

**OFFICE OF THE DISTRICT ATTORNEY
Indio, California**

M E M O R A N D U M

July 22, 2011

TO: Sean Lafferty, Assistant District Attorney
Otis Sterling, Supervising Deputy District Attorney

FROM: Lisa DiMaria
Senior Deputy District Attorney

SUBJECT: Roger Parker, INF10000647

PURPOSE OF THIS MEETING

Defendant is set for preliminary hearing next Thursday, 7/28/11. This defendant is charged with murder. As I expressed at the initial staffing in March, 2010, I have serious concerns about his guilt (if we have the right person). Since the staffing, I have received the results from all of Department of Justice's analysis of the physical evidence which has reinforced my concern for the actual guilt of the defendant.

The purpose of this meeting is to apprise you of my concerns with the evidence in the case and to discuss how to proceed from here (my recommendation is to probably proceed with preliminary hearing, and should nothing of significance change, recommend a "no file").

FACTS OF THE CASE

Willie Womack (approx 50 yrs old) rented a house in DHS. He took in Roger Parker (20 yrs old) as a roommate. They resided together as roommates.

The victim, "Tennessee" (Brandon Stevenson) was homeless. He would hang out around the house. Willie would socialize with Victim and allow him to hang out in the garage but not usually in the house. Roger was not friends with Victim; he just knew him through Willie and because he'd hang out. Roger also had nothing against Victim.

On March 18, 2010, the Victim was across the street from their house in his broken down truck. The Victim and Willie talked a bit. Victim said he was waiting for his girlfriend. Willie left for his girlfriend's house around 5:00 pm. Victim was outside in this truck. Roger was taking a nap.

Just after 11:00 pm, Willie returned home. The front door appeared to be opened. He entered through the garage door. He noticed his TV (which he was VERY proud of) on the floor next to the front door. Victim was laying on the couch in the entrance-way.

Willie grabbed the TV and yelled at Victim, "Tennessee, you left the door open and someone tried to steal my TV!" Willie took the TV back to his room and came out to wake up Victim. He grabbed Victim's hands and shook him and his head fell back exposing that his neck had been sliced completely open (clear to the spine). Willie doesn't have a phone so he went to the neighbors and called 911.

While the police were at the house and the crime scene tape was up, "Robert" saw the activity and knew Roger was at a friend's house ("Alex") down the street. Robert went to tell Roger who immediately ran back to the house.

Roger and Willie voluntarily went to DHSPD for interviews.

** In addition to having his throat slit clear across to his spine, the victim also sustained a blow(s) to the head fracturing his skull and leaving brain matter spattered on the back of the couch. Both wounds (neck and head) were individually fatal.

ROGER'S INTERVIEWS

* I should preface this with the fact that the police were convinced that the killer was either Willie or Roger since they live there. After speaking with Willie and being convinced it wasn't him, they were confident it was Roger.

He was initially interviewed at 4:15 a.m., 8:00 a.m., and 12:40 p.m. He'd been at the station since about 1 in the morning.

During the interviews, Roger adamantly denied knowing anything. He said he'd left the house at 5:00 p.m. Willie and Tennessee both were not there. He only returned back after Robert came and got him. He was cooperative – he signed a consent to search form, he agreed to take a lie detector, give his fingerprints, give blood, give a DNA swab, give them anything they wanted. After the 1st interview, he went with the police to his friend Alex's house and gave the police the pants he had worn to Alex's house.

During the interviews, the police told Roger about nearly ALL of the evidence. They even went so far as showing him photos of the knife found in the bedroom and the smear of blood where the knife was wiped. They told him who the victim was, how he was killed, the injuries, where he was located, the knives that were found, where they were found, where blood was found.

Additionally, as they were trying very diligently to get him to confess, they **continually** told him that he has the right to defend himself if someone broke into his house, that self defense is legal.

Here's a little excerpt as an example:

Cop – "If he broke into that house, and you were scared, there's a penal code section that says that's not a crime."

Cop – "I think you're a good person and Tennessee bastard kept fucking with you. He kept taking your stuff and you probably had it up to here."

Δ - "No, there you go again. You're saying taking. No, he never took any of my stuff, he always asked."

Δ - “Oh my God, how can you change all my words”

Cop – “Listen...there must’ve been some reason for you to do what you did”

After several hours of this, Roger said, “I told you the truth the whole time. I’m tryin’ to think of a reason now. I’m tryin’ to think of a lie I could tell you.” After this, he finally, *very sarcastically*, said that it was self defense, that since they said he hit him in the head with a pan, he hit him in the head with a pan. Since they said he sliced his throat, he sliced his throat, since they said...etc. So the police considered this a confession.

After an hour of Roger being in a jail cell, he asked to speak to the detective. It was now 4:00 p.m. (he’d been at the station since 1:00 a.m.). Roger now, calmly, told them it was self defense because he was asleep and woke up and heard noises. He gave this story that contained VERY LITTLE DETAIL (and he wasn’t asked for any further detail) and the detective was very leading in his questions.

I was concerned that the “confession” was given so Roger could get out of jail because they had told him self-defense was legal and denial only landed him in jail. So I asked them to have him do a re-enactment.

During the re-enactment, again Roger gives very little detail and he is not asked to further explain. What he does explain makes absolutely no sense with the physical evidence (e.g. the piece of the pot). He also needed to leave the area with he saw the blood because he started to dry heave and was going to be sick.

ADDITIONAL INFORMATION

At the time of the staffing, all my concerns that this was a false confession were voiced. However, the determination was that we had a very dead body and a confession – how could we not file? So it was determined to file charges and wait until the fingerprint off the knife came back and any other physical evidence.

Also, it was decided that the detective should go reinterview Roger. He did and Roger said he made the whole thing up because they kept pressuring him to say something. He was able to tell him what he did because of what they told him and because he could see where the blood was at the reenactment. He said the fingerprints won’t be his and when the evidence comes out, they’ll have to drop the charges.

PHYSICAL EVIDENCE

The fingerprint on the knife did NOT match Roger. DNA: Roger is ELIMINATED as a donor of DNA on the white sweatshirt that had Victim’s blood; Victim is ELIMINATED as a donor of blood on Roger’s shorts (it was Roger’s and a female’s); Roger is ELIMINATED as a DNA donor on the swabs from the knife with Victim’s blood.