

1 put on these Coleman lanterns.

2 INVESTIGATOR GARDNER: The mantles (phonetic).

3 MR. MISTLER: Mantle, right.

4 And so I went up to Sears, there's an old lady
5 sitting there. What she was doing was she was waiting
6 for a space to come available, you know, over there.
7 And she was parked here and I was parked right behind
8 her.

9 We must have sit there for six, eight minutes,
10 maybe. And at first I thought there was maybe a dead
11 dog or something in front of her. 'Cause I wasn't sure
12 why she wasn't moving, you know. At that point, you're
13 gonna hope to hell this lady's moves, you know.

14 INVESTIGATOR GARDNER: You're in the parking lot
15 then?

16 MR. MISTLER: I was in the parking lot there. We
17 were on the west side of the building.

18 And she's here and I'm right behind her here. The
19 garden supply place, I don't know if you're familiar
20 with the Sears mall back then. The garden supply place
21 would have been right here, and there's a door that
22 came out there where customers could go in and out, if
23 you're going in to the store, you had to go through the
24 garden supply place.

25 I waited behind this old lady for six, eight

1 minutes at least, because traffic kept coming this way.
2 So finally there was a break in the traffic coming this
3 way, and I'm starting to pull out and around her,
4 because now I know what she's doing, you know.

5 But as I'm going -- starting, I see this car
6 coming down, so I have to wait. So now this car comes
7 down, it comes down this way and it stops just about --
8 their front fenders would have been across from each
9 other almost, you know.

10 INVESTIGATOR GARDNER: Him and the woman in front
11 of you?

12 MR. MISTLER: The woman in front of me was going
13 this way.

14 INVESTIGATOR GARDNER: That's what I mean, that's
15 whose fenders we're talking about.

16 MR. MISTLER: Right.

17 INVESTIGATOR GARDNER: Okay.

18 MR. MISTLER: She was this way getting ready to go
19 into a parking place, and then he came down this way.
20 And when he stopped, their fenders would have been like
21 this.

22 INVESTIGATOR GARDNER: Okay.

23 MR. MISTLER: You know what I mean.

24 So now I'm thinking, oh, shit, maybe she did hit a
25 dog, because this guy's getting out to inspect

1 something.

2 So this guy gets out of the car and he takes --
3 and he's putting on a T-shirt as he gets out of the car
4 and he's tucking it in and he's standing there and I
5 thought he was gonna go over to her window and start
6 talking to her, but he didn't do that.

7 He's tucking this shirt in and he's looking like
8 this and he's walking up. Now the two cars are like
9 this, and now he's walking up in between here and I'm
10 right behind this lady here.

11 And he's walking up in here and he's going like
12 this and the first thing I noticed, he's got like a --
13 if you took a plate like from your coffee cup or
14 something, and you put somebody's head in it and filled
15 it with hair-spray and made like a plate -- like a
16 little mini-antenna.

17 INVESTIGATOR GARDNER: Uh-huh.

18 MR. MISTLER: And that was the first thing that
19 caught my eye was this like little mini-antenna -- I've
20 got three sisters, I thought I've seen every hairdo
21 known to man. But this one here just -- So I'm
22 looking at this plate, he's looking from side to side
23 like this until he sees me. And at that point we locked
24 eyes and the first thought I had was upright animal,
25 mini-big foot, circus.

1 And before I could analyze that anymore, the guy
2 smiles. And his hair was like -- it wasn't red, red,
3 but if you put him in the sun, you'd see the red in the
4 hair.

5 And when he smiled, his teeth were just as green
6 as -- almost as my front yard. I mean, I thought of
7 Christmas and Jessie McKnight. And Jessie McKnight's a
8 kid I went to -- it was about the eighth grade.

9 INVESTIGATOR GARDNER: I was gonna ask you, I
10 hadn't heard of Jessie McKnight.

11 MR. MISTLER: Jessie McKnight was a kid that I
12 went to -- I was about eight years old at the time, he
13 had transferred into our school, and the kid had green
14 teeth and I remember running home and telling my mom, I
15 wanted her to make my teeth green just like -- It was
16 so -- And she kept saying, no, you don't want that.
17 You know.

18 So -- But I thought -- I thought of Christmas and
19 then I thought about Jessie McKnight and before I
20 could analyze that anymore, at this point he had
21 already turned towards the curb, so his body sorta
22 turned and he's looking back. And now both eyes --
23 we're still locked eyes, and he's smiling. And as he's
24 walking away towards the car, this eye goes over to the
25 curb first before this one does.

1 I said, holy, shit, eye tricks. You know. At
2 this point, if this would have been vaporized, I
3 wouldn't have been any more shocked than I was.

4 And now my thinking went from I hope to hell this
5 woman moves to I hope to hell this woman doesn't move
6 'cause I gotta see this goof-ball again.

7 Now, he's over there talking to this lady's kid
8 and she's gotta shit when she looks down and sees this
9 kid. 'Cause there's a lady standing on the curb and
10 she's digging with her right hand through the purse,
11 like she probably lost her credit card or maybe her
12 keys or something, and she's digging through this.

