

1 MR. MISTLER: Oh, good.

2 INVESTIGATOR GARDNER: And --

3 MR. MISTLER: Then you know that machine.

4 INVESTIGATOR GARDNER: Inside and out.

5 We'll be making a tape of what we're doing today.
6 I turned the video on when I came in here, that is done
7 solely for the purposes of keeping a true and accurate
8 record of what's said in here.

9 I don't have to ten years from now, rely on my
10 memory and you don't either. You know, I have
11 difficult times with that, so I like to have a good
12 record of what goes on.

13 That's about it. It just talks about mainly
14 you're here voluntarily, I presume that's the case --

15 MR. MISTLER: Yeah.

16 INVESTIGATOR GARDNER: -- as I was told.

17 MR. MISTLER: I mean, there were certain articles
18 I had read in the paper, I mean, like somewhere in the
19 paper I had read where he had green pants, but they
20 didn't also say on there that it had orange and yellow
21 stripes in it.

22 INVESTIGATOR GARDNER: Right.

23 MR. MISTLER: When I read that, it said just green
24 pants.

25 INVESTIGATOR GARDNER: Uh-huh.

1 MR. MISTLER: There may be a few things that I
2 saw in there.

3 INVESTIGATOR GARDNER: Oh, I'm sure you saw a lot
4 of things.

5 MR. MISTLER: Yeah.

6 INVESTIGATOR GARDNER: And you know, the purpose
7 for the police interviewing you and going over the
8 details back in '91, and Mr. Ray, again, speaking to
9 you last Saturday at length, is to try to sift through
10 what you may or may not have --

11 MR. MISTLER: Yeah.

12 INVESTIGATOR GARDNER: -- read as to what you
13 actually physically saw on the date the abduction
14 occurred. That's what's important as far as evidence
15 would go.

16 Everyone has saw and read about Adam Walsh,
17 everyone in South Florida.

18 MR. MISTLER: Yeah. It's hard not to.

19 INVESTIGATOR GARDNER: What we need to do is we
20 need for you to be able to differentiate between what
21 you saw on the date of --

22 MR. MISTLER: Oh, I know exactly what I saw.

23 INVESTIGATOR GARDNER: -- the occurrence.

24 That's the part --

25 MR. MISTLER: There's no doubt in my mind. I know

1 exactly what I saw. I have an extremely good memory.

2 INVESTIGATOR GARDNER: That's the part that we're
3 concerned about.

4 MR. MISTLER: On Saturday when I talked to Mr.
5 Ray, there are two things I want to straighten them out
6 because I don't want the needle to flop off there.

7 At one point I said to him, and I told Jack
8 Hoffman, that he must have interviewed the tooth fairy.
9 I'm not sure if I said to Jack, I may have thought that
10 and not said that.

11 INVESTIGATOR GARDNER: Uh-huh.

12 MR. MISTLER: But I did say I said that on
13 Saturday.

14 And the other thing was, he asked me how old my
15 son was and I told him twenty-four, but then I remember
16 later his birthday was last Tuesday, he's actually
17 twenty-five.

18 INVESTIGATOR GARDNER: Uh-huh.

19 MR. MISTLER: So I just want to straighten those
20 two things out with you now.

21 INVESTIGATOR GARDNER: Okay. That's fine.

22 What I need you to do first before we get started,
23 I'd like you to go down and read each of these
24 sentences, and put your initial on the line beside it.
25 At the bottom (inaudible) it says are you voluntarily

1 taking this test. If that's your desire, I need you to
2 write the word yes and then sign it.

3 And I'll be back in just a moment while you're
4 reading these.

5 Okay. So before I begin my interview, I go
6 through a little explanation of the polygraph with
7 everyone I test, even those of you that have taken
8 tests before. Some examiners -- All examiners do
9 things their own way and some examiners don't explain
10 to people what's going on or how this works.

11 I like to make sure we're all on the same page as
12 we begin, so --

13 MR. MISTLER: Okay.

14 INVESTIGATOR GARDNER: If you've heard this
15 before, fine; if you haven't --

16 If you have any questions during our conversation,
17 feel free to interrupt me.

18 I talk to everyone about polygraph, first of all,
19 because there are a lot of misstatements about
20 polygraph. There's been a lot of stuff printed about
21 it, some of it's accurate, some of it isn't.

22 First thing I talk about is the instrument sitting
23 on the table over there that we use to assist in
24 polygraph. People call the thing a lie detector. It's
25 one of the misstatements about polygraph. That

1 instrument does not detect lies. There's nothing in
2 the world that I know of that does.

3 Quite frankly, my job would be a lot easier if I
4 could find something that just detected lies.

5 This instrument is a recording device, it will
6 monitor and write on paper physiological activity of a
7 person, when it's attached to the person and turned on.
8 And that's all it can do.

9 Before we get that instrument, the first thing I
10 have to do is make sure we have a person sitting in the
11 chair you're sitting that's testable, that's suitable
12 for this technique.

13 To do that, I'm going to have a little interview
14 with you and fill in the blanks on this sheet of paper.
15 Covers some different areas of your background,
16 experience, some physical questions, some psychological
17 questions, different things to help me determine
18 whether or not anything has happened in your past or
19 suffering from presently that would make you an unfit
20 candidate for a polygraph test.

21 Polygraph is accurate, as you stated earlier you
22 took one time and lied and it showed that you lied. If
23 a person's testable, if the issue under consideration
24 is suitable and if the examiner's qualified, if those
25 three things are in place, then the polygraph is

1 extremely reliable.

2 So I first must make a determination as to your
3 suitability to take the test.

4 Once we've come to that conclusion, if it appears
5 you are suitable, and most people are, we will then go
6 into the facts of this event about Adam Walsh and the
7 incidents that you saw on the date of his abduction.

8 After we do that, after we go through your version
9 of it, I'll have some questions, I'll be trying to
10 clear up a few different areas and issues. I will then
11 construct some questions, to the best of my ability, to
12 satisfy the issue as to whether or to the information
13 that you've given in your police statement and
14 interview with Mr. Ray came from actually seeing the
15 events occur on the date of the abduction or not.
16 That's the focus of what we're here for today.

