ

13-FJA028549

to Tucson the bumpers were to be matched to evidence items (a mailbox post, damaged fence gate, and telephone pole) before then being submitted to the FBI lab. The trouble with this assertion exists in the actuality of these evidence items having been sent by PCSD investigators to the FBI lab prior to the car (with bumpers) arriving in Tucson. It had been known, by the PCSD, that these comparison items were scheduled to depart for the lab at least a full day previous to the car coming to Tucson; the only purpose for having bumpers remain on the vehicle, as opposed to their submittal to the lab (with other items) from San Antonio was precisely to ensure they enjoyed an early appearance in Tucson.

The case against Frank Atwood was in trouble, no Atwood/Hoskinson linkage was being developed – police and civilian witnesses saw no damage to the bicycle that would indicate it had been in an accident or collision with a vehicle and no paint was present on Atwood's car bumper when he was arrested. On September 26, the FBI, having already informed PCSD investigators there existed no evidence to sustain probable cause for holding Atwood, knew federal charges would have to be dropped. The San Antonio FBI bureau office contacted the Phoenix FBI field office to recommend the convening of a federal grand jury to indict Atwood so no demonstration of probable cause at a removal hearing (i.e., transfer from Texas to Arizona) would be required. Exposed here is on 26 September 1984, nearly a week subsequent to Frank Atwood's arrest, the upper echelons of the San Antonio FBI field office still were not aware of any pink paint on Atwood's car... not a problem for the PCSD, they could, and did, manufacture the presence of bicycle paint on the bumper.

Our next arena of inquiry revolves around the fact of the bumpers having been removed over the weekend of September 22-23, 1984, and reinstalled by the time of photographs being taken on September 25 while the vehicle was at the FBI San Antonio facility. To be sure, no documentation of the removal exists, a development that does not negate the actuality of their disassembly but instead lends proof to government's nefarious conduct.

Careful examination of state photographs 26-1, from the moment of Atwood's arrest on 20 September in Kerrville, and 25-10, once the vehicle had been transported to San Antonio (this photograph having been shot on 25 September), absolutely confirms the bumper's removal and reattachment; the displacement resulting from improper reinstallation is patent. Any observer can compare the 26-1 Kerrville image with the 25-10 San Antonio photo, by counting the louvers visible on the grill it is obvious the height of the bumper has been disturbed; photographic measurements confirm the inept re-affixment effort that placed the bumper 1 ½" higher.

Dr. Diane Emery Hulick – possessing forty-five years of experience at local, state, and federal levels in criminal and digital photography (please see appendix C) – examined and compared photographs 26-1 and 25-10. She concluded it was obvious the bumper and the cowling (the bumper and car frame connector) displayed in the San Antonio frame rested in clearly different position than in the Kerrville image. That is, there is a deduction of visible surface of the grill, and of the directional signals, and of the gap between cowling to side mount bumper boot. Dr. Hulick noted the slight difference in the angular view between the two photographs does not negate the altered placements (see Appendix E).

Interestingly, the state has never provided an iota of rebuttal (e.g., pleadings to courts, expert affidavits) to the 1 ½” bumper height dissimilarity, the factual being indisputable.

The judge for the federal court’s state of Washington district, in the Atwood case, John C. Coughenour indicated that he was singularly unimpressed with Atwood’s other expert, David E. Hill.

David E. Hill, at the time of his death in 2012 (may God rest his soul), possessed thirty-five plus years of experience as an expert in high tech imaging and failure analysis; an engineering physicist by trade, David Hill had far greater expertise than the ordinary forensic photographer. Experience included work for the Department of Defense to determine crash causation (i.e., the same principles as accident recreation but with more sophistication); required had been infra-red, SEM microscope, and macroscopic photography as well as photographic, micro-photographic, micrographic, metallurgical, chemical, spectral, and x-ray imaging analyses – all of which greatly transcend civilian accident reconstruction needs – of over one hundred submissions, Mr. Hill had nary a single one rejected (see Appendix D).

David, in utter concurrence with Dr. Hulick’s discourse re the 1 ½” difference in bumper heights, also discussed additional visible infirmities in the feeble removal and reinstallation reality. The bumper sleeve on the vehicle had experienced slight defect where the top region of the boot sleeve tongue hung up on the bottom edge of the bumper; when in Kerrville only about half of the sleeve fit snugly against the bumper

face. However, when reinstalled, the tongue was caught against the back edge of the bumper and curled back underneath itself.

One more ingredient of categorical evidence that bumper removal occurred resides within a mysterious incident involving the San Antonio FBI evidence room. The bumpers had been inventoried, as in the evidence room, for the purpose of shipment to the FBI lab; contents of box 6 of 7 of items being prepared for 24 September 1984 departure. However, they were neither logged in or out of the evidence room. This mysterious activity surrounding the bumper is in no way trivial; the chain of custody had been broken and the most critical piece of evidence in a capital crime, the bumper (which the state alleged was in contact with Vicki Lynn Hoskinson's bicycle), had been compromised by law enforcement, for undisclosed purposes, between September 22-25, 1984.

Finally, a June 2012 hearing, Judge Coughenour presiding, enjoyed the presentation of evidence that human action was required to inflict the injury caused to the bumper height and cowling deformity. The Datsun 280-Z manual was produced to demonstrate four bolts had to be undone to dismantle the bumper; actually, the bumper was also displayed in court. Moreover, Atwood's attorney's had arranged for a Datsun expert to testify at an evidentiary hearing, to categorically prove purposeful removal of bolts (as opposed to incidental causation) was required for any bumper removal; a short film was also shown to cement this fact.

Undeterred by fact, Coughenour claimed accidental misalignment and/or damage from a mechanic's lift existed as the indisputable cause of bumper damage and cowling differences.

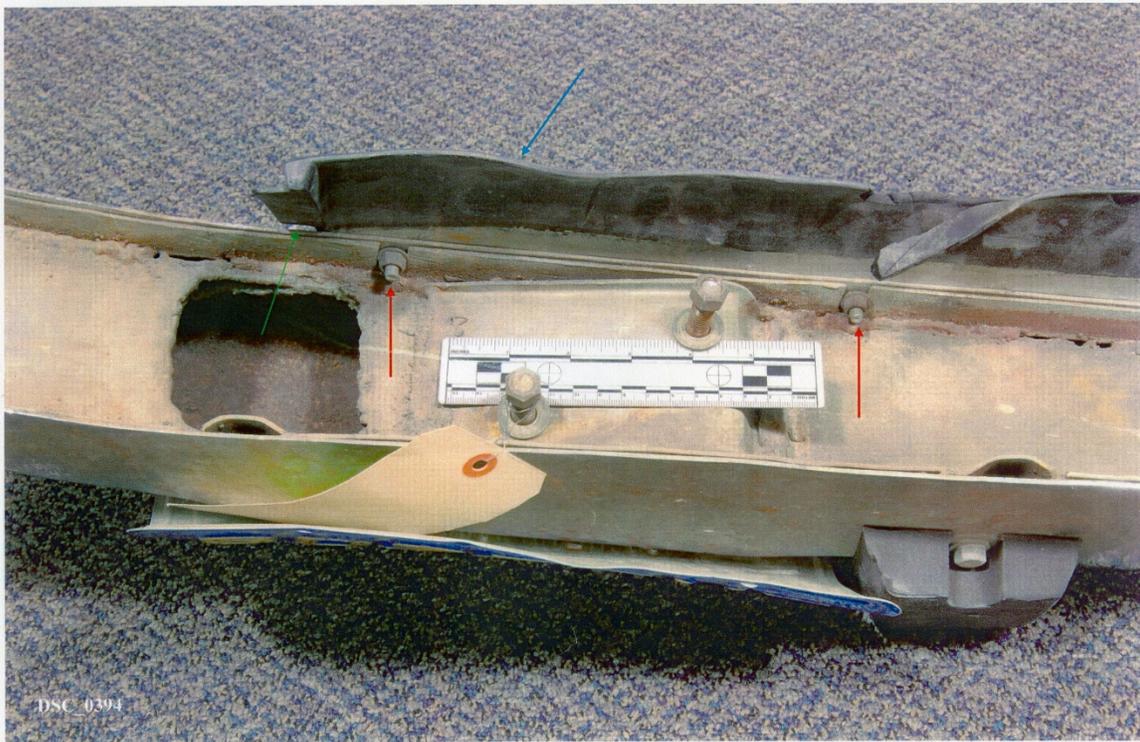
Now that we are in possession of the "why" (need to manufacture immediate probable cause) and the "what" (bumpers surreptitiously removed from and reinstalled on Atwood's car), we can turn attention to showing precisely where the bumpers traveled while dismounted.

The murky cloud engulfing the handling of the bumpers dissipates not with additional examination of case records and materials; if anything, any such inspection stimulates a deeper, denser aura of impenetrability. David



Side by side comparison of 25-10 (left) and 26-1 (right.)

Lamar Couser photograph of cleaned bumper upon May 1985 return from FBI lab.



DSC_0394 is a photograph of the bumper taken at the Superior Court evidence room in Tucson, AZ in August of 2008. The two red arrows point to two of the five locking bolts used to secure the bumper cowling to the bumper assembly. The green arrow points to a slot in the tenon of a mortise and tenon joint. The mortise is part of the bumper side boot assembly, which is mounted to the body of the car. When fully assembled, the end of the bumper cowling (blue arrow) is locked down to both the boot sleeve and the bumper itself. Removing this joint and dislocating the cowling is a very involved process, involving several deliberate operations, and it could not have occurred inadvertently. It was separated when the bumper was removed from the car, and the San Antonio FBI photographs taken on Monday, 25 September 1984 clearly show that the bumper removal occurred prior to that date while the car was at the FBI facility.

Hill uncovered a set of photographs “which by contrast, background, chromaticity, and gamma could not be fit into any of the known photographic sets.” As with a great number of photographs in the Atwood case, none of the frames are labeled or dated, however, Hill entitled this handful of images as the Tucson Suite (or Tucson Unknown) due to their having undoubtedly been taken on PCSD evidence/property room’s platform (loading dock).

In the set of Tucson Unknown photographs the bumper of Atwood’s vehicle is lying on the loading platform just outside of a blue door. In March of 1985, when the bumpers were returned from the FBI lab, initial Atwood defense counsel Lamar Couser took a series of photographs, in one frame PCSD accident reconstructionist Clifford McCarter is seen standing by a door. Upon enlargement of this image a distinct defect in the wall by the door jamb is clearly visible... the exact same wall damage exists in the Tucson Unknown set.

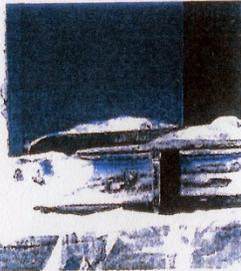
Consequently, the removed bumpers had, at one point in time, visited the Tucson evidence room’s loading platform. Of course, the key piece of the puzzle must center on just when this social call to the platform transpired, a question to which we shall now lend focus.

On 23 September 1984, the front bumper of Atwood’s car was together with the rear wheel of Hoskinson’s bicycle on the PCSD property and evidence platform in Tucson. This is categorically irrefutable and must place the actuality on the weekend of September 22-23, 1984.

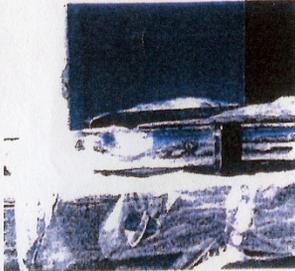
We have previously determined the departure of Hoskinson's bicycle from Tucson to the FBI lab as having transpired on September 25, while the Atwood vehicle remained in San Antonio until the September 26 onset of its journey to Tucson. Additionally, the bumpers traveled to the FBI lab on October 1 and returned in March of 1985. Consequently, if evidence arises to prove the bumper and bicycle wheel were together on the PCSD property dock, prior to the 1985 bumper return, the sole window resides as after the search and vehicle photography on the afternoon of Saturday, September 22, and prior to the bicycle going to the lab on September 25th. The referenced March 1985 Couser photos reveal a cleaned front bumper – perfectly sensible, the FBI would sanitize the item prior to entry in its sterile laboratory environment – while the Tucson Unknown photographs depict a grimy, filthy bumper. Thus, the Tucson Unknown images simply had to have been shot before the Couser pictures, sometime during September 22-25.

Further support for this reality rests in the reflection of the bumper. First, there were only a few automobiles in the parking lot, during daylight hours. This leads to the 23rd of September a Sunday. Second, both of Atwood's experts (Dr. Hulick and David Hill) validate, once Tucson Unknown 003 was enlarged significantly, that in the bumper reflection can be seen a man holding a bicycle upside down; the rear wheel has been removed (the wheel

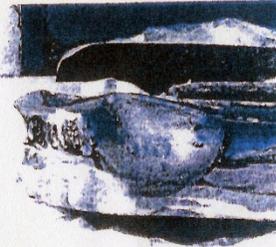
Tucson Photographic Suite



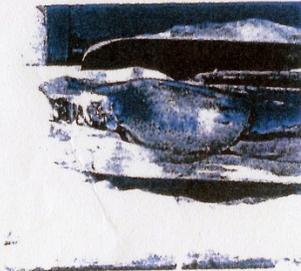
TSUNK001



TSUNK002



TSUNK003



TSUNK004



TSUNK005

Location: Pima County Sheriff's
Department Property Room - Outside
Loading Dock

Date: 23 September 1984

Pima County Sheriff's Department Property Room



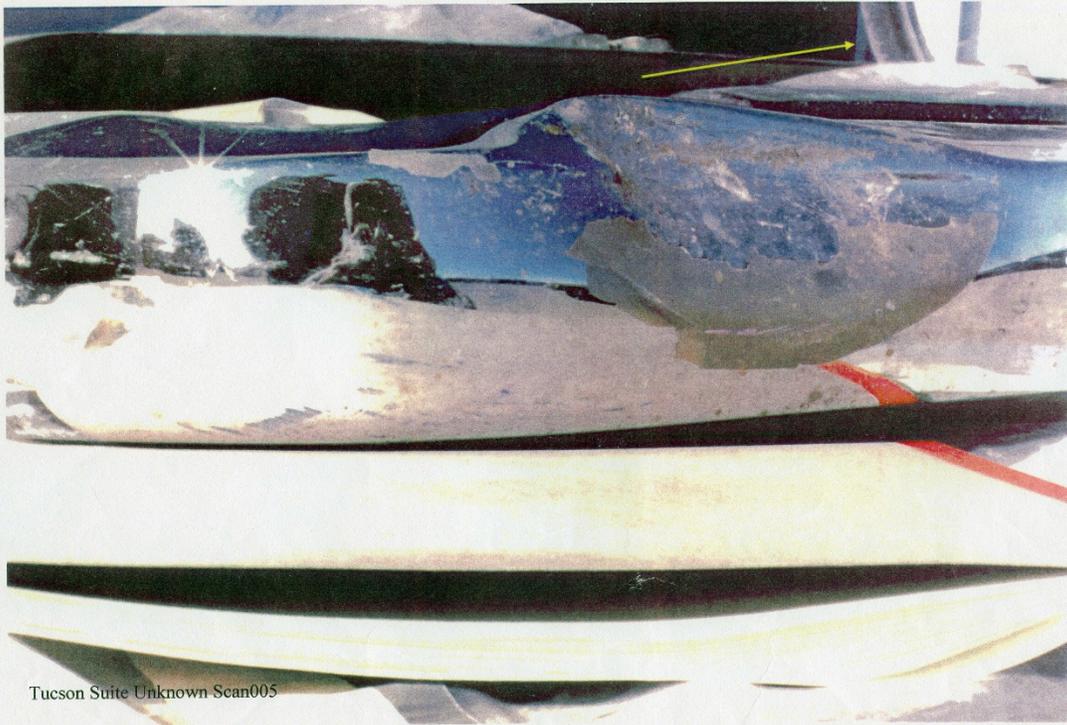
CP20050993 FR 17-030485



The man standing in the door of the PCSD Property Room is Deputy Clifford McCarter. In this second set of photographs taken by Lamar Couser during the evidence examination in 1985, McCarter oversaw the handling of evidence. The item of interest is the out take shown above. The damage to the wall next to the door jamb is distinctive. It shows up also in the photographs of the Tucson Suite, in the previous photograph.



In the photograph above, the light blue arrows designate oil spots where the dirt on the surface of the cowling has been wetted and darkened. The two yellow arrows delineate a section of the bumper where smearing and smudging has occurred and has removed some of the dirt that coats the cowling surface. The white arrow points to the reflection of buildings across the parking lot and the red arrow points to a car parked in an almost empty parking lot behind the photographer. The dark blue arrow indicates the reflection of two additional cars and the roof and part of the side of an out building of some kind. There are also two portable work tables, both empty, between the edge of the dock and the two cars. Otherwise, the lot is empty, indicating that the photographs were taken on a week end. The red dashed circle on the wall behind the bumper indicates the location a unique damage artifact in the building, which matches exactly with other PCSD photographs that show the evidence room loading dock, thereby fixing the location as being the PCSD evidence/property room.



Tucson Suite Unknown Scan005

In the photograph above from the Tucson Suite Unknown, the bicycle's tire and rim, indicated by the yellow arrow at the top, can clearly be seen.



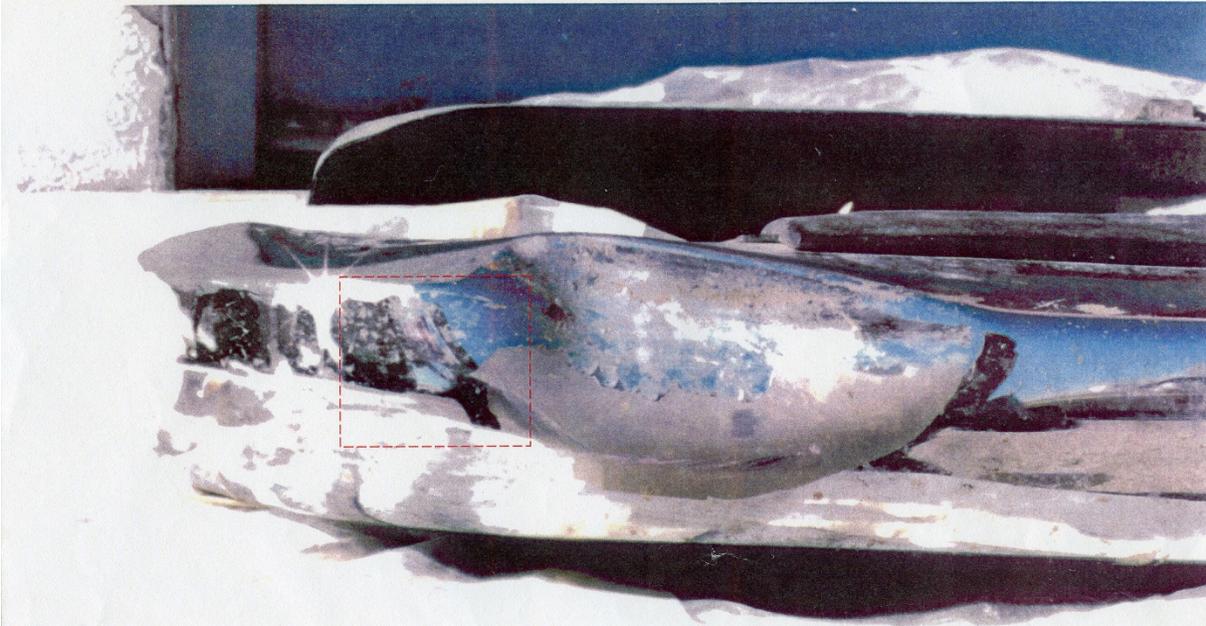
**San Antonio File
TSUNK Compendium
Bumper Cowling with Bike**



The dirt and grime on the cowling can still be seen in the photograph enlargement area below. The point of interest, however, is the wheel of the bicycle, which can be seen in the upper right hand corner of the image.



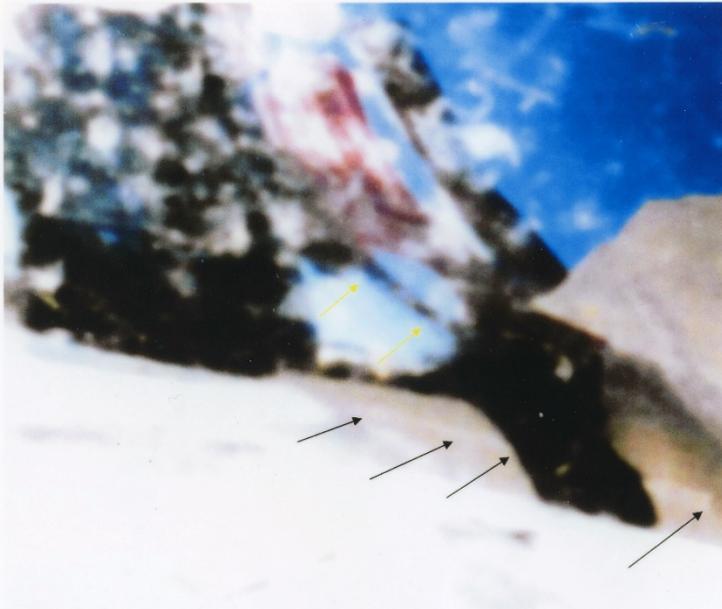
Enlargement of the Tucson Suite Unknown Photograph TSUNK005 showing the dirt and grime still on the bumper cowling



Tucson Suite Unknown Scan0003

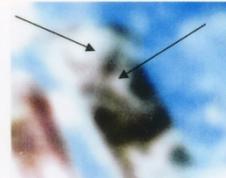
The reflection visible in the red dashed box shows at least one, but probably two men standing at the end of the loading platform to the left of the photographer. One of the men is holding the pink bicycle upside down. The image is severely distorted, because the reflecting surface of the bumper at this particular location has several different curvature directions and radii. It changes direction from positive to negative twice in two different axes. None the less, the bicycle can be easily discerned because of its distinctly recognizable features.

Page 1



The black arrows delineate the white parking lot fire lane marker that is evident in many of the PCSD photographs taken at other times on the loading dock. It is not an artifact; the line disappears when it passes behind the man holding the bike.

The yellow arrows in the photo point to the top cross bar, also shown to the right



The white areas indicated by the black arrows above are not features of the man holding the bicycle; they are blemishes on the surface of the bumper. The man appears to have a mustache. He also appears to be wearing a white collared shirt and dark trousers.



The double image of the chain guard is caused by a sudden direction change in the surface in the area where the chain guard image is located. There is also part of a reflection from the other half of the split image apparent in the photograph.

seen on the dock, by the bumper, in Tucson Unknown 005) and the distinctive two-tone pink chain guard being clearly visible.

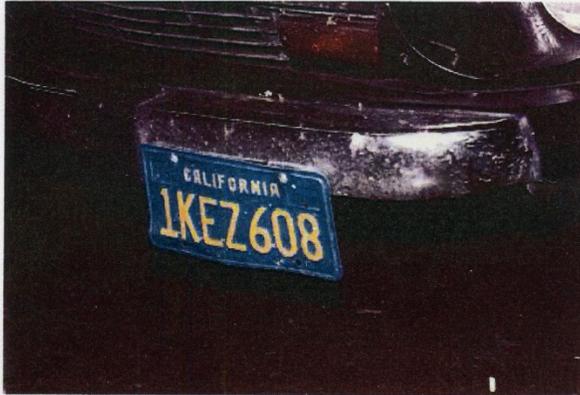
The reflection lives near the preexistent dent on the front bumper's passenger side. Given the bumper's curvature, along with the defect, the thinner man holding the bicycle was not really twisted at his spine, nor was his head actually too small for his body. Also, a second, portly man, is visible at the image's far left and is not as round as seems. In technical terms, the carnival house appearance flows from the surface that is reflecting these images acting like an off-axis imaging mirror whose optical axis just happened to coincide with the location of the camera's aperture. Nevertheless, on Sunday, September 23, a dark haired man with a mustache was holding Vicki Hoskinson's bicycle in front of Frank Atwood's car bumper on the PCSD evidence/property platform (please reference Appendix E and F).

While preparing for the anticipated evidentiary hearing in 2007, attorneys for Atwood consulted metallurgy experts. Unfortunately, neither federal nor state courts appointed an expert and work on what had preliminarily been cited as the "bend/fold/crease scenario" remained undeveloped. However, it became apparent that, as a consequence of when the front bumper had been removed, there occurred defect to the license plate.

Careful study of Kerrville 26-1 (provided by the government at trial) reveals no presence of a fold in the license plate upon Frank Atwood's arrest. This absence of a preexisting defect is enlightening. The front bumper photographs, in the Tucson Unknown frames, demonstrates a fold in the license plate; a significant departure from merely the unfolded left corners of the slightly bent artifact. Once the bumper had been

returned to San Antonio, and replaced on Atwood's vehicle, the plate had suffered creasing – the unfolding inflicted a crease – in the sticker depression to “Cali” region. The bumpers were on the automobile when transported from Kerrville to San Antonio, the license plate remained unfolded; when removed and taken to Tucson, the bumper was positioned in such a way as to impose folding. Once returned to San Antonio, someone attempted to straighten out the fold, thus creating the crease. The chain of events – the preliminary finding of bend/fold/crease on the license plate – evidences the presence of the bumper and plate on the sheriff's property dock in Tucson prior to photographs taken of the vehicle in San Antonio, before September 25, 1984.

The refusal of courts to have appointed a metallurgist, or any experts, retarded the development of evidence to further support the fact of law enforcement having placed paint from the Hoskinson bicycle on the bumper of Atwood's car.



The folding damage to the plate was not a pre-existing condition. The Kerrville photograph of Atwood's car shows that the license had never been folded or unfolded prior to the removal of the bumper and the shipment to Tucson and back. It also shows in the out take that the front surface of the bumper and the license plate are thoroughly covered with dirt and dead gnats.

State's Exhibit 26 Frame 1



Both folding and unfolding deformations were not present at the time the car was taken by the FBI.

The photograph below is State's Exhibit 50-1h, taken in San Antonio.



State's Exhibit 50-1h



Note the prior damage of having been both folded and unfolded when it was shipped to Tucson and returned to San Antonio.

The federal court planned to hold an evidentiary hearing. During the May 21, 2007 hearing, Judge Coughenour expressed his intent to have the evidentiary hearing in about ninety days, he mentioned around the end of August in Tucson (see Appendix J). However, because some evidence in support of the planted paint claim was not previously presented in state court, the state advantaged the rule allowing a state court to initially hear the evidence. Four years of maneuvering in state court culminated in dismissal of the claim without the evidentiary hearing required by law and, at the time, expected by Coughenour. In addition to evidence presented to Coughenour, Atwood's lawyer's uncovered further proof of government misconduct; two examples reside in damage to the bicycle and missing photographs.

All police and civilian witnesses, including the PCSD accident reconstructionist Clifford McCarter, verified that upon discovery of the abandoned bicycle, on September 17, 1984, there existed no evidence of the bike having been in an accident or having collided with an automobile. Consequently, subsequent markings, intended to depict bicycle contact with the bumper of Atwood's car, had to have been placed by law enforcement after it was impounded by PCSD.

In a most comical display of futility, McCarter initially claimed damage to Hoskinson's bicycle rested on its right side main stem (after at first stating no visible damage was present) and subsequently contended the magical



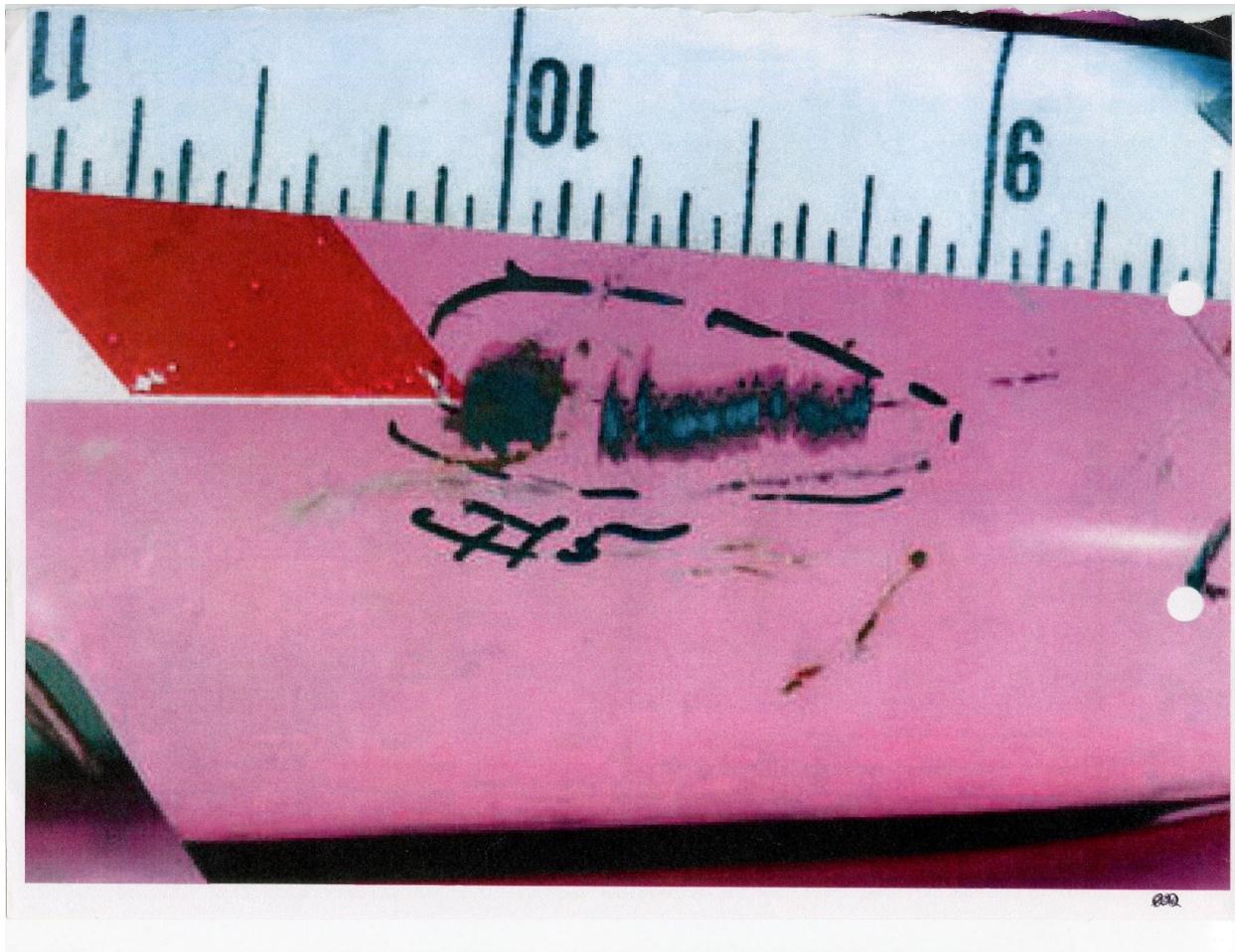
Left side of Hoskinson bicycle



Left side of bicycle close-up



Right side of Hoskinson bicycle



Right side of bicycle close-up

markings dwelled on the main stem's left side. McCarter could offer no reason why he would document the right side when he actually meant the left; orientation being, according to McCarter, the usual left/right from the perspective of a rider seated on the bicycle. From the absence of damage on September 17th, there then arose injury to both sides; the left side of the main stem came to possess a marking that appears to be from horizontal contact (rubbing) whereas damage on the right exists as a thoroughly divergent type, being vertical knife-like scratches.

In re negatives, none had been turned over to the defense, so upon Det. Duffner's validation of usual PCSD practice being to log and store all negatives – this being during an August 2009 interview, while the case was still in state court (pending an evidentiary hearing) – Atwood's attorneys requested all negatives. Initially, the disclosure request was met with the assertion that negatives were missing. However, several weeks later, "negatives" had been miraculously "found" – 68 filmstrips with over four hundred images were provided. No purported negatives of the Tucson Unknown photographs were present; moreover, any "negatives" of germane photographs were not original negatives, instead, they consisted of negatives made from positives. Other missing images also were noticed, such as those from government's second accident reconstructionist, Paul Larmour (who acknowledged he always photographed all stages of his reconstructions and could not explain the absent frames); a Freedom of Information Act request for records of photography resulted in the assertion of all such records were destroyed, despite ongoing federal court proceedings.