17 Once I put those questions together today, I will
18 review them with you. There are no surprise questions
19 in polygraph. Surprise questions don't work, there are
20 no questions that are designed to get you in trouble,
21 or to jam you up or to do you in or embarrass you or
22 anything like that. We are simply trying to come to an
23 accurate conclusion about the facts that you've given
24 the police.

25 The questions after they're reviewed with you, I

1 will then come around this side of the table where I
2 was sitting at earlier, and I will turn the instrument
3 on and tune it to you. I will attach components to
4 you. I will place one tube across your chest, there'll
5 be another tube across your stomach or diaphragm area.
6 I'll place a blood pressure cuff on your right forearm
7 and two metal attachments --

8 You need water or anything?

9 MR. MISTLER: Maybe a little water.

10 INVESTIGATOR GARDNER: Okay.

11 MR. MISTLER: I had a Certs and they're fine going
12 down, but --

13 Oh, thank you.

14 INVESTIGATOR GARDNER: Okay. As I was saying,
15 I'll be attaching this instrument to you, I'll be
16 putting a tube across your chest, another tube will
17 across your stomach or diaphragm area. I'll place a
18 blood pressure cuff, similar to what a doctor uses, on
19 your left forearm, and I'll put two metal attachments
20 on the fingers of your right hand.

21 Those components don't do anything to you. They
22 simply rest on the body in the area that I've attached
23 them and they pick up signals from those areas and they
24 act like a microphone. They pick up this activity
25 that's happening inside your body, transmit it to the

1 instruments through some tubes and wires, and
2 eventually cause ink pens on the instrument to move in
3 different directions as the instrument rolls paper.

4 That's all this instrument can really do on its
5 own is move paper --

6 MR. MISTLER: Uh-huh.

7 INVESTIGATOR GARDNER: -- at a rate of six inches
8 per minute. It continuously pumps paper out.

9 When it's attached to you and turned on and tuned
10 to you, your body activity moves the pens and they
11 cause tracing on the paper that's flowing out of the
12 instrument.

13 After I've attached the instrument to you today, I
14 will then tune it to you, it adjusts a little different
15 to each person. Once I have it tuned to you, I will
16 re-ask the questions that we've previously reviewed.

17 We will go through those questions today three or
18 four different times. That's done for evaluation
19 purposes.

20 Now, what happens in polygraph or what happens to
21 us humans when we're answering questions in every day
22 life, when you're talking to someone, your body's
23 functioning all the time, there's physiological
24 activity occurring. Whenever we choose to tell a lie,
25 and a lie in its best definition for this room, is not

1 being completely truthful or withholding of any
2 information. That's a lie.

3 When a person tells a lie, there's physiological
4 activity changes that occur inside of us that we have
5 no control over.

6 You're a man of about my age, and I'm sure I'm
7 pushing it, okay?

8 And I'm sure you in your every day life and you
9 know it.

10 MR. MISTLER: Oh, I've been in business for
11 twenty-four years, they lie all the time to you.

12 INVESTIGATOR GARDNER: Right. And you can tell
13 when they're lying to you.

14 MR. MISTLER: Yeah.

15 INVESTIGATOR GARDNER: Most people display
16 something about it, that you pick up signals. We get
17 that from life's experiences to identify those things.

18 This instrument takes that problem away from me, I
19 don't have to try to sit here and look at every little
20 detail. The things that you identify when you're
21 talking to someone and you see that they're lying to
22 you, is exactly what this instrument does, because it's
23 internal physiological activity that causes those
24 little physical features to change that you see in a
25 person.

1 You're talking to a guy, you're having a
2 communication back and forth, maybe it's a business
3 dealing, and you start talking about different things,
4 fishing, camping, golfing, whatever it may be, then you
5 get down to business. And then when you hit on issues
6 that are really important to the deal, maybe you see
7 some changes in him, you know what those changes are
8 all about. He's not changing on purposes, he wishes it
9 wasn't happening, but he can't stop it.

10 MR. MISTLER: Yeah.

11 INVESTIGATOR GARDNER: That's what happens when we
12 tell lies. It comes from being conditioned when we
13 were very small. The punishment that we got when we
14 were little kids and up through our teens, is what
15 causes this activity change to occur.

16 It doesn't happen in animals, you know, because
17 animals don't nothing from nothing when it comes to
18 lying.

19 MR. MISTLER: Yeah.

20 INVESTIGATOR GARDNER: You know?

21 It happens in humans because we've been punished
22 for telling lies when we were small. And it continues
23 on throughout our adult life. There's some sort of
24 reinforcement.

25 I mean, even your best friends are gonna turn on

1 you if you start lying to you. They're not gonna be
2 your best friend anymore. So there is a reinforcement,
3 even as an adult.

4 But once the time -- once we were around the age
5 of sixteen, seventeen years old, we become conditioned
6 to the point and we become mature enough emotionally
7 that this system is in place and it stays in place for
8 the rest of our lives.

9 I really don't -- I recommend testing anyone
10 that's under the age of fifteen years old. I've tried
11 it a couple of times early on in my career in polygraph
12 and I refuse to do it now because it's a waste of time.
13 It's a waste of their time, it's a waste of my time.
14 It just --

15 MR. MISTLER: My kid's nose flares if he lies or
16 he says slightly.

17 INVESTIGATOR GARDNER: You see it. And you can
18 tell him it happens, and he still can't stop it.

19 MR. MISTLER: Oh, he can't stop it, no.

20 INVESTIGATOR GARDNER: That's right.

21 MR. MISTLER: He --

22 INVESTIGATOR GARDNER: In fact, if you know it, it
23 gets worse.

24 MR. MISTLER: It really does, yeah.

25 INVESTIGATOR GARDNER: Anyway, that's how

1 polygraph works.

2 MR. MISTLER: Yeah.

3 INVESTIGATOR GARDNER: And that's what we're gonna
4 be doing today.

5 And when we get down to the test and we do that,
6 what I do and the reason we go through those charts a
7 number of different times, I review each of the charts.
8 As I'm looking through them, I'm trying to identify if
9 there are any physiological changes occurring.

10 If I detect a physiological change, I try to find
11 then what question it occurred to, and I look through
12 the rest of the charts, because what we also look for
13 in polygraph is consistency.