Not only did state court Judge Hector Campoy refuse to hold an evidentiary hearing, so did Judge John Coughenour. Armed with additional evidence (supra), Atwood

returned to federal court, where he suffered Coughenour's claim of the entire paint issue as merely "unbridled speculation"... regardless of his 2007 intent to hold an evidentiary hearing and 2007-11 cultivation of further supporting evidence.

Speaking of photography, the photographs taken on September 20th in Kerrville were shot by FBI Special Agent Hoffman, present were four other FBI agents and two Kerrville police department detectives – as previously mentioned, none of these experienced law enforcement officials observed any paint on September 20th. Anomalies with this set of twelve photos instantly erupts; there reside no negatives of any of these frames and of the five reports authored by Hoffman (FBI 302's), not a single one referenced these dozen Kerrville images possessing a pinkish substance on the passenger side front bumper. Actually, the Kerrville photography log itself is unsigned and undated, nor was it written contemporaneously with the taking of photographs. Hoffman began his effort at the front left quadrant of the vehicle (the driver's side front bumper) and moved down the left side of the automobile; three frames were of the driver's side (nos. 26-1, 2 & 3), the

San Antonio File
D E Hill

KPSCTEX26&27 Kerrville Photo Suite Court Record Exhibits 26&27*



KPS Frame 01



KPS Frame 02



KPS Frame 03



KPS Frame 04



KPS Frame 05



KPS Frame 06



KPS Frame 07



KPS Frame 08



KPS Frame 09



KPS Frame 10

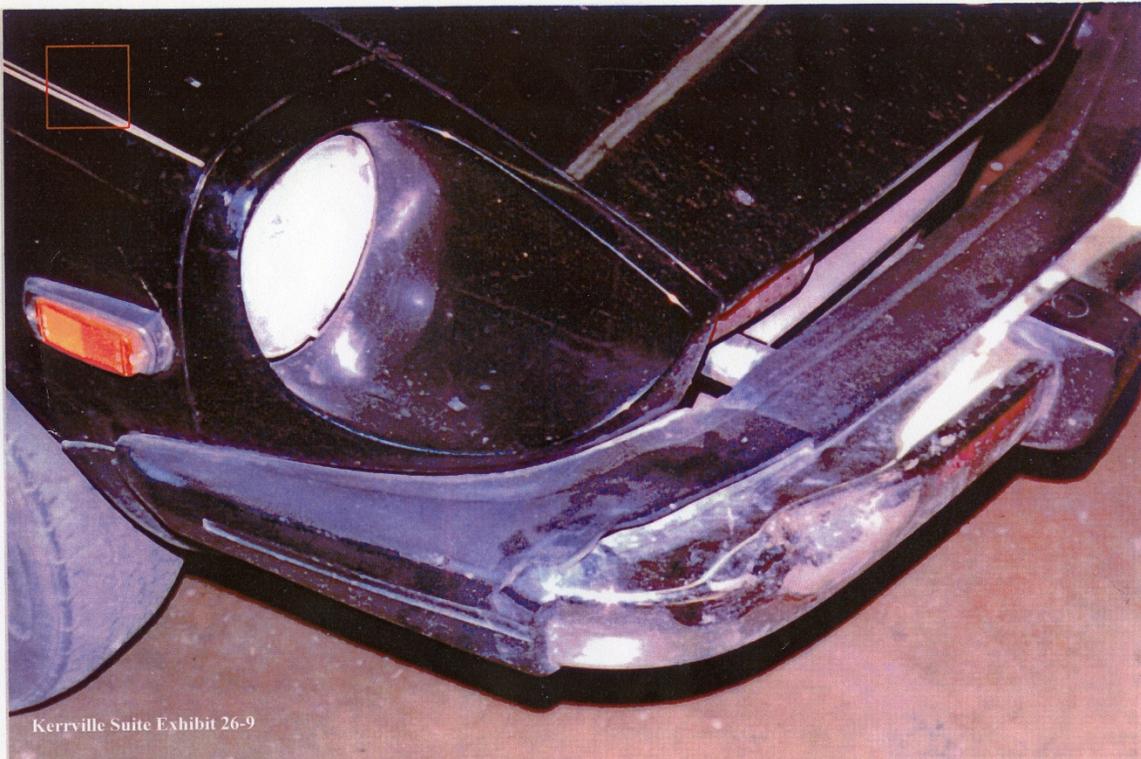


KPS Frame 11



KPS Frame 12

*Frame Numbers assigned in accordance with the Kerrville Photo Log sequence



Kerrville Suite Exhibit 26-9

Exhibit 26-9 from Hoffmann photographs taken in Kerrville on the evening of 20 September, 1984 is unusual because it is one of only two photographs that are in focus from that shooting. It does not properly belong to the photographic set taken at Kerrville on that occasion. The camera used that evening was a GAF L-17, which had no diopter adjustment for the view finder. The camera used in San Antonio was a Canon F1, which did have a diopter adjustment capability.

next three covered the car's rear (nos. 26-4, 5, & 6), and Kerrville 26-7 & 8 focused on the passenger side. Upon arriving at frame 26-9, the angle of Hoffman's camera makes

a radical departure (from virtually head-on, to an almost overhead view); this image should have depicted the front right (passenger side bumper) quadrant and, not only was the alteration in height drastic, but several other discrepancies expose it as a fraud.

Oddly, had this photograph (26-9) been original, it would have displayed the supposed pinkish paint on the bumper; the fact of its departure from standard practice reveals the reality of no paint on the bumper at Frank Atwood's arrest or, stated conversely, the need to have substituted an oddly angled shot tells us the original 26-9 showed no paint. Further close examination between 26-9 and other Kerrville frames evidences 26-9 as in of focus; Atwood's experts, David Hill and Diane Hulick, determined the other Kerrville Suite images (being out of focus) were taken with a GAF L-17 camera (which had not a diopter adjustment for the view finder) while Kerrville 26-9 had been shot in San Antonio with a Canon F1 (having diopter adjustment capability). Also, comparison between Kerrville 26-9 and 26-1 is informative: 26-1, the driver's side front bumper, is filthy with road grime and dead bugs (an expected condition, given the California to Texas drive), but 26-9, the passenger's front bumper, is specular clean and reflective.

The Datsun was transported to San Antonio the next day, September 21st, and additional fabrications occurred in the FBI garage. What has been

San Antonio Cordon Suite



Exhibit 25-26



Exhibit 25-27



Exhibit 25-28



Exhibit 25-29

San Antonio Cordon Suite Counterfeit Additions

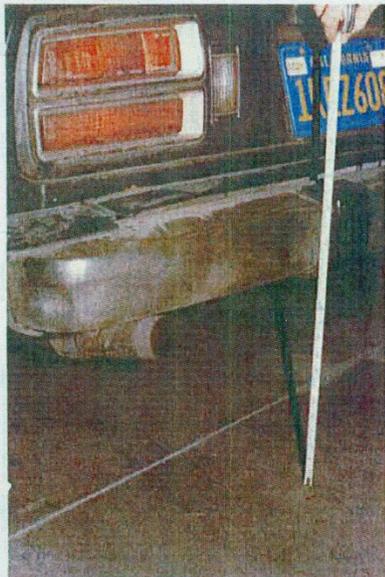


Exhibit 25-32



Exhibit 25-33

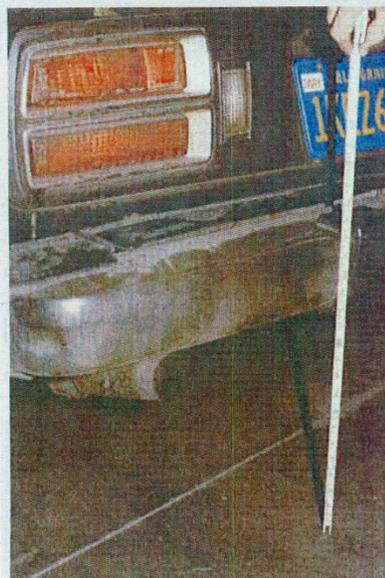


Exhibit 25-34



Exhibit 25-35

San Antonio Cordon Suite



Exhibit 25-30



Exhibit 25-31

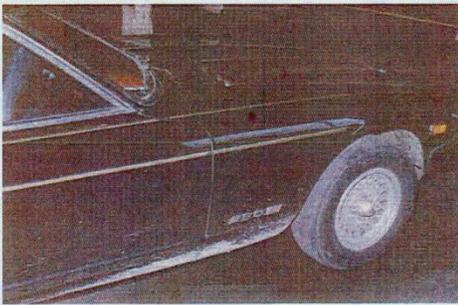


Exhibit 25-36

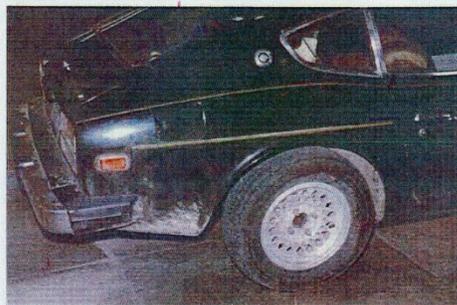


Exhibit 25-37

ER 1513

cited as the San Antonio Cordon Suite (the vehicle was cordoned off by tape),
incorporates 25-26 through 37 and of note must be those with a tape measure (25-32 to

35) are from when the vehicle was differently positioned, these were shot at a later time.

It is amazing to observe the supposed main evidence in the case (bicycle/vehicle “contact”) ever remains shrouded in abject secrecy, suspicion... and fraud.

There dwells no need to sidestep the reality of no paint having been on the front bumper, and a review of this fact will prove illuminating. In addition to the simple actuality of no pinkish substance observed on September 20, 1984, the outright lie of no one looked for any casts further spurious intent. Pima County Sheriff Clarence Dupnik stated the working theory included an assumption that the Atwood vehicle and Hoskinson bicycle had collided; this assertion agreed with communication amongst PCSD/Tucson FBI and San Antonio FBI, and law enforcement reports to the press, regarding Vicki’s pink bike and seeking any connection between FJA/car and VLH/bike. There just was no bicycle paint on the bumper when Atwood was arrested.

The following day (Friday, 9/21) Agent Charles Klafka suddenly proclaimed to have at that time seen pink paint; unable, of course, to explain its absence on September 20th. His description defies credulity. Ultimately, two areas on the passenger side front bumper allegedly possessed a pinkish substance; one was merely a small smear, or smudge, while the other rested 3 ½” away in the bumper’s preexistent dent. Klafka claimed to have noticed the slight smear and when asked about having also seen the streak (3 ½” away, and 3 ½” in length) he specifically denied its presence. The streak was eight times larger than the smear, sitting in the eye catching dent (where chrome was gone, thereby further highlighting the streak). Klafka never mentioned observing the smear (did not inform Hoffman or anyone else that Friday), even though the sole

purpose of impound and search was to seek a bicycle/car union; in fact, this supposed discovery had not even resulted in securing the bumper as evidence.

Cliff McCarter, during his sojourn to San Antonio, did measure the bumper height but not the height (nor size) of alleged bumper paint, nor did he take any photographs – the purpose of his visit being to measure the bumper height to then know at what point on the bicycle to fabricate bike/car contact.

There was no possible way Klafka could see the smear and not the streak. And at McCarter's September 22nd viewing of the automobile in San Antonio no paint existed on the bumper... McCarter had not yet taken it to Tucson surreptitiously.

The details of precisely how pink paint from Vicki Hoskinson's bicycle ended up on Frank Atwood's front bumper have not yet been fully developed – due to courts having refused to appoint any expert and to hold an evidentiary hearing – however, preliminary investigation has pointed to a most probable scenario. This picks up with McCarter's trip on September 22nd to San Antonio.

McCarter needed to discover the bumper's height. He also required the presence in Tucson of the bumper (since he had not taken the bicycle to San Antonio, preferring to plant evidence in his comfort zone [i.e., PCSD property/evidence area]). Consequently, armed with bumper height data (being why he needed not to take photographs), McCarter returned to Tucson along with the now removed front bumper.

Interestingly, PCSD investigators may well have photographically captured, unwittingly, their placement of bicycle paint on the bumper. Harken back to our discussion on the Tucson Unknown images, in particular the frame wherein the bicycle

(sans rear wheel) was being held up to the bumper (seen in the bumper's reflection) on September 23rd. The base of the bicycle's right rear descending angular frame tube was thrust against the preexistent damage on the bumper realm (where no chrome was present). Thereafter, scrapings from the now applied bicycle paint on the bumper were taken and a water soluble substance was applied to the scrapings as camouflage. The bumper was then returned to San Antonio – on the evening of September 24th by Gary Dhaemers and Det. Leo Duffner – and improperly reinstalled on the vehicle so photography of un-scraped paint could be portrayed. Afterwards, the water soluble substance was removed so photographs of scraped paint from the bumper were able to be fabricated.

One of many setbacks arose in a photograph intended to be the sole head-on image of the car's front. Taken before the removal of the water soluble camouflage, there became visible – once noise filters and contrast algorithms were applied – underneath the tempura some scrapings.

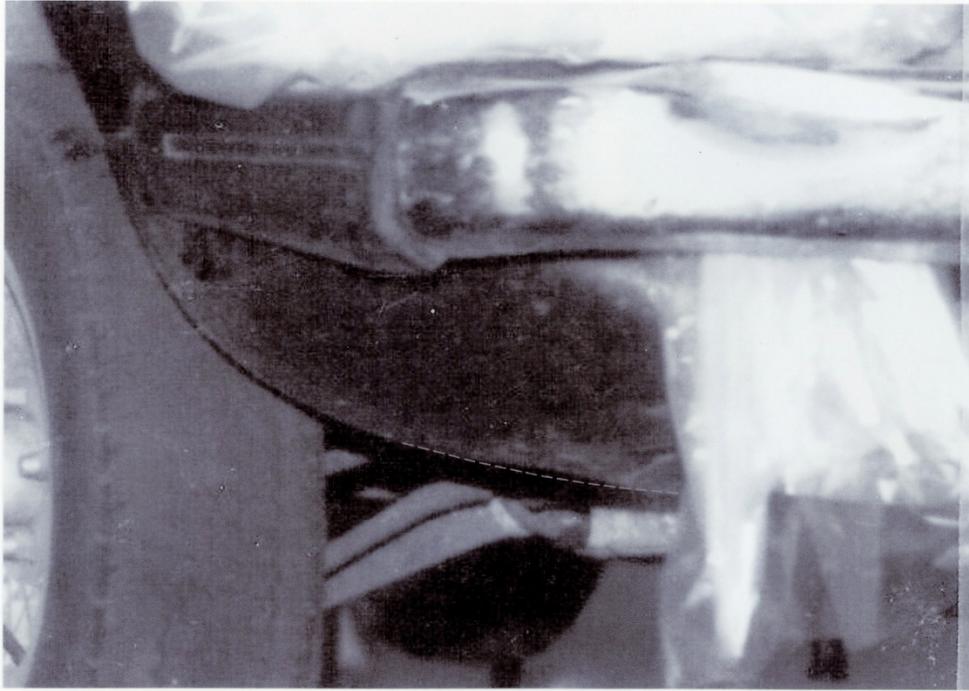
Other remnants of PCSD manufacturing paint evidence was found in a photograph of the bicycle in the property room, lying on its side with gradient tape on the seat stem. The purpose was to measure exactly where to place the “contact” (with Atwood's bumper) mark on the bike. Investigators simply needed to measure the floor to bottom of bumper height and then the bottom of bumper to paint streak distance, adding the two would provide the accurate marking on bicycle spot. PCSD erred; rather than bottom of bumper to paint, they accidentally measured from the top of the bumper to the paint streak – an error that inflicted a 1 ½” mistake, which explains why the story of road ruts on Pocito caused the 1 ½” difference had to be concocted.

Puzzling anomalies with paint scraping samples and evidence logs injects yet further question. There was one recorded sample, Q (for “questioned,” or unknown) 75, listed on both handwritten inventory lists of 128 bagged and tagged evidence items (one list being constructed on September 22nd and a second, separate one, on September 25th; between which transpired the removal, transport, paint application, etc. of bumpers), The bumpers, as the supposed key evidence in the case, were never logged into evidence. Oddly, in spite of two distinct paint areas on the bumper (the smear and a streak), only one sample was listed; surely, experienced investigators would not sample both regions and place different scrapings in the same evidence container, nor would they have scraped only one of the two samples.