14 MR. MISTLER: Uh-huh.

15 INVESTIGATOR GARDNER: If a person displays a
16 physiological change to a question every time that
17 particular question's asked and answered, that
18 question's labeled as having a deceptive response.

19 A deceptive response is what a person's referring
20 to when they say they failed a polygraph test.

21 We'll be talking about different issues today,
22 different areas of your background. And when we get
23 down to the test questions, they're going to be
24 different types of questions. I'm not just gonna ask
25 you two or three questions about the events that

1 occurred back in 1981, I'm gonna be asking you some
2 questions about some other areas also.

3 Without going into a detailed explanation about
4 all of that, which took me about twelve or thirteen
5 weeks of school to get it all into my head, we're not
6 going through all of that.

7 The only thing I need you to do today is to
8 understand that every question we (inaudible) your test
9 today, every question's important, they're all there
10 for a reason. I'm not gonna waste your time today with
11 any extra questions that don't have any significance to
12 them. I just need you to answer all of the questions
13 that I review with you today that we do on the test.
14 Just answer everything truthfully.

15 One thing I discuss with everyone, because it's
16 come up in here over the years a few times, enough
17 times that I felt that it needed to be put into my
18 little speech, is that generally speaking, everyone
19 that comes in this room to take a polygraph test is a
20 little nervous. To some degree they're more anxious
21 about this than they would be if they were sitting
22 someplace else right now.

23 I talked to people about it because a lot of
24 people express concern over the years, I don't think
25 I'm gonna pass the test because I'm nervous.

1 Well, I've sat in both chairs, I've had to take
2 polygraph tests as well as administer them, I get
3 nervous when I take them, I like sitting in the brown
4 chair a lot better than sitting in the black chair.

5 But nervousness has never caused me to fail a
6 polygraph test. It helps contribute to how this
7 instrument tunes to you, when I say it tunes a little
8 differently to each person. Your anxiety level today
9 will help make a determination as to why this
10 instrument tunes different to you than it might even to
11 me today.

12 There's a range of activity I like to use, for
13 example, there's a space this big that everyone's
14 activity range is in. I don't know where yours is
15 going to be when I tune the instrument to you, and
16 quite frankly, it doesn't matter where it is. It could
17 be near the top, it could be near the bottom.

18 Once I get the instrument tuned to you, it locks
19 into your activity range and that stays there, that
20 stays on a level line throughout your test unless we
21 come to a question, if you choose to withhold
22 information or not be completely truthful at that
23 point, there's a change to your level, it goes right
24 back down to your activity level, baseline, and it
25 continues on.

1 MR. MISTLER: Uh-huh.

2 INVESTIGATOR GARDNER: So if you're nervous, enjoy
3 it, there's nothing you can do.

4 MR. MISTLER: I'm a little bit nervous, not much,
5 though.

6 INVESTIGATOR GARDNER: Right.

7 MR. MISTLER: My hands are a little bit clammy,
8 but --

9 INVESTIGATOR GARDNER: Everybody is. But it's
10 just a normal thing. The instrument compensates for
11 that activity. It's not big deal.

12 The other thing that I talk to everyone about
13 before I start is the fact that no one has ever come in
14 this room and sat in the chair you're sitting in that
15 came in here with a halo over their head.

16 No one ever administered a polygraph test
17 (inaudible) we're not angels, we're all human beings.
18 We have done some dumb things in our lives, all of us,
19 we've all broken some laws, made some mistakes,
20 experimented with things. We've done all kinds of
21 crazy things.

22 The purpose of this test today is not to embarrass
23 you, jam you up, bust you out, do you in or anything.
24 I'm simply here to make an accurate determination as to
25 whether you're being totally truthful about everything

1 we discuss today.

2 MR. MISTLER: Uh-huh.

3 INVESTIGATOR GARDNER: Do you have any questions
4 about anything at all before we begin the interview?

5 MR. MISTLER: No.

6 INVESTIGATOR GARDNER: Okay. If you should have
7 any questions today, feel free to stop and interrupt.
8 It's no big deal. I'm here to do this right for you
9 and I want you to feel comfortable with everything we
10 do.

11 Your name, please.

12 MR. MISTLER: William Carl Mistler, M-I-S-T-L-E-R.

13 INVESTIGATOR GARDNER: What do you go by?

14 MR. MISTLER: Bill.

15 INVESTIGATOR GARDNER: Do you have any nicknames?

16 MR. MISTLER: Just Bill.

17 INVESTIGATOR GARDNER: Okay. Your date of birth,
18 please.

19 MR. MISTLER: 11/5/47.

20 INVESTIGATOR GARDNER: And where were you born?

21 MR. MISTLER: Covington, Kentucky.

22 I lived in Erlanger, but the hospital was actually
23 in Covington.

24 INVESTIGATOR GARDNER: And your home address now?

25 MR. MISTLER: 2612 Arthur Street.

1 INVESTIGATOR GARDNER: And who do you live there
2 with?

3 MR. MISTLER: My wife, and my son is back now. He
4 moved out and came back.

5 INVESTIGATOR GARDNER: (Inaudible).

6 MR. MISTLER: Yeah, I broke his plate when he
7 left, and now he still came home.

8 INVESTIGATOR GARDNER: How long have you lived on
9 Arthur Street?

10 MR. MISTLER: Since January -- February of '75.
11 '85, '95 -- Twenty-one years.

12 INVESTIGATOR GARDNER: Wow. That must a record.
13 I don't know anyone who's lived in a house twenty-one
14 years besides you.

15 MR. MISTLER: Well, my wife raised her kid and
16 her three dogs, and she don't want to sell the house.

17 INVESTIGATOR GARDNER: Okay. How many times have
18 you been married?

19 MR. MISTLER: Just once.

20 INVESTIGATOR GARDNER: That's a record, too.

21 MR. MISTLER: Yeah.

22 INVESTIGATOR GARDNER: Most of us have been
23 married at least twice.

24 MR. MISTLER: My sister's going on her fifth one.

25 INVESTIGATOR GARDNER: Really?

1 MR. MISTLER: Yeah.

2 INVESTIGATOR GARDNER: Yeah, she figures she keeps
3 trying --

4 MR. MISTLER: Why bother.

5 INVESTIGATOR GARDNER: -- she'll get it right.
6 She's determined.

7 How long you been married?

8 MR. MISTLER: Twenty-two years, but we lived
9 together for, I guess, a couple years or so.

10 INVESTIGATOR GARDNER: And your wife's name?

11 MR. MISTLER: Martha (inaudible).

12 INVESTIGATOR GARDNER: And you have one son?

13 MR. MISTLER: One son, yeah.

14 INVESTIGATOR GARDNER: You say he's twenty-four?

15 MR. MISTLER: He just turned twenty-five.

16 INVESTIGATOR GARDNER: Twenty-five.

17 MR. MISTLER: I told him on Saturday he was
18 twenty-four and I wanted to straighten that out with
19 you. I don't know if that's important.