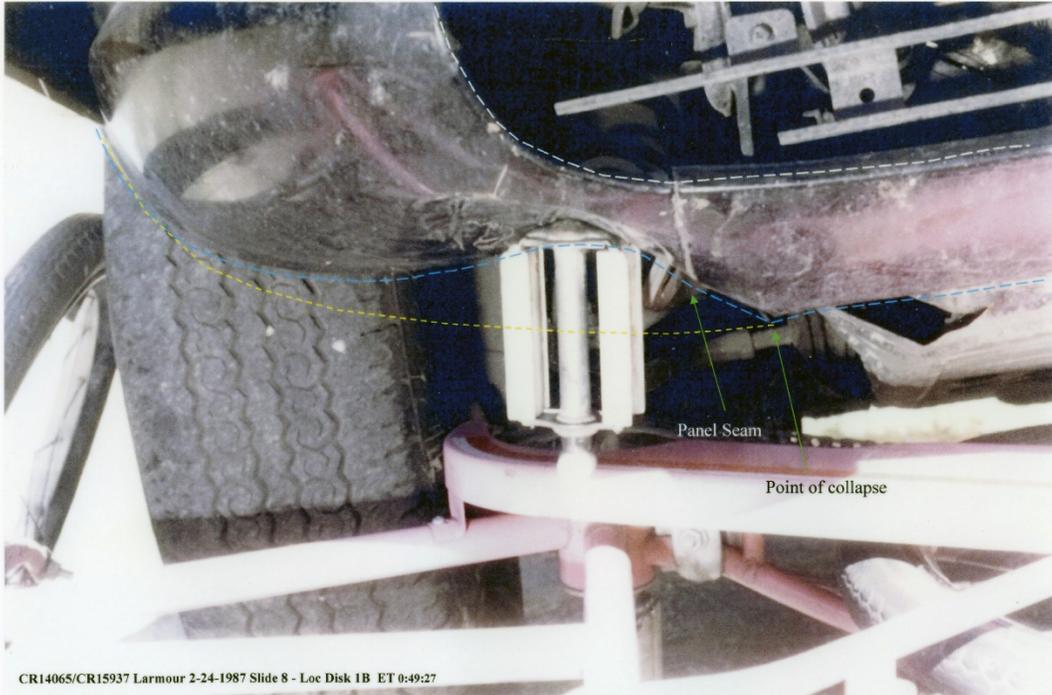
The final nail in government’s proverbial coffin centers on allegations made at trial that a dent in what has been termed the vehicle’s gravel pan transpired as the result of a collision between Atwood’s car and Hoskinson’s bicycle; an event purportedly ending with the bike pedal lodged in the pan’s dent, like a hand in a glove.

Major problems exist within this theory. Enlargements of the car on a lift in the San Antonio FBI garage displayed its underside in the days subsequent to Atwood’s arrest; both Hulick and Hill confirmed at most there resided a 2/10” deformity in the pan at that juncture. Cliff McCarter also had opportunity to observe the vehicle’s underside, when on a lift a couple of days post-arrest, and when specifically asked about having seen indentation(s) on the gravel pan he said he was sure he saw no such markings. He did not photograph the automobile’s undercarriage, even though he always carried a camera with him.



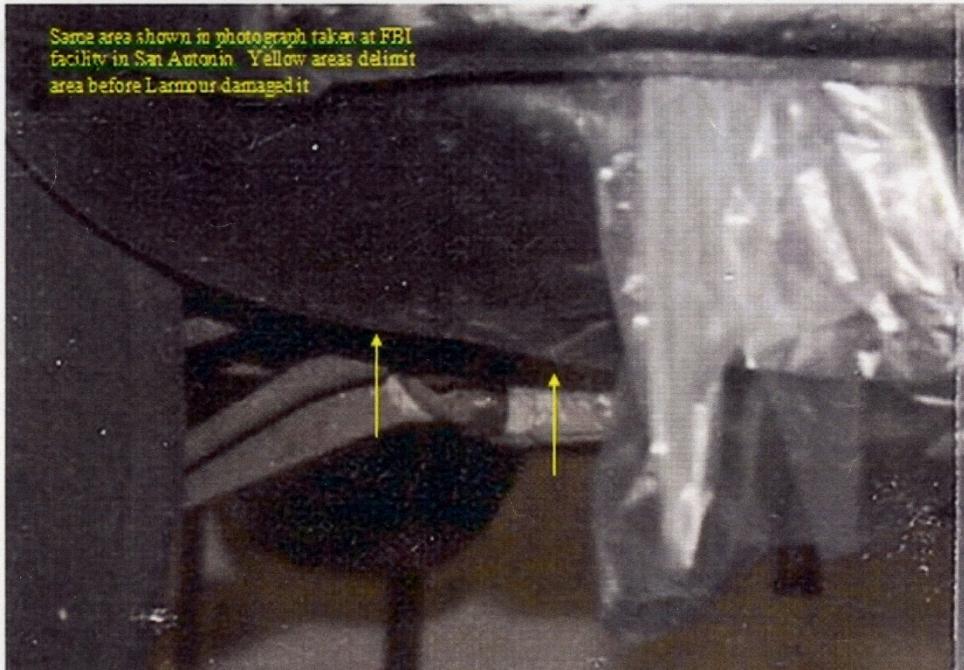
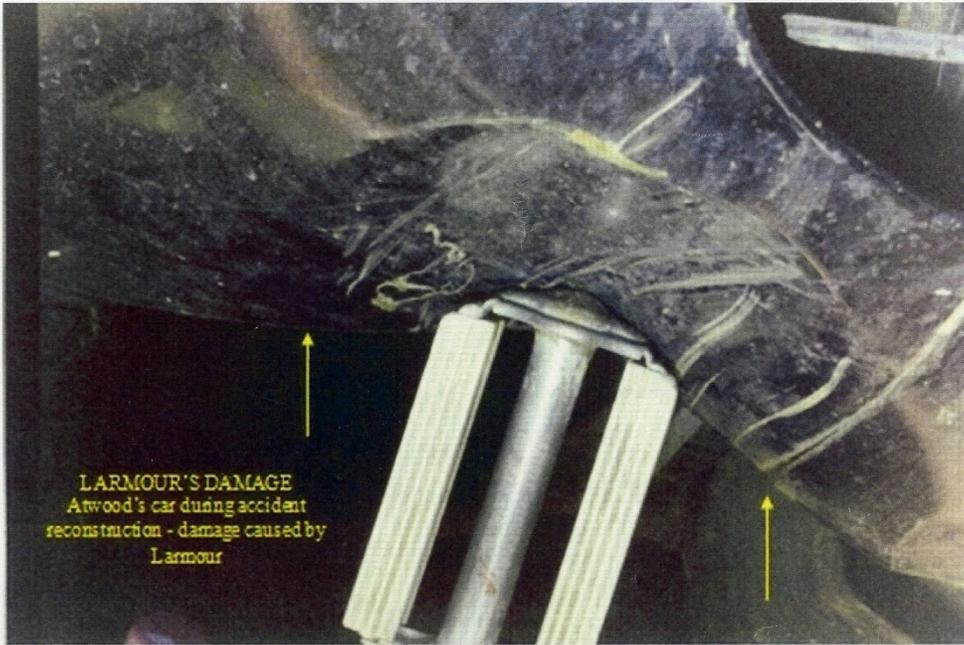


The cropped image above from State's Exhibit 50-8c shows the trailing edge of the gravel pan. Note that the deflection of the pan (demarcated by the green dashed line) from its normal curvature is minor, and, in fact, it can be shown from another San Antonio photograph , Exhibit 50-7a, taken from behind the gravel pan when it was on the lift, that the total deformation from its normal profile is less than 0.22 in. There is a third photograph, Exhibit 25-9, which also shows the gravel pan, where it can be seen that the damage claimed by Larmour to have been caused by the bike's pedal during a collision was also directly attributable to Larmour.

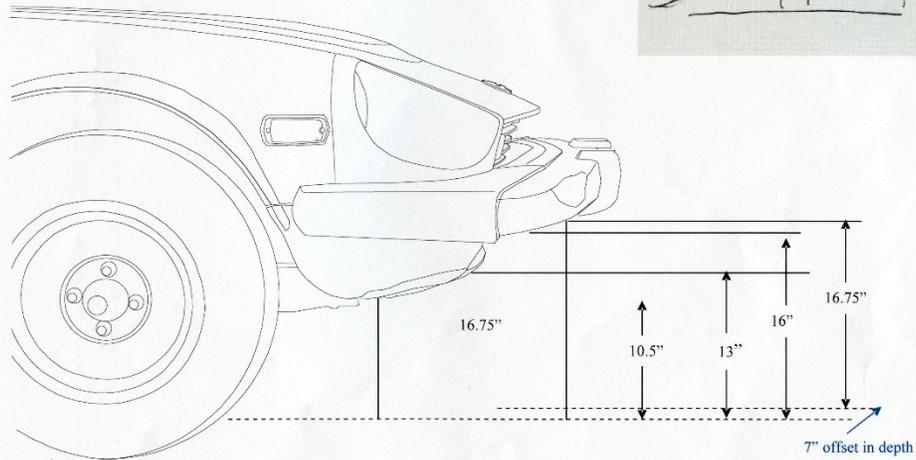
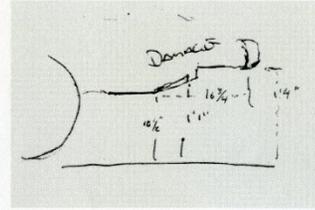


CRI406S/CRI5937 Larmour 2-24-1987 Slide 8 - Loc Disk 1B ET 0:49:27

In the accident reconstruction slide above, it can be seen that the pan has collapsed, deforming the dent area and creasing the middle section of the gravel pan as shown between the two green arrows. The blue dashed trace line shows where the back edge of the panel was after Larmour caused it to collapse. The yellow trace line shows where it should have been. Once a metal structure becomes stressed beyond its tensile plastic threshold, it no longer obeys Hooke's Law and it does not spring back into its original shape. As a result, Larmour's damage was permanent, as can be seen by photograph on page 6.



Once they had doctored Atwood's car to show evidence of overrunning the bike, they had to re-straighten the pan. The reason for this was Clifford McCarter's cartoon. (See at right) Note that the front of the damage sight on the gravel pan is 2.5 inches higher than the rear. McCarter had made this reference drawing on 22 September 1984 in San Antonio, and it had been disclosed to Lamar Couser, and they couldn't get it back. They had to try to reshape the pan to as close to McCarter's dimensions as they could. The next series of photographs demonstrates what they did. (See set 4.)



If you examine the accident reconstruction photographs, what you will see is that if the pedal of the bike is in the up position, it can damage the front, but it is too high to leave the back without severe deformation. On the other hand, if the pedal were in the lower position, it could scrape the back of the pan, but not the front, because it is too low. Since the pedal, once captured in the pan cannot change from high to low, it means that the front of the scrape mark attributed to the bike pedal cannot have been made by the bike pedal, because neither the up nor the down position will fit both the front half and the back half of the scrape marks.

Every scintilla of evidence proves there was no significant deformity to the gravel pan at Atwood's arrest. Period.

We now come to Paul Larmour's September 1985 "reconstruction," the moment where damage to the gravel pan was falsified. The enlargements of photographs made during Larmour's manipulation express the first occasion of presence on the pan of a significant indentation; one being about 3" in depth.

In conclusion, categorical, unequivocal evidence proves law enforcement fabricated evidence in a capital case:

- No evidence of any Atwood/Hoskinson connection at Atwood's arrest necessitated the immediate need to concoct probable cause to keep Atwood jailed.
- The bumper was removed and taken covertly to Tucson on September 22nd.
- On September 23rd paint from the bicycle was placed on the front bumper, scraping samples were taken, and camouflage was applied to cover the scraping marks.
- Bumper was returned to San Antonio on September 24th and photographs were made of un-scraped paint on the bumper.
- The scraping camouflage was removed so photos could be taken of scrapings in the paint.
- Photographs of supposed areas with paint on the bumper were obviously faked.
- Scrapings samples were mixed or not all applied paint was sampled.

- Bumpers, as the case's chief evidence, were never logged or entered into evidence in Texas.
- Many negatives of critical evidentiary photographs were destroyed.
- In 1985 government's accident reconstructionist fabricated dents on the car's gravel pan.

With all of this indisputable evidence, of Atwood's innocence and government's misconduct, piling up, it is no wonder the state could not provide a single affidavit in rebuttal, nor that courts have refused to hold the mandated evidentiary hearing. Why disturb what everyone knows to be a thoroughly flawed conviction.

Chapter Fourteen

Burial of Innocence

In the spring of 1985, Frank Jarvis Atwood's initial attorney, Lamar Couser, visited Frank in the Pima County Jail. Lamar Couser was quite the interesting character and functioned as Pima County's "go-to" defense lawyer; that is, whenever a notorious high

profile case needed to be gifted with victory Mr. Lamar Couser miraculously was next up on Pima County's private counsel appointment roster for assignment.

Couser had been managing client's escrow accounts, however, he fell into the habit of dipping into the till to misuse funds for personal investments; the idea being Couser could enjoy the profits and return the "borrowed" monies sans anyone being the wiser. Unfortunately, his prowess with investments matched his unfitness as an attorney, losses accrued and his scheme was unmasked. Eventually, his license having suffered risk of permanent loss, an old friend – Pima County's chief presiding judge, John Meehan – arranged Couser's reinstatement, an action with hefty strings attached due to Lamar's beholdenment toward Meehan; thus, the mysteriously being suddenly up for appointment at the opportune occasions, which coupled with his conducting performances of such substandard dimensions as to guarantee his clients' – in reality, the government was his sole client, so the defendants' – conviction. It was this terribly flawed and damaged "attorney" having been assigned to "represent" Frank Jarvis Atwood.

Upon Couser's entry into one of the county jail's visitation rooms for lawyers, where Frank awaited, the attorney excitedly stated he had interesting news. Lamar had recently been at Avra Valley's law enforcement facility, whether summoned by an official or a citizen's report prompted his appearance being unclear, what was unequivocally rested in the fact of a child about Vicki Lynn Hoskinson's age having been found in a park's barbecue pit, badly burned and with hands tied behind her back by barbed wire (ala a specific satanic cult's sacrificial ritual). Avra Valley officials would only confirm the discovery, seeking to infer the body may have been an adult of unknown gender, and

refusing to discuss its whereabouts or disposition. As Lamar Couser dejectedly ambled across the station's parking lot, suddenly an officer rushed up to him and stated that undoubtedly the body, which had obviously been a hot topic of discussion, was that of a female child. The officer then hurried off before Couser could make inquiry, and calling out to him failed to produce attention; this being how Couser breathlessly concluded his report to Frank. The enthusiasm was shared by Atwood, the strong potential of this having been Vicki Lynn Hoskinson constructed further likelihood of damage infliction upon the state's frame-up job against him.

In April of 1985, a skull and several bones were discovered in a clearing at the 7300 block of W. Ina Rd. (close to the Ina and Artesiano intersection) by a man out walking his dog. This was not only highly unusual due to discovery in a wide open area, having previously been scoured for clues of Vicki Hoskinson's location by law enforcement, but also because of having so closely followed stories in the news about frailties in government's case against Atwood. On March 21, 1985, the Tucson Citizen newspaper ran a front page story on the weak and inconclusive case possessed by investigators; the absence of a body preventing murder charges and the kidnapping case being riddled with problems was the article's theme. The next day, 22 March, the Arizona Daily Star newspaper presented its own front page story regarding the failure by police to have followed up on the sighting of Vicki at the Tucson Mall on the evening of September 17, 1984. With the public having now been primed to cast doubt upon Atwood as the perpetrator, something definitely had to be done, and quickly. Magically, out of nowhere, bones appeared in the desert on 12 April 1985.