20 INVESTIGATOR GARDNER: Where are you working at?

21 MR. MISTLER: I own an exterminating company.

22 INVESTIGATOR GARDNER: And what do you do there?
23 Extermination?

24 Are you the owner?

25 MR. MISTLER: Yeah.

1 INVESTIGATOR GARDNER: Self-employed?

2 MR. MISTLER: My wife and I, yeah.

3 INVESTIGATOR GARDNER: Okay. Just a two-man
4 operation, two-person.

5 MR. MISTLER: Well, we have two -- we run three
6 trucks.

7 INVESTIGATOR GARDNER: I see.

8 MR. MISTLER: And my wife and I, we have the
9 option of running out of our office or out of our
10 house, but generally we run it out of the house.

11 INVESTIGATOR GARDNER: Uh-huh. You have one
12 other employee then?

13 MR. MISTLER: I have two other employees.

14 INVESTIGATOR GARDNER: Okay.

15 MR. MISTLER: So we run three trucks.

16 INVESTIGATOR GARDNER: How long have you been in
17 business?

18 MR. MISTLER: Twenty-four years.

19 INVESTIGATOR GARDNER: Really?

20 MR. MISTLER: In March.

21 INVESTIGATOR GARDNER: Been a good business?

22 MR. MISTLER: Oh, yeah.

23 INVESTIGATOR GARDNER: They changed the laws or
24 the rules or something on you a few years ago, didn't
25 they?

1 MR. MISTLER: They changed so many, now there's so
2 much red paper and paperwork that we're doing now,
3 we're spending more time doing paperwork than actually
4 work.

5 INVESTIGATOR GARDNER: Yeah. A lot more liability
6 insurance and things like that?

7 MR. MISTLER: Oh, yeah. Yeah.

8 INVESTIGATOR GARDNER: Still lucrative, though?

9 MR. MISTLER: Oh, yeah.

10 INVESTIGATOR GARDNER: Yeah? Good.

11 MR. MISTLER: South Florida's the pest control
12 capital of the world. You're either busy or busier.

13 INVESTIGATOR GARDNER: Yeah. Really. I found
14 that out.

15 I sold a house in December, and the people buying
16 mine they were really -- it was a nightmare. They
17 ended up not doing the inspection until the week the
18 before we were supposed to close and they found
19 termites. I didn't know I had termites, they found --

20 MR. MISTLER: Dry wood.

21 INVESTIGATOR GARDNER: -- dry wood termites, yeah.
22 What a pain in the neck that was. So I ended up
23 spending an extra thousand bucks that I hadn't planned
24 on spending.

25 Between getting the place tented and getting the

1 wood replaced, you know.

2 MR. MISTLER: Yeah.

3 Yeah, we do -- We don't do any termite work or law
4 work now, we basically specialize in commercial work.
5 We do a lot of dairies and food processing plants and a
6 lot of night work and at bars and restaurants.

7 INVESTIGATOR GARDNER: Uh-huh. About how much do
8 you make a year?

9 MR. MISTLER: Well, a lot of it's in cash.

10 INVESTIGATOR GARDNER: I understand.

11 How much do you claim a year; how about that?

12 MR. MISTLER: Probably about twenty-five thousand
13 or so, you know.

14 INVESTIGATOR GARDNER: And what's the highest
15 level of education you've completed?

16 MR. MISTLER: I have five years of high school.

17 INVESTIGATOR GARDNER: Okay.

18 MR. MISTLER: And I graduated. Took five years,
19 but --

20 INVESTIGATOR GARDNER: It's the end result that
21 counts.

22 And where'd you go to school; you were in Kentucky
23 there?

24 MR. MISTLER: I went to Lloyd High School in
25 Erlanger, Kentucky.

1 INVESTIGATOR GARDNER: How do you spell that,
2 Erlanger.

3 MR. MISTLER: E-R-L-A-N-G-E-R

4 INVESTIGATOR GARDNER: Where's that near?

5 MR. MISTLER: It's there right near Ohio/Kentucky
6 -- or Ohio/Indiana, it's right in Northern Kentucky.

7 INVESTIGATOR GARDNER: Oh, okay. I've heard of
8 Covington. I'm just not familiar --

9 MR. MISTLER: Yeah, Covington's down by the
10 river, and then we lived close to the Greater
11 Cincinnati Airport, which is actually located in
12 Kentucky.

13 INVESTIGATOR GARDNER: Okay. I've been to --
14 Well, Covington, that's --

15 MR. MISTLER: Covington's right there.

16 INVESTIGATOR GARDNER: Isn't that near Huntington?

17 MR. MISTLER: I'm not sure. It might be.

18 It's near where the (inaudible) gambling and
19 hookers and, what the hell's the name of that, Ludlow
20 (phonetic), I think.

21 INVESTIGATOR GARDNER: Yeah. It sounds like a
22 good place.

23 Okay. You can read and write okay?

24 MR. MISTLER: Yeah. Oh, yeah.

25 INVESTIGATOR GARDNER: Were you ever in the

1 military service?

2 MR. MISTLER: No.

3 INVESTIGATOR GARDNER: Did you ever apply for
4 military service --

5 MR. MISTLER: No, I did time for strong-armed
6 robbery when I was nineteen.

7 INVESTIGATOR GARDNER: Okay.

8 MR. MISTLER: And I did a year and two months in
9 the Grand State (phonetic) Reformatory, 61671. So that
10 kept me out of the military.

11 INVESTIGATOR GARDNER: Okay.

12 MR. MISTLER: It's not that I had problems going,
13 I would have rather have gone to the military.

14 INVESTIGATOR GARDNER: Well, you would have been
15 in the same time as me, you might not have come back
16 out. So maybe, that might have been --

17 MR. MISTLER: Yeah, well, it probably worked out
18 better, truthfully.

19 INVESTIGATOR GARDNER: It may have, you know what
20 I mean?

21 A lot of guys -- I know my whole platoon -- my
22 whole boot camp platoon -- I went into the Marine Corp,
23 but I went in the airway and myself and a guy I went in
24 with, went in together, and we had (inaudible)
25 guarantees, we were gonna educated, work on aircraft.

1 The whole rest of our platoon, ninety-six other guys
2 were all in the infantry, you know, grunts, and all of
3 them were killed in Vietnam, the whole platoon was
4 wiped out.

5 MR. MISTLER: Yeah.

6 INVESTIGATOR GARDNER: We were all (inaudible) '68
7 and everybody --

8 MR. MISTLER: Yeah, the Tet (phonetic) offensive,
9 yeah.

10 INVESTIGATOR GARDNER: Uh-huh. As unfortunate as
11 your experience may have been, it may have saved your
12 life, too.

13 MR. MISTLER: In the long run, it probably did.

14 INVESTIGATOR GARDNER: Yeah.

15 MR. MISTLER: 'Cause I would have been right there
16 in the front with all the rest of them.

17 INVESTIGATOR GARDNER: Yeah. The only thing I did
18 smart when I went in, was I wanted to get an education
19 of some sort, so I shopped around until the Marine Corp
20 guaranteed (inaudible). So, I mean, I was in Vietnam,
21 but I was on an air base and I was there, by virtue of
22 getting that education -- If I had gone straight in the
23 year -- I went in '67, I'd have been there for Tet of
24 '68, but the (inaudible) education, I didn't go to
25 Vietnam until 1969, late '69, '70. It was about -- it

1 was winding down by the time I got there.

2 MR. MISTLER: Yeah.

3 INVESTIGATOR GARDNER: That helped me out. One of
4 the few smart things I did in my life.

5 Then they taught me how to fix radios and I hate
6 electronics, so I didn't do that.

7 MR. MISTLER: Well, I can't 12:00 off my VCR at
8 home, so when it comes to electronics --

9 INVESTIGATOR GARDNER: My flashes when the
10 lightning hit one time, I haven't bothered to set it.
11 'Cause every time the power --

12 MR. MISTLER: (Inaudible) ten years.

13 INVESTIGATOR GARDNER: -- every time the power
14 shuts off -- I got one that doesn't have the internal
15 battery that holds the time for a while, you know?

16 So every time the power kicks off, the clock
17 leaves and I got trying to take the book out and see
18 how to reset it. So I just don't put the time on it.

19 How would you describe your present physical
20 condition?

21 MR. MISTLER: Good.

22 INVESTIGATOR GARDNER: Okay. You suffering from
23 any illnesses at all?

24 MR. MISTLER: I take high blood pressure
25 medication, Tenormin, and then they give me Lozol for,

1 I believe that's for cholesterol or something. I had
2 to change my diet here a while back, but --

3 INVESTIGATOR GARDNER: The country cooking will be
4 the death of us.

5 MR. MISTLER: Well, and two packs of cigarettes a
6 day don't help either, you know.

7 INVESTIGATOR GARDNER: That's true.

8 You quit that?

9 MR. MISTLER: Hell, no. That's one of my habits,
10 you know.

11 INVESTIGATOR GARDNER: That's -- I was -- I got
12 off of -- I'll smoke one once in a while, maybe two. I
13 can still pick one up and smoke it and --

14 MR. MISTLER: Well, I had quit for a year and a
15 half, I gained thirty pounds and I felt like hell with
16 the extra thirty pounds on me, you know. So I took up
17 smoking again.

18 INVESTIGATOR GARDNER: The problem with smoking is
19 really it's detrimental to the blood pressure.

20 MR. MISTLER: Oh, I know.

21 INVESTIGATOR GARDNER: Everything good you do for
22 your blood pressure, when you smoke cigarettes, it
23 takes you --

24 MR. MISTLER: I realize that. You know that and
25 you still smoking. I don't know how you figure.

1 INVESTIGATOR GARDNER: I like to smoke.

2 MR. MISTLER: Yeah, I do too. I quit drinking,
3 I'm an alcoholic, I quit drinking twenty-one years ago.
4 I haven't had a drink of anything in the last twenty-
5 one years.

6 INVESTIGATOR GARDNER: See, that's what I didn't
7 give up.

8 MR. MISTLER: Well, I had to give that up, because
9 I'm a mean drunk, so I had to give that up. I'm glad I
10 did. I'm probably prouder of that than I am of running
11 the exterminating company for twenty-four years.

12 But the damn cigarettes, I just (inaudible) cup of
13 coffee in the morning, you know.

14 INVESTIGATOR GARDNER: Okay. I'm gonna go through
15 a list of other illnesses that people sometimes suffer
16 from or may have had in the past. Just answer out loud
17 if you have them now or have had them in the past.

18 MR. MISTLER: Okay.

19 INVESTIGATOR GARDNER: Stomach ulcers.

20 MR. MISTLER: No.

21 INVESTIGATOR GARDNER: Any heart problems other
22 than blood pressure?

23 MR. MISTLER: No, just the blood pressure.

24 INVESTIGATOR GARDNER: Asthma, emphysema or any
25 breathing or lung disorders?

1 MR. MISTLER: No.

2 INVESTIGATOR GARDNER: Diabetes.

3 MR. MISTLER: No.

4 INVESTIGATOR GARDNER: Epilepsy?

5 MR. MISTLER: No.

6 INVESTIGATOR GARDNER: Let's see -- You do have
7 high blood pressure.

8 You take Tenormin?

9 MR. MISTLER: Tenormin and Lozol for, I believe
10 that's for low cholesterol problem.

11 INVESTIGATOR GARDNER: Okay. I took Tenormin when
12 I first started on blood pressure. Then I went -- I
13 take one now it's called Monitril (phonetic). I
14 switched it because, let me see, if I remember right,
15 Tenormin is a beta blocker, I think.