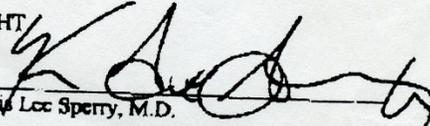
Amongst the finding, stemming from what Pima County offered as an “examination,” happened to be the presence of adipocere (often referred to as grave wax) on some of the partial remains – interestingly, only a small number of bones had been recovered, perhaps because the remainder possessed evidence of burning? – a discovery that government’s experts (Medical Examiner Richard Froede and university professor anthropologist Walter Birkby) insisted, when questioned by Atwood’s new attorney (Stanton Bloom), had absolutely no relevance to the case. Stanton had pressed to have his own expert examine the bones; prosecutor John Davis had released the remains to the Carlson’s on 30 May 1985, but had made an agreement with Bloom for him to have them studied by an expert from Brazil prior to interment. Of course, Davis reneged on the agreement – unable to risk Bloom’s world renowned expert discovering cause and/or time of death (neither has ever been established), or the significance of adipocere’s presence – an act of nefarious ethics; this was then followed by the judge’s refusal to order exhumation. With the cover-up now firmly in place, the government was free to contend through trial that Vicki Lynn Hoskinson’s body had been left to decompose on the desert surface; never, at no time, did the state suggest Vicki Lynn had been buried.

In the autumn of 1996, Frank Jarvis Atwood lodged an Amended Petition for Post-Conviction Relief (a document filed in the trial court to argue newly discovered evidence would have altered the verdict) in which a preeminent forensic pathologist (Dr. Kris Sperry) concluded to a medical certainty adipocere proved Hoskinson had been buried; a reality proving Frank Atwood’s innocence due to (1) the minimum two hours to dig a grave precluded, even according to government’s convoluted timing, him from having performed the burial and (2) the grave necessitated digging up and

- 1 preclude the production of adipocere, because it requires moist soft tissue.
- 2
- 3 5. Since adipocere requires an anaerobic environment, the body must have been kept in a place
- 4 which excluded not only insects, carnivores, raptors and scavengers but also oxygen.
- 5 7. In order for the reported adipocere to develop, it would be necessary that Vicki Lynn
- 6 Hoskinson be buried in the ground to a depth of no less than one foot and most probably two
- 7 feet.
- 8
- 9 8. The absence of carnivore tooth marks on the skull render it more likely than not that the skull
- 10 had disinterred by animals.
- 11 9. Though animals can carry bones a great distance (up to a quarter of a mile), the absence of
- 12 carnivore tooth markings on the skull prove that the skull was not moved a substantial distance
- 13 after it was disinterred and that it was not carried a substantial distance after the soft tissues
- 14 decomposed.
- 15
- 16 10. The soft tissues covering are most frequently the first tissues in the body to decompose.
- 17
- 18 11. The failure of the forensic anthropologists and the search teams to find any grave in the area
- 19 near the skull strongly suggests that there is no grave in that area.
- 20 12. The physical evidence referred to in the post-mortem examinations and in the testimony of
- 21 Drs. Froede and Birkby and in Dr. Froede's interview support the hypothesis that the body of
- 22 Vicki Lynn Hoskinson was buried in a grave for no less than two months; that portions of her
- 23 remains were then disinterred by a human and moved and scattered around the site where those
- 24 bones were found. That explanation accounts for the presence of the adipocere, the absence of
- 25 the grave near the bones and the fact that none of Ms. Hoskinson's bones have before or since
- 26 been found in that area.
- 27
- 28

1
 2 13. The alternative hypotheses: that the body was dumped in the desert or haphazardly covered
 3 with dirt or that there is a grave in the area where the bones were found, are not supported by the
 4 physical evidence. If the body had been dumped or haphazardly buried, there would be no
 5 adipocere due to putrefaction or scavenging. If there was a grave in the vicinity of the bones, it
 6 would be near the location of the skull. The fact that search teams and a class of graduate
 7 anthropologists were unable to detect any sign of a grave in the area shows that there is no grave
 8 there.

9
10 FURTHER AFFIANT SAYETH NAUGHT

11 
 12 Kris Lee Sperry, M.D.

13 SUBSCRIBED AND SWORN TO before me this 14th day of August, 1996, by Kris Lee Sperry, M.D.

14 
 15 Notary Public

16 My Commission Expires:
 17 July 11, 1999

scattering the partial remains where they were discovered, in a previously searched area, while Frank was in custody.

Dr. Sperry was the Medical Examiner in Georgia and had previously been in the pathology department at the University of New Mexico, an experience providing him with familiarity regarding bodies buried or exposed in southwestern U.S. desert environments. The doctor stated in his affidavit that adipocere is formed by an anaerobic (oxygen free) process of clostridium welchii (bacteria which is dormant in sub-seventy degree, <70°, climates); there must exist a continuously moist and warm environment for two to four months. To meet requisite conditions demands burial in an at least one to two foot grave; thusly, facilitating the necessary climate while excluding oxygen, raptors, carnivores, insects, and scavengers. This closure accommodates the presence of soft tissue, which must decompose in moist anaerobic states (i.e., an interred intact body, otherwise aggressive disarticulation of the skeleton will construct an inconsistent circumstance for the composition of grave wax). Stated in different terms, a body on the desert surface, if not scavenged, will mummify or skeletonize in two to four weeks and adipocere formation will not transpire (see Appendix K).

In a breathtaking display of hubris, doctors Froede and Birkby argued, in newspapers and interviews, they observed bodies lying on the ground in deserts surrounding Tucson develop full-blown adipocere – a scientific impossibility. Atwood had requested any references to this inconceivable event, upon being stonewalled, motions to compel production of any such documentation were submitted to the trial Judge

Raner Collins; who, of course, refused to order their discovery... leaving the Froede/Birkby absurdity unpierced.

Succinctly stated, surface conditions in the Ina/Artesiano sector of Tucson's desert in September and October of 1984 were in no way conducive for the development of adipocere, there simply was not the required moisture. There did erupt debate over the authoritative weather station – Atwood citing Tucson Campbell Experimental Farms and government referencing Tucson 17 SW, when looking up this facility's latitude and longitude it actually was positioned in Mexico—however, the state's numbers covering the week and a half subsequent to Hoskinson's disappearance were .07" on 9/22, .09" on 9/25, .09" on 9/26, and .08" on 9/27, it being dry thereafter. The .33" total is less than ten times the evaporative rate of 3.96" during September 17-27; hardly the requisite moist environment, nor the torrential monsoon rains Birkby stated as necessary.

Actually, the barrel of contradiction making up Froede and Birkby statements went so far as to assert desert surface bodies routinely form adipocere while, when expressing grave wax development demands, simultaneously expressing diametric postulates regarding formation requisites.

Government, via state attorney Bruce Ferg, generally rejected the scientifically required anaerobic environment, carnivore/insect preclusion, and needed moisture (the "body only" theory cited a study utilizing bodies in triple sealed caskets over long periods of time) with an intact body. Then, having spoon-fed the court this tripe, Ferg deluded the court into reversing time requirements; declaring visible adipocere forms in 2-4 weeks (this requires 2-4 months) and skeletonization happens in 2-6 months (rather

than 2-4 weeks) – the time cited by Ferg for adipocere development, by the way, referred to a body in the sea.

The tragedy rests in a government official (a state attorney, whose function is to see justice done, not win or lose) possessing evidence of innocence and not merely failing to disclose but continuing the sordid path of evil by having actively pursued in covering the evidence via lying to an all too eager state judge. Frank Atwood supplied, the required by law, expert affidavit (Dr. Sperry), it remains untraversed. Arizona Revised Statute (ARS) Title 13, at section 4326 (13-4326) states: “Forty-five days after filing of the petition, the state shall file with the court a response. Affidavits, the record, and other evidence that is available to the state and that contradict the allegations of the petition shall be attached to the response” – Rule 32, Criminal Rules of Procedure, also demands the use of an affidavit to oppose post-conviction relief petitions. In the Atwood case, government was unable to rebut Dr. Sperry’s scientific realities and rather than affidavits merely proffered ridiculous lay opinion... which Judge Collins readily adopted. Not even the mandated by law evidentiary hearing had been provided in order to enable Atwood to present support of verdict changing burial’s actuality.

Had Vicki Lynn Hoskinson been dumped on the surface of the desert in September of 1984 her body would have been skeletonized by insects, raptors, and carnivores within two to four weeks; an actuality preventing adipocere. Consequently, it is a scientific fact that adipocere on Hoskinson’s partial remains proves she was buried for at least 2 months.

This empirical truth of Vicki Hoskinson's interment must now be considered in conjunction with what this tells us about Frank Jarvis Atwood's indisputable absence of involvement in her disappearance and demise. Had only the judge not swallowed government's prescription of deceit and had instead looked to facts in this case, the FACT of burial.

Insofar as the timing, and required interval for construction of a grave, the trial jury already harbored concerns re timing and Atwood's ability to have committed the crimes charged: "If there was a time established for sunset on 9-17-84, we would like to have it" [Andrew Bradshaw, foreperson note to judge during jury deliberations]. Moreover, the state's own version of events actually had not sufficient opportunity for Atwood's involvement; lead detective Gary Dhaemers opined a return prior to 5:00 p.m. would preclude Atwood, to add two hours would mean any remigration to De Anza

PIMA COUNTY SHERIFF'S DEPARTMENT

Report Number 917040				Incident Location ROOT & POCITO				Class 01.01	Dist. C	Beat	Page 2 of 2
Type	Item	Qty.	Disp.	Serial Number	Description of Property				Value		

<u>FROM</u>	<u>TO</u>	<u>MILES</u>	<u>TIME</u>
END OF CAMINO DE LA AMAPOLO	INA & SILVERBELL	✓ 4.85	8 Min.
ROOT & POCITO	INA & SILVERBELL	— 19.8 (19.20)	36 Min.
INA & SILVERBELL	INA & ARTESIANO	✓ 2.4	5 Min.
ROOT & POCITO	INA & ARTESIANO	— 22.2 (21.60) 12.70	41 Min.
INA & ARTESIANO	DEANZA PARK	12.7	19 Min.
ROOT & POCITO	DEANZA PARK	34.9 (34.30)	1 Hour

The distance was taken from my police vehicle odometer which I believe to be accurate.

The time was measured from my own watch which I believe to be accurate.

I followed the speed limit and street signs along the route.

Park before 7:00 p.m. would exonerate Frank Atwood. Government verified a pre - 7:00 reentry to the park; besides, Hoskinson had been spotted on multiple occasions, alive, in the Tucson Mall between 6:00 – 7:15. Merely the simple fact of a grave's existence proves Frank Jarvis Atwood's innocence.

Also of note must be the lack of any evidence in support of Atwood having dug a grave. A second unrebutted expert was presented by Atwood's defense team, this one by a professional construction worker (Luis Garcia) who had dug in the Ina and Artesiano locale; his conclusion included the clay (caliche) soil, as common to the Sonoran desert, requires the appropriate tools (at least a shovel, perhaps also a pick ax) utilized for at least two hours of continued labor by a person in fair physical condition. Frank never had possession of a shovel, nor had his hands been blistered.

Additionally, there not being the presence of a grave indicates burial happened elsewhere and bones were exhumed at that spot then placed where discovered. This reality enjoys further support from the absence of animal tooth marks on the skull; that is, there had to have been human disinterment and relocation by a person(s) during a period when Atwood was continuously incarcerated.

This actuality of Frank's imprisonment (from 20 September through this very day) points to another facet of his innocence. Given that expert search teams had pored over the area one mile to the north and south of Ina Rd., from the Saguaro National Park's eastern border to Silverbell Rd. – scrutinization by ATV's, four-wheel drives, horses, ground foot patrol, and air searching – without a hint of Vicki Lynn Hoskinson's

presence in September/October 1984 also demonstrates the placement of the remains near Ina and Artesiano by human agency; again, while Atwood was in jail.

Finally, once government persuaded Raner Collins of burial having not transpired, soon thereafter a television program on The Learning Channel (TLC) aired, an endeavor participated in by state expert Dr. Richard Froede. The good doctor's findings now indicated that adipocere's presence showed burial took place; which somehow, according to Froede, proved Atwood's guilt. Meanwhile, Dr. Walter Birkby stated elsewhere the timeline involving Atwood made burial "at least highly improbable." Resident here dwells an exemplar of state experts' common practice in this case; whatever fits not the dream of Atwood's participation, even when it is a scientific fact (e.g., the actuality of burial), it must be disregarded in lieu of Alice in Wonderland fantasy. Having not persuasively cemented the absolute appearance of Atwood's guilt via the TLC presentation, government manipulated a second television film on the Discovery Channel (DSC). The hits just keep coming.

The unchallenged and irrefutable affidavit of Dr. Kris Sperry proves Vicki Lynn Hoskinson had been buried in an at least one to two foot grave for a minimum of two months, was then disinterred by human instrumentality,

AFFIDAVIT

I, Luis Garcia, do solemnly swear that the following statement is true and accurate.

I, Luis Garcia, a landscape and maintenance professional for approximately three (3) and a half years, do affirm, having constructed a number of similar holes in the area of 7600 West Ina Road, that the construction of a hole two (2) feet deep, four (4) feet long, and two (2) feet wide, would entail a period of time of no less than two (2) hours of continuous labor. This is in consideration of the hole being constructed in the area of the 7600 West block of Ina Road, in dry soil conditions using a standard spade shovel, and by a man of fair physical condition.

8-8-96
Date

Luis A Garcia
Affiant
3168 N Romero A-10
Address
Tucson Az 85705
City, State, Zip

8 August, 1996
Date

Andrew M. M. Jones
Witness

SUBSCRIBED AND SWORN TO before me this 8TH day of AUGUST, 19 96.

My Commission Expires:
9-22-96

[Signature]
Notary Public

and partial remains were scattered where found; evidence specifically excludes her body having been deposited in a shallow grave or left on the desert floor. These facts categorically prove Frank Jarvis Atwood's disinvolvement in any capacity whatsoever with Vicki Lynn Hoskinson.

APPENDICES

Appendix A

2000 March Against Molestation

The Arizona Daily Star

Vol. 143

No. 277

Final Edition, Tucson, Friday, September 28, 1984



Shelley Valencia, second from left; George and Debbie Carlson; and Ron Hoskinson, right, at Tucson Mall. Jose Luis Villages - The Arizona Daily Star

2,000 march against molestation

By Chip Warren
The Arizona Daily Star

Led by the family of missing Vicki Lynn Hoskinson, an angry throng of about 2,000 people marched through a near-northside neighborhood last night in a protest against child molestation and the parole of convicted offenders.

Beginning at the Tucson Mall, the crowd — which included Pima County Sheriff Clarence Dupnik, Pima County Attorney Stephen D. Neely and Tucson Police Chief Peter Ronstadt — paraded several hundred yards along West Wetmore Road, chanting "Save our children" and "Change our laws."

Many of the adults clutched youngsters with one hand and in the

*** Under Arizona law, Atwood could have been sentenced to 63 years. He got five years in California. Page 1B.**

*** Deputies continue to interview an associate of the man charged in Vicki's kidnapping. Page 1B.**

other carried homemade signs proclaiming "Where's the justice?" "No parole for perverts" and "Forget parkways — build mental health facilities."

Most were also wearing yellow ribbons distributed by a group whose

members said they wanted "to show our faith and support for the safe and prompt return of Vicki," the 3-year-old girl who was abducted near her home Sept. 17.

"I'm more than encouraged" by the turnout — "I'm flabbergasted," said Shelley Valencia, who with her daughter, Judi Spencer, organized the march several days ago. They got the idea after reading that Frank Jarvis Atwood, the man suspected of kidnapping Vicki, was a convicted child molester.

Added a tearful Debbie Carlson, Vicki's mother: "Sometimes you think that people don't care. But this (the march) has certainly renewed my faith in the American people."

Carlson walked with her husband,

George, and Vicki's father, Ron Hoskinson.

Spencer's daughter, Jennifer, was the last person to see Vicki when they met briefly after school. Vicki left to go ask her mother if she could come back and play.

"That hit awful close to home," Valencia told the crowd at a rally in the mall parking lot that preceded the march. "It scared me. I got off the couch and said, 'I'm going to do something,' and I hope you do, too."

Spencer likewise encouraged the protesters to "become actively involved in changing our inadequate judicial system."

"Otherwise, we will have to share
See 2,000 GATHER, Page 2A

2,000 gather to demand harsh molesting penalties

Continued from Page One

the responsibility for the lifetime scars of the parents and child victims of these hideous criminals," she said. "There can be no possibility of parole for a convicted child molester."