16 MR. MISTLER: You might be right on that.

17 INVESTIGATOR GARDNER: And Monitril came out about
18 five, six years ago, something like that. It's what
19 they call -- it's a type -- it's one of the types of
20 blood pressure -- Monitril is a blood pressure
21 medication of a variety that's called ace inhibitor.
22 And what beta blocker regulates the heart beat, it
23 keeps it from beating too much. It keeps the heart
24 from pounding too hard and raising the pressure.

25 MR. MISTLER: Uh-huh.

1 INVESTIGATOR GARDNER: And the ace inhibitor -- I
2 saw a little documentary one night, what they supposed
3 do, or what they said they do, they have the ability to
4 increase the elasticity of the veins and arteries or
5 the arteries. So that if the pressure -- as the
6 pressure goes to increase, the arteries expand, thus
7 reducing the pressure, and that's what they work on.

8 And I've never had any side-effects from any blood
9 pressure medicine, but they were talking about the beta
10 blockers had the -- had some adverse effects on long,
11 long term usage, and I was -- I'm forty-seven, I'll be
12 forty-eight this year, and I figure, if everything goes
13 well, I'm gonna have to take these things for a long
14 time.

15 So I asked my doctor about these ace inhibitors,
16 and he said, yeah, we'll give it a try and it worked
17 just as well, so I started taking them.

18 I've been taking -- I think I started blood
19 pressure medicine when I was thirty-eight -- thirty-
20 eight or thirty-nine.

21 MR. MISTLER: Oh, I've been taking it for ten
22 years or so.

23 I've been taken off Tenormin for about a week or
24 two and it was just a -- I mean, I had headaches and --
25 I mean, it was just -- it was terrible.

1 And the same thing, they tried giving me generic
2 Tenormin and the exact same effect. So I can't take
3 generic Tenormin and they tried me on some other thing
4 that just didn't work, so I went back on the Tenormin.

5 INVESTIGATOR GARDNER: I was gonna say, there's so
6 many different ones. I've heard people with side-
7 effects. I've never had a side-effect from any of
8 them.

9 MR. MISTLER: Well, even the Lozol, which makes me
10 horny as hell, and I keep telling the doctor this, you
11 know. He said he's gonna start taking them.

12 INVESTIGATOR GARDNER: Is your wife bragging or
13 complaining?

14 MR. MISTLER: Oh, she's wearing a damn chastity
15 belt, you know, running from me now, you know.

16 INVESTIGATOR GARDNER: Okay. And have you ever
17 suffered from black-outs, have you ever pass out for
18 just no reason at all?

19 MR. MISTLER: Only from drinking too much one
20 night or something like that.

21 But, no, not just out of the blue or anything.

22 INVESTIGATOR GARDNER: Okay. Any blood problems
23 or blood disorders of any kind?

24 MR. MISTLER: No.

25 INVESTIGATOR GARDNER: You ever suffered any

1 mental or emotional disorders where you were treated by
2 a psychiatrist --

3 MR. MISTLER: No, no.

4 INVESTIGATOR GARDNER: -- or mental institution?
5 You ever suffered any serious head injuries?

6 MR. MISTLER: I was thrown down the steps as a
7 kid.

8 INVESTIGATOR GARDNER: Okay.

9 MR. MISTLER: Crushed the back of my skull in.

10 INVESTIGATOR GARDNER: Okay. Had any reoccurring
11 problems from that?

12 MR. MISTLER: No.

13 INVESTIGATOR GARDNER: You (inaudible) buzzing
14 sounds in your head?

15 MR. MISTLER: No.

16 INVESTIGATOR GARDNER: In the last five years,
17 have you been treated in a hospital where you were kept
18 overnight

19 MR. MISTLER: No.

20 INVESTIGATOR GARDNER: Other than Tenormin or
21 Lozol, have you taken any other medications in the last
22 twenty-four hours?

23 MR. MISTLER: No.

24 INVESTIGATOR GARDNER: And there's been no alcohol
25 use?

1 How much sleep did you get last night,
2 approximately?

3 MR. MISTLER: Oh, I went to bed around 10:00
4 o'clock, maybe a little later until about 7:30 this
5 morning.

6 INVESTIGATOR GARDNER: Wow, that's nice.
7 You feel rested today?

8 MR. MISTLER: Yeah. I feel good today.

9 INVESTIGATOR GARDNER: When's the last time you
10 smoked marijuana?

11 MR. MISTLER: Last night.

12 INVESTIGATOR GARDNER: No wonder you don't need
13 alcohol.

14 MR. MISTLER: It's the lesser of the two evils for
15 me.

16 INVESTIGATOR GARDNER: What about cocaine?

17 MR. MISTLER: I haven't done cocaine probably in
18 ten years.

19 INVESTIGATOR GARDNER: And you smoke marijuana
20 regularly?

21 MR. MISTLER: Pretty regularly, yeah.

22 INVESTIGATOR GARDNER: Okay. At least five, six
23 days a week?

24 MR. MISTLER: Well, yeah. I mean, I may go a week
25 or two without, but --

1 INVESTIGATOR GARDNER: And are there any other
2 illegal drugs that you use presently?

3 MR. MISTLER: No.

4 INVESTIGATOR GARDNER: Okay.

5 MR. MISTLER: No, that's the extent of it.

6 INVESTIGATOR GARDNER: And you stated that you
7 were arrested back when you were around nineteen?

8 MR. MISTLER: About nineteen. I was sentenced to
9 three years in Grand State Reformatory for strong-armed
10 robbery. I had knocked a parking lot attendant down
11 with my fists. There was no weapons or anything and
12 took his cash draw and ran.

13 I spent approximately a year and a month in the
14 Grand State Reformatory and then I made parole and went
15 to live with an aunt and uncle and pretty much kept my
16 nose clean since.

17 INVESTIGATOR GARDNER: Where did that arrest
18 occur, Kentucky?

19 MR. MISTLER: Erlanger, Kentucky, yes.

20 INVESTIGATOR GARDNER: Okay. Approximately when
21 was that?

22 Remember the date or year?

23 MR. MISTLER: It was probably November of '67.

24 INVESTIGATOR GARDNER: Okay.

25 MR. MISTLER: I'm not really sure.

1 INVESTIGATOR GARDNER: Do you have any other
2 arrests in your history?

3 MR. MISTLER: No.

4 INVESTIGATOR GARDNER: Any juvenile arrests before
5 that particular arrest?

6 MR. MISTLER: The police found me out one night
7 about two in the morning, and I wasn't doing anything,
8 but they took me over to the police department. And
9 because my dad wouldn't come get me, they let me sit in
10 a cell there. But I wasn't really under arrest or
11 anything, you know.