In his speech, Neely hammered at the need for people to channel their "anger and frustration into some firm commitment to help us deal with this problem on a permanent basis," much as Mothers Against Drunk Drivers recently did in urging a higher drinking age.

Within two years of that organization's formation, he said, "there was a complete turnaround" from the "carnage on the highways" caused by drunken drivers.

Neely said he wants to see people convicted of kidnapping and molestation have their sentences run consecutively instead of concurrently, and to see that they not be set free until both terms have been completely served.

He also proposed "a national law that requires all sex offenders to register as sex offenders, and imposes criminal penalties for those who do not do that, so that we will know them when we see them."

Dupnik, meanwhile, suggested that if the incident involving Vicki had "shocked the wax out of people's ears," then they should "send a message to Congress" that they are tired of the leniency shown by the U.S. judicial system.

"It seems to me that beginning with the Supreme Court, the appellate courts and our own courts have brought this nation to its knees. We

seem to be powerless to do anything about the tremendous number of people who prey on our youngsters, our women and others in our society," he said.

"If we have to take the bull by the horns, if we have to bring the power back to the people, then that's what we'll do. If they won't protect us, then we'll just learn to protect ourselves."

Many of those who turned out for the demonstration expressed similar views as they trudged along the parade route.

"I've really protested quietly for years that our judicial system was not putting the bad guys away long enough," said Allen Smith, who had one arm wrapped tightly around his daughter, Susan. "They just seem to incarcerate them for a while and then let them out. But I think this incident made me decide to protest more vocally."

Added Merle McPheeters, who attended with his wife, Carol, one of Vicki's former teachers: "I think the parole system is absolutely sickening. People who are convicted of child molestation should be locked up with no chance for parole."

Others said the rally, combined with recent events, had given them a heightened awareness about the threat of children being kidnapped.

As the march came to a close, Valencia vowed to press on with her efforts by meeting with state and local officials and possibly organizing a protest at the state Capitol in Phoenix.

"We're not going to let this die," she said.

Appendix B

Fire Destroys Trailer

#15

5

(Mount Clipping in Space Below)

Indicate page, name of newspaper, city and state.
ARIZONA DAILY STAR
TUCSON, ARIZONA

Date: 10/1/84
Edition:

Title:

Character:
or
Classification: 7-1196
Submitting Office: PHOENIX

Fire destroys trailer where Atwood had stayed

A northwest-side mobile home where Frank Jarvis Atwood is believed to have stayed several days before the disappearance of Vicki Lynn Hoskinson was destroyed by an arson fire Monday night while bystanders cheered.

Others in the group of approximately 20 bystanders laughed and made loud comments, witnesses said.

Atwood, a convicted California child molester, is accused of kidnapping 8-year-old Vicki on Sept. 17. She has not been found.

The fire at 4560 N. La Cholla Blvd. was reported at 11:24 p.m., several hours after about 300 people had gathered across the street at Flowing Wells Junior High School to attend a forum on child molestation. The audience was urged to "stay mad and stay involved."

Investigators said yesterday that the fire was arson. But Sheriff Clarence Dupnik said there is "no reason to believe" the fire was set by someone who attended the forum.

Seven units and 20 firefighters responded to the blaze, which took 17 minutes to control, said Rural Metro Fire Department Capt. John Roads.

About half of the 8-by-40 mobile home was in flames when firefighters arrived, he said.

There was some fire, heat and smoke damage to a masonry addition, Roads said. Total damage was estimated at \$5,000.

Roads said there was no one at the home at the time of the fire and no injuries were reported. The owner of the home has not been determined.

A man who lived at the house, John Clevenger, told law officers in late September that Atwood had stayed at the home a short time about a month before.

Cindi Mapes was one of the first to notice the blaze and call firefighters. When they arrived "it was going pretty good," she said yesterday.

"I'm sure it was arson, there was no doubt in my mind. I didn't see anything, but I'm sure. Most of these people have kids and they don't want any place like that here," Mapes said.

Children live in 10 of the 14 occupied trailers in the park, a resident said.

One area resident, who asked not to be named, said of the fire: "Somebody did something I was too chicken to do."

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
NOV - 2 1984
FBI-PHOENIX
R

7-1196-232
SEARCHED _____
SERIALIZED _____
INDEXED _____
FILED _____
NOV 2 1984
FBI-PHOENIX
ll

Appendix C

Diane Hulick Resumé

**FORENSIC CONSULTING IN
FILM AND PHOTOGRAPHIC ANALYSIS**

Dr. Diana Emery Hulick, M.F.A., M.F.A., Ph.D.
Tel: (480) 464-4725
805 N. Robson, Mesa, Az. 85201
References upon request

EXPERT SERVICES/CONSULTATION IN:

- * Night Visibility Studies
- * Evidence Photography
- * Demonstrative Evidence
- * Photo Authentication, Examination & Identification
- * Computer-Generated Photography
- * Photographic Censorship
- * Historic Imagery Analysis & Searches
- * Related Expert Services

PHOTOGRAPHIC EXPERIENCE:

Extensive research and experience in the technology, chemistry and authentication of photographs. Thirty seven years experience as a practicing photographer. Professional training in evidence photography, criminalistics and digital photography.

OTHER PROFESSIONAL EXPERIENCE:

14 years as a full-time university professor; 3 years as a full-time museum director and curator. Have given seminars and provided training to both state and local bar and Investigative associations.

FORENSIC EXPERIENCE:

1995-Present Continue to work as a trial consultant at local, state and federal levels on personal injury, criminal, civil and pornography cases involving documentation, identification and photographic analysis.

1993-94 Worked as a trial consultant for Office of the Public Defender, Maricopa County, Az. on Bob Crane (Hogan's Heroes) murder case.

EMPLOYMENT HISTORY/MAJOR APPOINTMENTS:

1993-Present Consulting work in forensic photography, collection photography, and article and book publication
1993-97 Contract with Prentice-Hall to write a First History of Twentieth Century Photography
1988-95 Assistant Professor, Arizona State University
1986-88 Assistant Professor, Ohio State University

FORENSIC PUBLICATIONS:

"If the Truth Be Known: Analog Versus Digital in Historical Perspective," EPIC Journal, the official publication of the Evidence Photographers International Council, May/June 1998, Vol. 22, No. 1.

"Using Photography to Enhance Testimony," Expert EASE, a quarterly newsletter of Pro Consul, Inc., Fall 1997, Vol. 4, No. 3.

"Winning Before Trial: Constructing Cases Using Photographic Evidence," The Defendant, a quarterly journal published by the Arizona Attorneys for Criminal Justice, October 1996.

PROFESSIONAL SERVICE:

ADDITIONAL WRITING EXPERIENCE:

Experience in collaborative writing to create handbooks and manuals. Superb at organizing documentation for ready access and referral. Successful author of action plans, reports and briefs.

LECTURES:

Over 55 public lectures delivered to both university and community groups nationally.

SELECTED INVITATIONAL LECTURES:

2001-. Legal Seminar for Proconsul "Using Photography To win a Trial, Feb.

1997 Advanced Evidence Seminar for Nevada State Bar on "Talking Pictures: Photographs as Evidence," Reno & Las Vegas, Dec.

1997 Lecture on forensic photography and computer technology to Plenary Session of Arizona Attorneys for Criminal Justice, Prescott, Az., January, "Winning Before Trial Using Photographic Analysis and Computer Technology."

1996 Presentation to Plenary Session of Nevada State Bar on "Demonstrative Evidence and Technology."

1995 Faculty training program for regional meeting of National Defender Investigator Association.

1995 Faculty for training seminar, Office of the Public Defender, Maricopa County, Arizona.

1993 "Digital Photography: The Beginning of a New Art Form," invited panelist at annual Art Library Society of North America (ARLIS) meeting, San Francisco, Feb.

1991 "Adams and Weston: Perspectives on Mexico and the West," Opening Lecture and Gallery Tour on Ansel Adams and Edward Weston, Henry Art Gallery, University of Washington, Seattle, Wa., June.

1989 "Photography and Electronic Media in the 21st Century," Invited Panelist, National

1983-86 Director and Curator of University Art Museum, Assistant Professor Art Dept., University of Maine
1982-83 University of Denver, Modernist and Gallery Director
1981-82 University of Wisconsin, Milwaukee
1980 Dayton Hudson Fellow, Carleton College
1973-76 Faculty, Stephens College, developed photography program

EDUCATION AND TRAINING:

Certificate in Crime scene technology, Scottsdale Community College, 2000
Ph.D. History of Art, Specialty Photography, Princeton University, 1984
M.F.A. History of Art, Princeton University, 1978
M.F.A. Photography, Ohio University, 1973
A.B. Bryn Mawr College, English (Cum Laude), 1971

LANGUAGES:

Fluent in French and German; Some Spanish, Italian, Russian, Romanian. Reading knowledge of Catalan.

MANAGEMENT SKILLS:

3 years full time as the director and curator of the University of Maine Art Museum, one year as gallery director at the University of Denver. Supervised staff and students.

COMPUTER EXPERIENCE:

Training in Geographic Information Systems (GIS) including aspects of aerial photography and computer-system configuration and planning. Training in Arc Info [A UNIX-based system], Adobe Photoshop [Macintosh], Quark Xpress [Macintosh], Adobe Illustrator [Macintosh], UNIX, Windows 95 and the Internet. I have used computers in my research and published articles on digital photography since 1988.

PUBLICATIONS:

BOOK PUBLICATION:

1997 Photography 1900 to the Present - (with Joseph Marshall) for Prentice-Hall. A first history of twentieth century photography (363 pages w/ illus.).

ARTICLE PUBLICATIONS:

Over 50 articles, catalogs and reviews published by international and national journals, presses and reference works. Book and journal editing and collaboration. Member international advisory board (1992-1994), History of Photography, a quarterly journal. Sample title: "Analog Past, Digital Future" published in Visual Resources, Harvard University, 1992.

Meeting of society for Photographic Education, Santa Fe, N.M. (published in Visual Resources).

1987 Lectured on "The Preservation of Photographic Materials," Seminar on the Preservation of Photoelectronic Media, sponsored by Ohio State University and the Library of Congress.

1982 "Photographic Connoisseurship," Swimmer-Cole-Martinez-Curtis (design firm), Los Angeles, Ca.

1975 "Photography's Contribution to Visual Literacy," Panelist, Mid-America College Art Conference, Iowa City, Ia.

SELECTED EXPERIENCE IN ARCHIVES AND MUSEOLOGY:

1985 Participant, Fogg Art Museum Conservation Seminar, Harvard University, April.

1972 Participant, Advanced Study Seminar on Photographic and Paper Conservation, Smithsonian Institution.

1969-71 Research on museum conservation and display, restored and preserved rare books at the Library of Congress; the Artemis Martin Mathematical Collection, American University; the Bryn Mawr Rare Book and Incunabula Collection, Bryn Mawr College.

SELECTED RESEARCH IN PHOTOGRAPHY:

Photographic chemistry, archival preservation, black and white and color photography.

1993-present-Work as forensic photoanalyst and photographer for Office of the Public Defender, Maricopa County in State of Arizona vs. Carpenter, State of Arizona vs. Menefee, State of Arizona vs. Hernandez/Zemora, State of Arizona vs. Rodriguez. Also worked for Federal Public Defender in United States vs. Taylor, and independent counsel in State of Arizona vs. Wolnerman, Stewart vs. State of Arizona, State of Arizona vs. Mosely, Thau vs Balderrama, State vs Deitsch and a variety of private clients engaged in civil suits.

1976-80 Made prints and slides for architecture and art history publication and research, Princeton University.

1973-78 Designed darkrooms and equipment for Stephens College and Princeton University.

1978 Photographed and catalogued private collection, Mexico.

1971-83 Freelance portraiture.

AFFILIATIONS:

BIOGRAPHICAL LISTINGS:

MacMillan Biographical Encyclopedia of Photographic Artists and Innovators: Over 2,000 Leaders in Photography From the 1800s to the Present (Macmillan Publishing Co: New York; Collier Macmillan Publishers: London, 1983), pp. 292-293. Numerous internet listings

Who's Who of Emerging Leaders in America
1987-

Who's Who in American Art
1987-Present

Who's Who in the West

MEMBERSHIPS IN PROFESSIONAL SOCIETIES:

History of Photography Group
Evidence Photographers International Council [EPIC]

Appendix D

David Hill Resumé

RESUME.

David E Hill
3648 W Butterfly Lane
Tucson, AZ 85742
520 909-6360
email: dhill77777@aol.com

Experience:

Defense/Aerospace:

- Weapons, radar, flight control, navigation, opto-mechanical and electro optical target acquisition systems, imaging systems, countermeasures and thermal detection systems design and development. Support multiple system engineering processes, including interface requirements development, design architecture, integration, requirements verification, design analysis and validation, integration and test and risk management, including development of interface control documents for CSCI to H/W interfaces, support system level design trades and design reviews, and qualification test development and execution.
- System Development and Systems Integration and Test of Electro-Optical, Visible and split band IR imaging systems, image processing, target recognition, image fusion and related sensor performance for military aircraft and weapon systems.
- Principle Hardware Systems Engineer for design, development and Integration of EW, ECM and C³M Systems into Operational Specialized Aircraft using off-line processor controlled COTS systems, design hardening engineering, environmental testing and analysis, EMI/EMC Engineering, for use in military aircraft environments.
- Systems, subsystem and component level fault isolation and failure analysis of mechanical and electrical (Avionics, Guidance, Automatic Target Acquisition and Recognition, Digital Imaging and Sensing) systems, image analysis and design improvement. Employ standard lab test methods including, photographic, micro-photographic and micrographic analysis of materials, X-ray imaging and interpretation, Infra-red imaging and image conversion, spectral analysis, SEM- EDS and WDS analysis, metallurgical analysis, chemical analysis and other analytical methods. Also develop new test methods and perform test equipment design and development projects. Test facility design and development, laboratory test and facility development and design.
- Advanced Product Development Project Engineering for imaging systems and image processing methods. System hardware and software requirements flow down, feasibility analysis, specification development, design analysis and integration and test plan development, detailed test procedures.
- ATE development and Integration
- Product Assurance and Process Engineering

Commercial Products

- Integrated Product Assurance and Reliability Design Engineering Failure Analysis Programs.
- In process and acceptance test development for digital and analog products, power modules, power conditioning units, audio and visual imaging products, for both hybrid and monolithic integrated applications and functional units.
- Reliability design engineering for new products from conception through product introduction through Integrated Project Teams.
- Test method design and development.

Clearance: Secret
Highest Clearance Held: Top Secret-Special Intelligence

References: James R Rochester Raytheon (520) 794- 4962
Chief Engineer
EKV Sensor Integration

Scott Stewart Raytheon (520) 794-8616
Principle Physicist-Engineer
Opto-mechanical Section Manager

Education:
Graduate Studies-University of Arizona/San Diego State
Solid State Engineering
BS Physics University of Arizona
Minor - Mathematics
Tech minor - Electrical Engineering
University of Chicago, Off-line Data Systems
Control Data Corp, Simulation techniques

Appendix E

Diane Hulick Affidavit

2/18/09
(4pgs)

STATE OF ARIZONA)
) ss.

COUNTY OF MARICOPA)

AFFIDAVIT OF DIANA HULICK, Ph.D.

I, Diana Hulick, Ph.D., being first duly sworn, deposes and says:

A summary of my educational background is as follows:

Certificate in Crime Scene Technology, Scottsdale Community College, 2000

Ph.D. History of Art, Specialty Photography, Princeton University, 1984

M.F.A. History of Art, Princeton University, 1978

M.F.A. Photography, Ohio University, 1973

A.B. Bryn Mawr College, English (Cum Laude), 1971

PHOTOGRAPHIC EXPERIENCE:

Extensive research and experience in the technology, chemistry and authentication of photographs. Thirty-seven years experience as a practicing photographer. Professional training in evidence photography, criminalistics and digital photography.

OTHER PROFESSIONAL EXPERIENCE:

Fourteen years as a full-time university professor; three years as a full-time museum director and curator. Have given seminars and provided training to both state and local bar and investigative associations.

FORENSIC EXPERIENCE:

1995-Present: Continue to work as a trial consultant at local, state and federal levels on criminal and civil cases involving documentation, identification and photographic analysis.

1993-94: Worked as a trial consultant for the Office of the Public Defender, Maricopa County, on the Bob Crane (Hogan's Heroes) murder case.

(A more complete resume is appended.)

I have been asked by counsel for Frank Atwood to examine certain photographic evidence and to provide my opinions as described below.

In connection with this request, I have read the pleadings and attachments submitted to this Court in connection with this Petition. I have also reviewed the Order of this Court dated January 2, 2009. I have also reviewed numerous digitized photographs related to this case. I have also reviewed two Affidavits submitted in connection with this matter by David Hill dated July 11, 2005 and July 15, 2008. Based on my training and experience in the field of forensic photographic analysis, I conclude that the methods and materials used by David Hill in his photographic analysis in this case are consistent with good forensics, photographic analysis and photographic practice.

Based on my review of the photographic evidence, I have the following opinions:

Bumper Photographs. I have examined Exhibit 26-1 taken in Kerrville on September 20, 1984 and compared it to Exhibit 25-10, taken in San Antonio on September 25, 1984. This second exhibit clearly shows that the bumper and its attached cowling are in a different position from one photograph to another. This is shown by the difference in the reduction of the visible surface of the grill, the reduction in the visible surface of the directional signal, and the gap between the cowling and the side mount bumper boot. The slight difference in the angle of view between these two photographs does not negate these differences.

I have also examined the photographs referred to as the Tucson Suite, copies of which are referred to as Exhibit 1-D in the Appendix. One of these photographs shows a pink bicycle reflected in the bumper of Frank Atwood's car. When this photograph is greatly enlarged, the bicycle and the person holding it become visible on its curved surface.

Because the surface is curved, the image is necessarily distorted but recognizable.

Additionally, a clear image of the bicycle wheel appears on the loading dock behind the front bumper and the cowling.

In this same suite there are several photographs which show the bumper with the cowling still mounted on the top surface. When compared with CP1005094FR22-030485 and CP20050993 FR 01-030485, as shown in the Lamar Couser photographs taken on March 4, 1985, it is clear that the cowling in the Tucson Suite is dirty. The Couser photographs of the cowling contrast with the pictures of the cowling taken on the loading dock of the property room of the Pima County Sheriff's Department by persons unknown (the Tucson Suite). Although the angle of view varies from one set of pictures to another, the surface of the cowling in the Couser pictures clearly shows a smoother surface, free from the discoloration caused by grime. The cowling shown in the second set of pictures, the Tucson Suite, seems to have been cleaned off in the Couser photographs, which would indicate an earlier date for the photographs belonging to the Tucson Suite.

I have also examined the photographs known as the Kerrville Suite (State's Exhibits 26 and 27, which were purportedly all taken in Kerrville, Texas on September 20, 1984 by Special Agent Declan Hoffmann of the San Antonio Field Office of the FBI. While there are twelve pictures in this suite, the handwritten log does not correspond to the photographs.

Item 10 in the log is blank and other log entries do not describe the photographs themselves. Additionally, the pictures which are listed as Exhibit numbers 26-9 and 26-12 in this series are in sharper focus and taken from a noticeably different angle than the other photographs. As a result, they appear not to be part of the original set. In particular, photograph number 26-9, which purports to depict the passenger side bumper with pink paint, does not appear to be a part of the same set of photographs.

I have also reviewed the attachments to David Hill's Affidavit attached to the Reply dated July 14, 2008. In particular, there are two pictures showing the Atwood car's gravel pan as photographed by the FBI and a third photograph made during the accident reconstruction. An enlargement of the FBI photograph clearly shows a relatively undented gravel pan, while an enlargement of the same area in the reconstruction photograph shows a bulging dent into which the pedal fits.

Dated this 18 day of February, 2009.



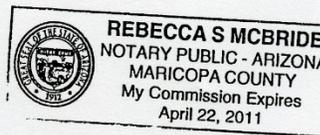
Diana Hulick

SUBSCRIBED AND SWORN to before me this 18 day of February, 2009.



Notary Public - Arizona

My Commission Expires: April 22, 2011.



Appendix F

David Hill Affidavit

~~admitted~~
~~()~~

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)



David Hill, being first duly sworn upon his oath, deposes and says:

1) I am trained and experienced in opto-electrical, opto-mechanical and electro-optical target acquisition systems, imaging systems, and thermal detection systems design and development. I am trained and experienced in Systems Integration and testing of electro-optical, visible and infrared imaging systems, image processing, target recognition, image fusion and related system performance for military air vehicles and weapon systems. I have developed imaging systems, image processing systems and the hardware and software requirements for this analysis. My professional experience in these areas dates back to 1983. My knowledge and experience in this field is far greater than that of the ordinary forensic photographer.

2) I have performed forensic photographic analysis for the Federal Public Defender in the case of *Graham Henry v. Schriro, et al.*; Case No. CIV 02-656 PHX SRB.

3) I have performed failure analysis and crash analysis for the Department of Defense to provide analysis of failures in missile systems. In those cases, the crashed missile is typically in pieces and it is my responsibility to ascertain the cause of that crash. That analysis employs the same principles as those used by ordinary accident reconstructionists, although on a much more sophisticated level. That analysis employs standard laboratory test methods including infra-red photography, microscopic photography, SEM microscopy and macroscopic photography, photographic analysis, micro-photographic analysis, micrographic analysis, metallurgical analysis, chemical analysis, spectral analysis, x-ray imaging and x-ray image analysis, and a host of other analytical methods that go far beyond what an ordinary accident reconstructionist would employ in analyzing a situation as simple as an automobile accident. My findings are submitted to various Defense Department Failure and Safety Review Boards. I have submitted my findings to them on more than 100 occasions and have never had my findings rejected. My experience in this area dates back to 1980.

4) The software and platform technology employed by me to enhance, dimension and analyze the photographs available in this case has been developing over the years. This technology would not have been available at the time of the original Petition for Post-Conviction Relief in this matter. The specific software that I employed was developed in 1999, 2003 and 2004.

5) I have not, at any time prior to the filing of this pending Post-Conviction Relief Petition, worked as an agent or representative of Frank Atwood or his lawyers.

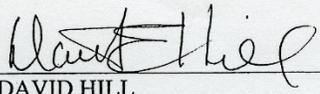
6) Attached to this motion are studio quality photographs which more clearly show the details of the bumper as it was on September 23, 1984 at the Pima County Sheriff's Department. That date can be fixed through a careful observation of those photographs. The reflection in the bumper shows that the parking lot is empty. Therefore, the photographs could not have been taken during a work day. The cowling on top of the bumper shows oil and road grime as it

appears in the San Antonio photographs. The bumper was sent to the FBI on October 1st. When it was returned to the Pima County Sheriff's Department on March 4th, that cowling was clean, as shown in Attachment 3. Therefore, the photographs portrayed in Exhibits TSunk001, TSunk003 and TSunk005 must have been taken before the bumper was shipped to the crime laboratory. ✓

7) The enlarged area of Exhibit TSunk003, which is contained in Attachment 3 shows the characteristic chain guard of the bicycle quite clearly, although distorted due to the variable parabolic shape of the reflecting surface. The bicycle was shipped to the FBI Lab in Washington, D.C. on the 25th of September, 1984. It arrived at the lab at 10:55 EST on 26th of September, 1984.

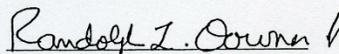
8) Although I have no law enforcement training, I have, from time to time, sought information from present and former FBI agents to assist me in this work. They have consistently been both cooperative and helpful.

FURTHER AFFIANT SAYETH NAUGHT.



DAVID HILL

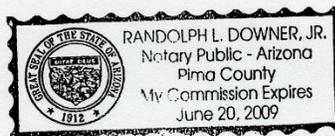
Subscribed and sworn to before me this 19th day of February, 2009.



Notary Public

My Commission Expires: 6.20.2009

2468010



Appendix G

Testing for Trace Evidence

PIMA COUNTY SHERIFF'S DEPARTMENT

P. O. BOX 910 • TUCSON, ARIZONA 85702 • PHONE (602) 882-2800

CLARENCE W. DUPNIK, SHERIFF, STANLEY L. CHESKE, CHIEF DEPUTY

September 24, 1984

Director
Federal Bureau of Investigation
United States Department of Justice
Identification Division
Washington, D.C. 20537

RE: PCSD CASE #840917040
FBI CASE #PX 7-1196

Dear Sir:

Enclosed are all items collected as evidence on above listed case numbers.

The following items have been processed with cyanoacrylate fumes: E-6, E-7, E-10 and E-14. Item E-14 has also been processed with magnetic powder; items E-7 and E-10 have been processed with conventional powder. I examined the purse, item E-6, a sock found in the purse was transferred to a separate envelope; the contents of the bottom of the purse was also collected in a separate envelope prior to fuming of the purse. The books found in the purse have not been processed. Item #1, pink girl's bicycle, was also processed using cyanoacrylate fuming.

Attached is a complete list of all items processed and the means of processing.

ITEM NUMBER	DESCRIPTION	PROCESSED
E-7	plastic bag w/ bank	plastic bag only: cyanoacrylate followed by magnetic powder
E-10	baton	cyanoacrylate fuming followed by 50/50 mix of magnetic and conventional powder
E-6	purse	cyanoacrylate fuming on purse only; sock found in purse packaged separate; contents of bottom of purse packaged separate; other items cyanoacrylate fumed only
E-14	Mickey bank	cyanoacrylate fuming followed by magnetic powder
MS-1	envelope with lifts	from bicycle
MS-2	folder w/elimination prints	major case prints of family members and others
1	bicycle	pink girl's bicycle. Murray D4877402; cyano- acrylate fuming followed by 50/50 powder mix
M-1	yellow mark on rubber	section of rear tire with yellow mark on it; photographed prior to removal from rear tire
1	Mickey Mouse mug	cyanoacrylate fumed followed by 50/50 powder mix
2	red pen	cyanoacrylate fumed followed by 50/50 powder mix
3	blue pen	cyanoacrylate fumed followed by 50/50 powder mix

Appendix H

Gary Cisco Interview

840917040

THIS IS DETECTIVE GARY DHAEMERS OF THE PIMA COUNTY SHERIFF'S DEPARTMENT. TODAY'S DATE IS NOVEMBER 20, 1991 AND THE TIME NOW IS APPROXIMATELY 8:40. I'M TALKING TO GARY CISCO. GARY CISCO IS PRESENTLY LOCATED AT THE MOUNTAIN VIEW, WHICH IS AT 410 SOUTH 6TH. THE PHONE NUMBER IS 770-1177.

LEGEND: Q. = DETECTIVE DHAEMERS Q. = GARY CISCO

Q. Could you please state your full name?

A. Hey, can you turn it off for a minute. Uh, Gary Kevin Cisco.

Q. And what's your date of birth, Gary?

A. 7-22-59.

Q. What's your social security number?

A. 527-33-6527.

Q. What's your uh, present address?

A. Where I'm living right now?

Q. Yes.

A. 410 South 6th Avenue.

Q. Ok, and uh, the phone number there?

A. 770-1177.

Q. Ok. Alright, Gary, the reason that uh, we're talking again is that we did a tape recording yesterday and it, Right.

Q. didn't come out so we want to just cover basically the same stuff that we covered yesterday.

A. Right.

Q. Ok, uhm, Gary you're familiar with uh, the investigation regarding Vicki Lynn Hoskinson's death?

A. Right.

Q. Ok. Uh, the reason that I contacted you is that we had received some information that you had additional information at the time of the homicide and that you had not passed that along to the Pima County Sheriff's Department or any other Law Enforcement Agency and that's why I called you. I wanted to ask you first of all if there was any truth to that statement at all?

A. Uhm, what, well I just told you everything that I know. Yeah.

Q. Ok. So at the time that uh, you had contacted us back during that investigation; in fact, you testified during that investigation all of the information that you had you had passed along to us at that time. Is that correct?

A. Correct. Which was all true.

Q. Alright. At any time did you ever uh, contact your wife or talk to your wife and tell her that uh, Frank Atwood had been with you at the time of Vicki Lynn Hoskinson's disappearance?

A. No, not, not at all.

Q. Ok. At any time did uh, you admit to her that you had any involvement in the death of Vicki Lynn Hoskinson?

A. No, I had no involvement at all in that.

Q. Ok, uh, at any time did you uh, admit to her that you had any uh, involvement in the disappearance of Vicki Lynn Hoskinson?

A. Nope. I had no involvement with it at all.

Q. Alright. Uh, going back and recalling that particular day, I'm gonna just ask you a couple of questions?

A. Yeah.

Q. Uhm, where were you on the day of Vicki Lynn Hoskinson's disappearance?

A. Uhm, I believe I was at work.

Q. Ok. Do you think,

A. I don't remember the date or nothing.

Q. Alright, you don't remember the date but,

A. No.

Q. you remember now back when uh, we had talked a long time ago,

A. Uhm hum.

Q. about this,

A. Right.

Q. and uh, is it your recollection that at that time you were at work?

A. Yes.

Q. Ok. Did you have any contact with Frank Atwood on that day?

A. No, I didn't.

Q. Ok. Was there supposed to be a contact,

A. Yes.

Q. with Frank Atwood?

A. Uhm hum.

Q. And what was that supposed to be about?

A. Uhm, he was supposed to come to the work and pick me up

so we could get some more dope for us, some drugs.

Q. And that was,

A. But that never happened.

Q. And that was cocaine that you're talking about?

A. Right. Right.

Q. Alright. Now that statement about Frank coming over to pick you up uh, to go out and buy dope; is that what you told me uh, when I first made contact with you?

A. Yes I did.

Q. Ok. During any time uh, that you were involved with uh, Frank Atwood did uh, either you or him or both of you talk about any plans on kidnapping any young children?

A. No, I'm not into, I'm not that kind of person, y'know. It's just that simple.

Q. Alright. Uh, Atwood was at your uh, place, you, I believe you were living in a trailer then?

A. Right.

Q. Ok, where were you living? Do you remember?

A. Uh, it was off of La Cholla. Or no, I don't remember the address.

Q. And this is uh, the house that was eventually burnt down?

A. Yeah.

Q. Ok, and uh, Atwood had visited you there? Is that correct?

A. Right.

Q. With other,

A. But he wasn't a friend of mine. He was somebody else's friend.

Q. Ok.

A. But he was there.

Q. Uh huh. During, during any of that uh, any of those times that he was over did you ever watch television with him and,

A. Uhm, ah shit, let me think. I'm not too sure. Maybe. But I know I watched T.V. when I was living there, I know that.

Q. You what?

A. I watched T.V. while I was living there.

Q. Ok. Alright, uh, if your uh, wife would state that uh, you were watching uh, T.V. with Atwood on the uh, the

Appendix I

December 2007 Post-Conviction

17 Dec. 2007 Post-Conviction

1 Although the federal court was prepared to appoint experts, consultants, and an
2 investigator, and to order the depositions that might prove necessary (Id. at 47-49), no
3 such steps occurred because of the State's sudden change of heart about allowing the
4 matter to proceed in federal court and its insistence on exhaustion in this Court.
5 (Atwood v. Schiro, No. CV 98-116, Mem. re Exhaustion, May 29, 2007, Dkt. # 171.)
6 The federal court had also tentatively ordered an evidentiary hearing. (Atwood v.
7 Schiro, No. CV 98-116, Hr'g Tr., May 21, 2007 at 47-48.) That step too has not
8 occurred.

9 The facts assembled to date are based on a forensic assessment of the
10 photographic evidence, coupled with a careful re-examination of logs and records,
11 portions of which were found in the court files, in the voluminous boxes of files from
12 trial counsel, and some of which was discovered in the files of the FBI. While a full
13 development of the factual details must await the evidentiary hearing requested as part
14 of this Petition, the essential chronology and evidence can now be briefly summarized.