12 INVESTIGATOR GARDNER: Okay. What's the most
13 serious done that you should have gone to jail for, but
14 you weren't caught?

15 MR. MISTLER: The most serious thing.

16 INVESTIGATOR GARDNER: Rape, robbery, murder.

17 MR. MISTLER: Oh, no. God no.

18 INVESTIGATOR GARDNER: Burglary, thefts.

19 If there isn't anything, that's fine, too.

20 MR. MISTLER: Oh, I'm sure there is. This would
21 go way back when I was a kid, you know.

22 I set a construction trailer on fire --

23 INVESTIGATOR GARDNER: All right. Arson.

24 MR. MISTLER: -- as a kid.

25 INVESTIGATOR GARDNER: Was there anybody in it?

1 MR. MISTLER: No, they were building the
2 expressway and they kinda like worked out of it. But I
3 was probably ten, twelve years old, I guess. I don't
4 know, something like that.

5 INVESTIGATOR GARDNER: Why'd you set it on fire;
6 they pissed you off or something?

7 MR. MISTLER: No.

8 INVESTIGATOR GARDNER: Bored?

9 MR. MISTLER: I guess maybe that was it. I don't
10 know.

11 INVESTIGATOR GARDNER: Did you do that with
12 someone else or was that your own idea?

13 MR. MISTLER: Well, I was by myself that day I did
14 that, you know. And we used to go there with other
15 kids and that, sometimes drive the trucks around if
16 they left there, you know, at nighttime. The day I set
17 it on fire I was by myself.

18 INVESTIGATOR GARDNER: Okay. Anything else?

19 MR. MISTLER: Nothing that I really can think of.

20 INVESTIGATOR GARDNER: What's your hobby, what do
21 you like to do?

22 MR. MISTLER: I restore antique automobiles.

23 INVESTIGATOR GARDNER: You own some, too, you keep
24 them?

25 MR. MISTLER: Yeah.

1 INVESTIGATOR GARDNER: Do the body work,
2 everything?

3 MR. MISTLER: Uh-huh. Take the frame completely
4 off.

5 INVESTIGATOR GARDNER: Wow.

6 MR. MISTLER: I have a facility at work, so --

7 INVESTIGATOR GARDNER: Yeah, but having the
8 ability.

9 MR. MISTLER: I've been doing it for years.

10 INVESTIGATOR GARDNER: I wouldn't know where to
11 start. I might (inaudible).

12 That's -- You must -- You must have forced apart
13 more rusted parts than --

14 MR. MISTLER: Oh, yeah. Then what'll happen is
15 you restore a part that takes you three or four months
16 and you work on it 'cause you can't find it, and then
17 you go to a swap meet and here's a perfect one there
18 for \$22.

19 INVESTIGATOR GARDNER: What kind a -- How many
20 cars you got?

21 MR. MISTLER: I have a '35 Ford pickup.

22 INVESTIGATOR GARDNER: Uh-huh.

23 MR. MISTLER: And then I'm restoring also a '74
24 Corvette, which happens to belong to my wife. It's
25 been sitting at the house there for like fifteen years

1 and the rats got in and ate all the wiring out of it.

2 I'm an exterminator with a car -- They ate all the
3 wiring and everything out of it. So we got that
4 completely disassembled, I got the motor freshened up,
5 and sit the tranny out and freshen up all the gears.
6 But I go completely through it, you know.

7 INVESTIGATOR GARDNER: Uh-huh.

8 MR. MISTLER: And get the assembly manual.

9 INVESTIGATOR GARDNER: What color are you gonna
10 paint it?

11 MR. MISTLER: The original color, it was like a
12 maroon color. Maroon interior convertible.

13 INVESTIGATOR GARDNER: You do the interior work,
14 too?

15 MR. MISTLER: Oh, yeah, I do everything.

16 INVESTIGATOR GARDNER: Really.

17 MR. MISTLER: Do the paint and body and
18 everything.

19 INVESTIGATOR GARDNER: Wow.

20 What color you like the most?

21 MR. MISTLER: Red.

22 On a car?

23 INVESTIGATOR GARDNER: Yeah. Anything.

24 MR. MISTLER: I like red.

25 INVESTIGATOR GARDNER: What color you dislike the

1 most?

2 MR. MISTLER: Green.

3 INVESTIGATOR GARDNER: What's the best thing ever
4 happened to you?

5 MR. MISTLER: My wife.

6 INVESTIGATOR GARDNER: What's the worst?

7 MR. MISTLER: My parents.

8 INVESTIGATOR GARDNER: What animal do you like
9 the most?

10 MR. MISTLER: I guess a dog.

11 INVESTIGATOR GARDNER: What animal do you like the
12 least?

13 MR. MISTLER: Cat.

14 INVESTIGATOR GARDNER: I said -- I said that for
15 years. I said that for twenty -- No, forty-four years,
16 and my wife -- my wife always wanted a cat. And I go
17 fishing -- I used to go fishing more than I do now.

18 And I'd go for a week at a time, two or three
19 times a year. So my -- One time I was gone, I called,
20 she had -- my children from my first marriage, they
21 were very close, their cat at a litter and she wanted a
22 kitten. I felt so bad about leaving fishing, I said --
23 A cat's more fun than a damn dog is. It really is.

24 We keep him inside, (inaudible) claws so he can't
25 -- he never tore anything up.

1 MR. MISTLER: Yeah.

2 INVESTIGATOR GARDNER: He's neat. And what's neat
3 about him is they -- I like their independence, they
4 don't come bug you all the time, you know.

5 He come out once in a while and then he'll just
6 leave.

7 I got a Doberman that just wants to sit in your
8 lap all day long.

9 MR. MISTLER: We've had three Doberman's and one
10 was sixteen when she passed away, and I think the
11 other was about eleven, and one was seven, it had
12 cancer and it was tough to do, taking her up there to
13 have her put to sleep. That was really tough.

14 INVESTIGATOR GARDNER: Yeah, my Doberman, she just
15 -- she wants to be either on top of you or right beside
16 you, all the time.

17 MR. MISTLER: Yeah.

18 INVESTIGATOR GARDNER: And every once in a while
19 it's nice not to have that. So I wish she'd turn into
20 a cat.

21 MR. MISTLER: Ours would slip into bed with us
22 occasionally, you know.

23 INVESTIGATOR GARDNER: Yeah. They're big babies.
24 That's the most misunderstood dog.

25 What person do you like the most?

1 MR. MISTLER: My wife.

2 INVESTIGATOR GARDNER: Who do you dislike the
3 most?

4 MR. MISTLER: That'd be my parents again, I guess.

5 INVESTIGATOR GARDNER: Okay. Do you have one of
6 those childhoods that you read about.

7 MR. MISTLER: Oh, I was (inaudible) drunken
8 terrorists the first eighteen years of my life, you
9 know.

10 INVESTIGATOR GARDNER: Who do you respect the
11 most.

12 MR. MISTLER: I guess my wife.

13 INVESTIGATOR GARDNER: Who do you disrespect the
14 most?

15 Let me guess.

16 MR. MISTLER: I guess it would be my parents
17 again.

18 INVESTIGATOR GARDNER: What ambitions do you have?
19 What do you hope to accomplish with the rest of
20 your life?

21 MR. MISTLER: I sort of got my life where I want
22 it right now. I mean, you know, for the last twenty
23 years I only worked fourteen hours a week, which makes
24 for one hell of a long weekend.

25 I work Tuesdays and Thursdays, unless something

1 else comes up in between. I got everything pretty well
2 (inaudible).

3 My long term goals are not to be the world's
4 richest dead man some day, you know. I make more money
5 than we spend.

6 We've never once argued about money in the years
7 we've been together. And she embezzles just as much as
8 I do, if not more.

9 So if I could just continue with my life the way
10 it is, I'd be tickled shitless.

11 INVESTIGATOR GARDNER: How you feel you've been
12 treated my society?

13 MR. MISTLER: Good.

14 INVESTIGATOR GARDNER: You have religious training
15 when you were small?

16 MR. MISTLER: I went to a Catholic school, but
17 they kicked me out.

18 INVESTIGATOR GARDNER: You still Catholic?

19 MR. MISTLER: I guess.

20 INVESTIGATOR GARDNER: You go to church now?

21 MR. MISTLER: Oh, my wife made me go Christmas
22 Eve here a couple years ago.

23 INVESTIGATOR GARDNER: Okay. How do you feel
24 about lying?

25 MR. MISTLER: Personally?

1 INVESTIGATOR GARDNER: Uh-huh.

2 MR. MISTLER: If you lie to somebody, you're never
3 gonna get anything done. And if somebody builds on top
4 of that lie, then everything caves in afterwards, it's
5 kinda like a waste of time.

6 INVESTIGATOR GARDNER: Uh-huh.

7 MR. MISTLER: It's kinda like blowing smoke up
8 somebody's ass, you know, what's the -- what's the
9 reason, you know.

10 INVESTIGATOR GARDNER: Do you lie?

11 MR. MISTLER: Oh, sure.

12 INVESTIGATOR GARDNER: Does it bother you to lie?

13 MR. MISTLER: I don't like to do anything
14 mischievous or anything. If I'm late for a stop or
15 something, you know, you may tell them that you had a
16 flat or something.

17 Nothing that would be malicious or, you know, any
18 kind of lie that would really hurt anybody.

19 If someone calls and wants to talk to my son and
20 he's there and doesn't want to talk to them, yeah, I'll
21 lie that way.

22 INVESTIGATOR GARDNER: Have you ever lied to the
23 police or lied to anyone of authority?

24 MR. MISTLER: When I was nineteen going through
25 that problem there, I'm sure I lied to them.

1 INVESTIGATOR GARDNER: Uh-huh.

2 MR. MISTLER: As far as the Hollywood Police, no,
3 I didn't lie to them.

4 INVESTIGATOR GARDNER: Okay. Have you ever had
5 any other dealings with law enforcement or authority
6 positions --

7 MR. MISTLER: The --

8 INVESTIGATOR GARDNER: -- 1991, 1991.

9 MR. MISTLER: The only thing had to do with my
10 son, he had -- he was arrested for -- him and his
11 buddy had just got a car, he was seventeen, so his
12 buddy told him the impound lot up there was a great
13 place to get a radio. So they went up into this
14 impound lot and stole a radio out of there and he was
15 arrested for that.

16 And I had to deal with Hollywood Police Department
17 then. It was nothing for me.

18 INVESTIGATOR GARDNER: Uh-huh.

19 MR. MISTLER: But other than that, no.

20 INVESTIGATOR GARDNER: Okay.

21 (Thereupon, Tape 1, Side 1 concluded.)

22 (Thereupon, the following was heard on Tape 1,
23 Side 2.)

24 MR. MISTLER: Probably did him good.

25 INVESTIGATOR GARDNER: Okay. I don't see anything

1 that causes any obvious problems why you shouldn't take
2 a polygraph test.

3 So, let's move into the issues about what you saw
4 back in 1981. It was July --

5 MR. MISTLER: It'd be the last Monday in July of
6 1981, about 10:30 in the morning, yeah.

7 INVESTIGATOR GARDNER: Okay.

8 MR. MISTLER: I believe it was the 27th. It was
9 the last Monday. I remember that, because that's when
10 we take our vacation. It'd be the fifth week and it'd
11 probably been Tuesday and Wednesday.

12 INVESTIGATOR GARDNER: Uh-huh.

13 MR. MISTLER: And then you'd have the fifth week
14 from Thursday and Friday -- You'd have five, you know,
15 Thursdays and Fridays.

16 INVESTIGATOR GARDNER: Uh-huh.

17 MR. MISTLER: For an exterminator, because we
18 don't schedule work in the fifth week. It just makes
19 things easier.

20 That's why I remember that.

21 INVESTIGATOR GARDNER: I see. Okay.

22 What happened, where were you, what'd you see?

23 MR. MISTLER: I went up to Sears there and it was
24 about -- we were getting ready to go on a camping trip
25 and I went up there to get these lantern bags that you