15 (1) The Datsun 280Z was first inspected visually by the FBI in Kerrville,
16 Texas at Stoepfel Ford on Thursday, September 20 – three days after the child's
17 disappearance. [12-FJA027005.] FBI agent Declan Hoffmann photographed the car.
18 [See Appendix 1 Ex. 1-A; the partial handwritten "log" of Agent Hoffman's
19 photography is at 12-FJA027150.] Neither he nor any of the other half dozen agents
20 present that day saw any pink paint streak on the front bumper. [See, e.g., Trial Tr. at
21 96-97, Feb. 18, 1987, p.m. session, 04-FJA012491-92; 06-FJA017590, 89; Interview Tr.
22 of S.A. Charles Klafka, April 23, 1986 at 13-14, 12-FJA027164-65.] The evidence will
23 now show that they saw no paint because no paint was present – not because, as claimed
24 in pretrial interviews and at trial, they were not looking for any evidence that the child's
25 bike had come into contact with the car. To the contrary, the photographs themselves
26 confirm that there was certainly detailed communication between the Kerrville FBI
27 agents and the PCSO/FBI Team in Tucson and that the FBI agents in Kerrville were
28 looking for any evidence that might connect the Datsun to the scene of the

1 disappearance. A careful review of the press reports of the daily PCSO/FBI briefings
2 confirms that the FBI was looking for evidence that the bicycle might have collided
3 with the Datsun. It now has become apparent that the log of photographs [12-
4 FJA027150], which is neither signed nor dated, is not a contemporaneous record of the
5 photographic work done. We also now know and can demonstrate that two of the
6 photographs introduced at trial were in fact not taken in Kerrville on September 20 but
7 were taken in San Antonio and substituted for photographs that no longer are in the FBI
8 or court files. One of those photographs is the one showing a streak of paint on the
9 passenger-side front bumper. It is a fake. [Appendix 1, Ex. 1-B.]

10 (2) Prior to trial Agent Hoffmann identified these photographs as copies of
11 photographs taken in Kerrville. [Hr'g Tr. at 90-92, June 24, 1986, 03-FJA008961-63.]
12 As to the critical photograph of the bumper (Trial Ex. 27, frame 9; Appendix 1 at Ex. 1-
13 B), that shot was taken in San Antonio at a later time with a different camera. The
14 switching and substitution was not then detectable. No negatives appear to have been
15 preserved and the collection of hundreds of photographs was of a small size format not
16 conducive to close assessment.

17 (3) The Datsun was taken on Friday, September 21, to San Antonio. [12-
18 FJA027152-56.] Although the FBI would later claim that no search of the car occurred
19 on Friday [12-FJA027154-56], a careful inspection of the photographs reveals that
20 indeed the contents of the car had been removed and replaced. Yet, in complete
21 contravention of FBI policy and uniform practice, no log or report from the FBI
22 confirms the search on Friday, and the search warrant was not obtained until late Friday
23 afternoon and not executed until Saturday, September 22. [13-FJA029966.] The agents
24 were continuing to search for anything that might link the child to the vehicle. The
25 contents of the messy and disordered vehicle were removed and then replaced to make it
26 appear that they had not been disturbed. Despite these evident but undocumented
27 efforts, the agents found nothing—again, including no paint that might match the child's
28 bicycle.

Appendix J

May 2007 Hearing

1 photograph shows that, then I need a better set of contact
2 lenses than I'm wearing right now. That's, to me, bizarre.

3 In any case, what the defendant in this case is alleging
4 is a giant law enforcement conspiracy. That's what he's
5 alleging. He is alleging crimes being committed by
6 innumerable FBI officials and apparently Pima County Sheriffs
7 officials too. He doesn't specify who any of them are.

8 THE COURT: If it's so implausible, Mr. Gorman, why
9 wouldn't you want to waive exhaustion and have a hearing and
10 put the thing to rest?

11 MR. GORMAN: I'll tell you something, Your Honor. I
12 need to check with my boss, but I think I might want to do
13 that.

14 THE COURT: Well, I think you should.

15 MR. GORMAN: Could I ask the Court a couple of
16 questions about how you would --

17 THE COURT: Sure.

18 MR. GORMAN: If we were going to have an evidentiary
19 hearing, would it be here or in Washington?

20 THE COURT: It would be here.

21 MR. GORMAN: It would be down here. Do you have
22 roughly an idea how long it would take?

23 THE COURT: As quickly as we could do it. I would
24 give them as much time as they needed to make whatever record
25 they wanted to, but I'm thinking something in the neighborhood

1 of 90 days from now we would have a hearing.

2 MR. GORMAN: And they would be required to disclose
3 their expert, who I don't know who he is much less having his
4 r@sum@. I don't even know who he is.

5 THE COURT: Well, you've got a copy of the r@sum@
6 here. It was attached to --

7 MR. GORMAN: No.

8 THE COURT: I'm sorry. It was an ex parte
9 application for a budget item.

10 MR. GORMAN: Instead of making a presentation, then
11 why don't I check and, if everyone's agreeable, I'll get back
12 to the Court and counsel within, say, a week about whether --
13 would that be --

14 THE COURT: Yes.

15 MR. GORMAN: -- acceptable to the Court?

16 THE COURT: All right. Let us know within a week.
17 If you decide to waive exhaustion, well, consult between the
18 two of you, but I am not inclined to take more than 90 days
19 before we would have a hearing. It would be sometime like the
20 end of this summer, and we can get to the bottom of this and
21 make a decision and get on with it.

22 MR. GORMAN: All right. Then I'll do that if counsel
23 is agreeable.

24 THE COURT: Mr. Hammond?

25 MR. HAMMOND: Your Honor, I am more than agreeable

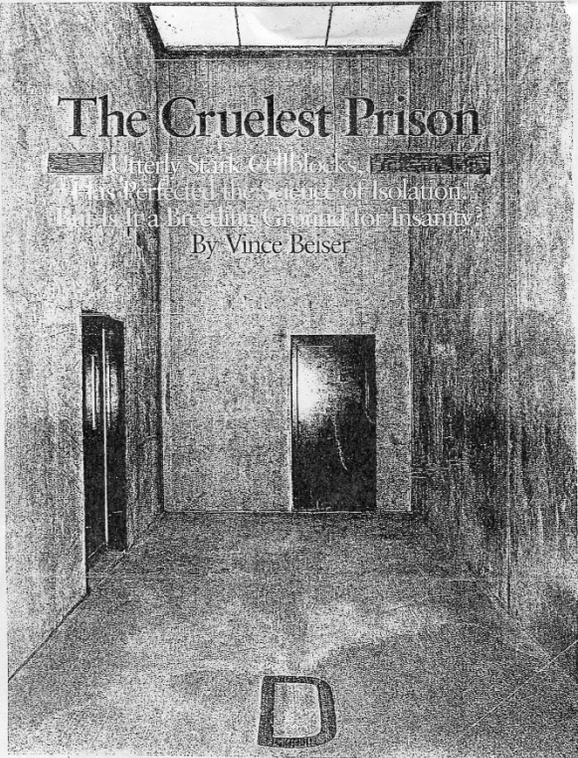
Appendix K

Burial Chart

Condition	Drs. Sperry & Froede	Government	Trial Court
Anaerobic Environment	Required	Unnecessary	Unnecessary
Adequated Moisture	Required	Body Only	Body Only
Intact Body	Required	Unnecessary	No Comment
Skeletonization	2-4 Weeks	At Least 2 Months	4-6 Months
Visible Adipocere	At Least 2 Months	1 Month	2½ - 3 Weeks
Exclude Carnivores & Insects	Required	Unnecessary	No Comment

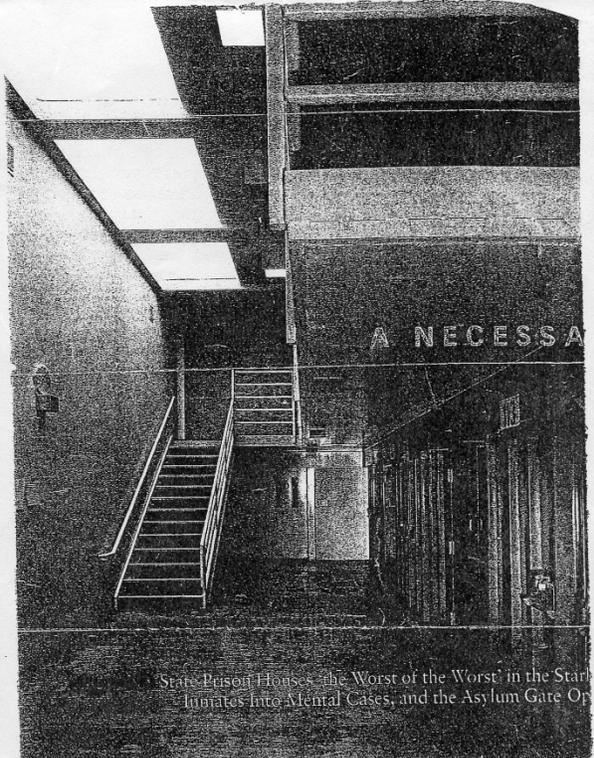
Appendix L

Browning Unit Pictures

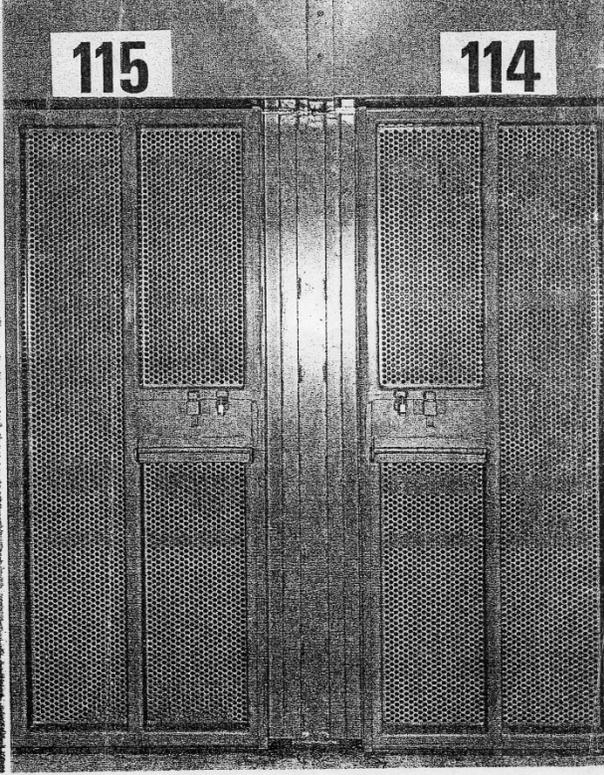
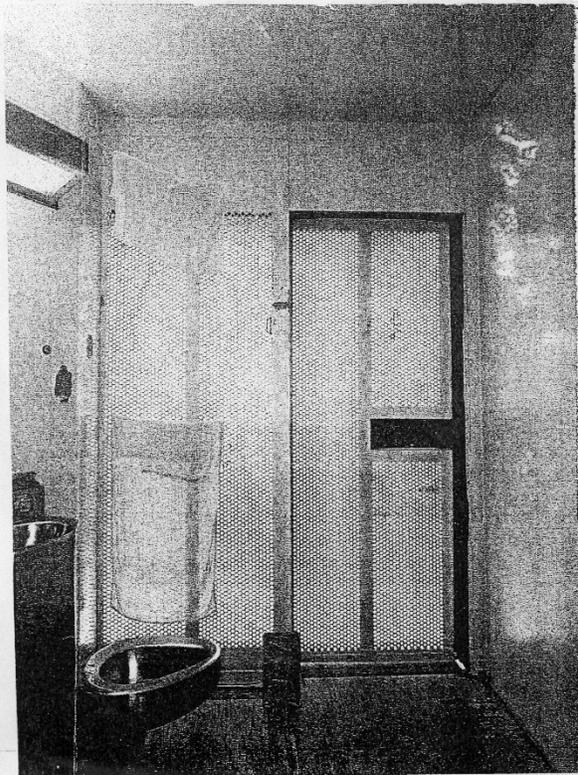


The Cruellest Prison

Utterly Stark Cellblocks,
Which Perfected the Science of Isolation,
Have Made a Breeding Ground for Insanity.
By Vince Beiser



State Prison Houses "the Worst of the Worst" in the State,
Inmates into Mental Cases, and the Asylum Gate Opens



Epilogue

Obviously, something other than Frank Jarvis Atwood's having kidnapped and murdered Vicki Lynn Hoskinson animated the charges, conviction, and death sentence in this case. Undoubtedly.

Government played its card magnificently; the immediate infusion of law enforcement's highest levels, supervisors, and support officers, along with infection by media. Upon uncovering Frank Atwood having been in the area – an outsider, with a history of crimes against children, supposedly preying upon Tucson's juvenile population – all investigation ceased, legitimate leads went unpursued, the court process was bent into unrecognizable theater... Atwood had not a chance. Certainly, Santa Claus could not have wrapped and delivered to authorities a juicer present, as seen by the fact of no trace evidence in the vehicle from the child victim not causing the least bump in the road of the PCSD's pursuit of Frank Jarvis Atwood. No evidence? Why, no problem, a little bicycle paint applied to the bumper, a dent placed in the gravel pan, usage of extraordinarily malleable "witnesses," covering of burial and, with media generated hysteria, a wrongful conviction was assured.

In conducting research for this book, I ran across an unfortunate theme, one centering on "with Atwood's past, who cares if he did it, gas the bastard." Sadly, to many individuals the absurdity of this premise, and assault upon our system of justice, goes unrealized. In merely Arizona dwells a tragic track record of convicting and sentencing to death innocent persons; consider a few examples:

1. James Robinson = After several years on death row for a 1976 car bomb murder he was retried by a jury and acquitted.

2. Robert Charles Cruz = Spent fourteen years in jail and on condemned row for a 1980 contract killing before a retrial led to a finding of not guilty.

3. David Wayne Grannis = On death row for several years over a 1989 murder, a new trial ended with the judge dismissing charges.

4. Debra Milke = After nearly a quarter century on death row for the 1989 murder of her child, charges were dropped once the appellate court reversed the conviction due to a cover-up of a detective's possible perjured testimony.

5. Christopher McCrimmons = After a few years on condemned row for a 1991 robbery/murder he was retried and acquitted by a jury.

6. Ray Krone = Lost ten years of his life, several on death row, for a murder that DNA evidence ultimately proved he did not commit.

In an April 2014 Huffington Post article titled "America Is In Poor Company When It Comes To The Death Penalty," the gruesome facts around our nation's status in the area of capital punishment make us face some sober facts:

“The U.S. is one of the very few western nations that still has a death penalty. Indeed, out of all of North America and Europe, only Belarus and Kazakhstan still have laws allowing executions. As Amnesty International notes in its 2014 report, about a third of the world may have a death penalty, but only nine nations across the globe still regularly execute citizens. As one of those nine nations, the United States finds itself in the company of states like Iran, China, Somalia, Sudan and North Korea...

U.S. neighbors Canada and Mexico both abolished the practice, in 1976 and 2005 respectively. The European Union holds the official position that ‘the death penalty is cruel and inhuman, and has not been shown in any way to act as a deterrent to crime.’ Europe goes as far as to make abolition a pre-requisite for membership, as well as banning the export of drugs that could be used in executions.

Out of the list of countries that do actively enforce the death penalty, most are authoritarian governments with a terrible track record of human rights. Seeing the United States listed among them is a strange sight, and one that should make death penalty advocates take notice of the company they keep.”

Shall we add Frank Atwood to the list? How about you, the reader? This is not so far-fetched, statistics reveal that from 1973-2017 160 people have been freed after being found innocent. The most recent on October 11, 2017. The average number of years between a conviction and exoneration is 11.3. The first DNA exoneration occurred in 1989. There have been 20 death row inmates freed by DNA since its inception.

It must be realized Atwood accepts full responsibility for his thoroughly reprehensible 1974-80 felonies in California. These crimes unequivocally handicapped any

semblance of objective investigation into the disappearance of Vicki Lynn Hoskinson, which has added Frank Jarvis Atwood to the roster of unjust convictions. However, is this extreme prejudicial antagonist also responsible for the continued decade's long refusal to consider newly discovered categorical evidence of Atwood's innocence (i.e., burial, fabrication of paint evidence)?

While the State of Arizona and several others maintain that the legal proceedings in Mr. Atwood's case have fully complied with the Federal and State laws of the land, it is the author's firm unequivocal view that such adherence was only in form and never in substance.

"Blessed are you when they revile and persecute you, and say all kinds of evil against you falsely for My sake. Rejoice and be exceedingly glad, for great is your reward in heaven" (Mt. 5:11-12).