13 Well, when I had first seen Adam standing there,
14 he was standing there with four other boys and I kept
15 turning around 'cause I'm getting a kick out of how the
16 traffic's backing up now. This old lady's got this
17 traffic, and I'm laughing like hell because now it goes
18 all the way out to the street and where the light turns
19 in the street, they cut across thinking they'll get
20 into the lot and they can't even get into the lot
21 there.

22 So now she's got it blocked all the way back up to
23 there.

24 I looked back over there and the five boys were
25 gone and I had the thought of, wow, five boys, how the

1 hell's this woman do it. You know, I got one kid that
2 drives me crazy, you know. Five boys plus she's got
3 this other teenager.

4 Then I look back over and four of the boys are
5 gone and Adam is standing there by himself. And at
6 that point he moved over from where he was with the
7 four other boys to where he's standing right next to
8 this woman.

9 So now I'm saying, this woman's gonna shit when
10 she looks down and sees what's talking to her kid.
11 Because at one point one of the customers that was
12 walking in -- Otis was here and Adam was here. Otis
13 was like pointed towards the store and Adam would have
14 been looking towards the west. And Otis would have
15 been looking towards the east.

16 One of the customers came down and walked there
17 and he looked over and he would have been able to see
18 the back of Adam's head and the face of this guy. And
19 he was so amazed by this, that he just kept on walking
20 and looking until he was just -- he almost kissed some
21 -- you know, he stopped in time, but he almost ran
22 right smack into this guy and I said I know exactly
23 what this guy is looking at, this weirdo, you know.

24 I've gotta see this guy again.

25 There had to be forty people walk past there in

1 this period of time.

2 So, he's there and then finally the woman looks at
3 him and she has no reaction at all. I mean, you know,
4 that said to me that she knew him, you know, it's kinda
5 like Uncle Buck, you know. I mean, Uncle Buck looks
6 rough today, but Uncle Buck, you know, always looks
7 rough, you know. So I thought she knew him, 'cause
8 she had no -- no immediate reaction to him.

9 I mean, if it had been my kid and I looked down
10 and seen that screwball sitting there that far face to
11 face away from each other, of course, my first thing
12 would have been to pull my kid back. And that's what I
13 thought her reaction was gonna be, but she never made
14 that reaction.

15 So then I'm sitting in the truck there and I
16 don't think anything's wrong and finally this lady
17 moves. And when she moves, I put the truck into gear
18 and I let out on my clutch and I take off. And right
19 as I'm rolling now, I look back over just to take one
20 more look at this screwball, and this lady and this
21 fourteen year old girl that was with this lady digging
22 though her purse is gone. Something -- My gut said to
23 me that there's something wrong here. It's kinda like
24 my eyes are going what the hell's wrong and my gut's
25 going yeah, there's something wrong, there's something

1 wrong.

2 And I was so sure there was something wrong,
3 because now -- now I looked around in the parking lot
4 looking for this lady, I looked in every direction,
5 there's no way she could have walked out into the
6 parking lot, she wouldn't have had enough time where I
7 couldn't have seen her. She had to have gone back into
8 the store.

9 But now I'm sitting there, I'm going well, of
10 course that's her kid, you know, it's kinda like you go
11 to the store and you run into grandma and grandpa or
12 Aunt and Uncle Bob and, you know, he goes home with the
13 -- you know, takes the kid home, I mean, you know.

14 But I still wasn't sure.

15 So then I stopped and when I stopped I would have
16 been straight across from his seat in his car and I
17 could look into his seat. And my body was just like
18 -- it was shaking at that point, and I kept saying
19 there's something wrong, there's something wrong here,
20 I don't know what the hell it is, but there's something
21 wrong.

22 And so when I didn't see that woman, that really
23 scared me, because had I seen her out there, I would
24 have ran into her and asked her if she knew him, then I
25 would have -- But now I'm still thinking, well, of

1 course she knew him, why would she leave her kid on the
2 curb there, you know. Of course she knows this guy and
3 even though he's weird looking, there's no law against
4 being weird looking.

5 He had on this shirt that -- You know, in high
6 school we had gold -- it looks like a gold rope they
7 put around the band, you know.

8 The arms on his shirt were just soaked with
9 perspiration, the same way around the neck and he had a
10 splotch here, it was like a brown splotch, maybe split
11 coffee or something, I don't know what caused it.

12 But this shirt he had on -- And then is personal
13 appearance, and then he had on a fuckin' pair of suit
14 pants that fit him like a glove. Pinstripe suit pants
15 that fit him better than my suit fits me.

16 So, I mean, it was kinda like, you know,
17 everything is getting weirder like the damn day goes
18 on.

19 So now he goes up and he's on the curb, Adam had
20 been on the curb and he was right here face to face.
21 He kneeled down, you know, to make himself eye level
22 with him, and he went up and he got on this side of
23 Adam and instead of Adam taking his hand, this guy --
24 and I caught this while the truck was moving, this is
25 the last thing -- he had lifted -- it would have been

1 Adam's right hand, he took one hand and lifted it up
2 this way and it was like this, like this is Adam's hand
3 and he lifted up under his arm and he grabbed his
4 wrist.

5 Not that there's anything wrong with that, I just
6 didn't like that something -- my gut said there's
7 something wrong here.

8 And I stopped -- I stopped straight across from
9 him and I'm trying to make sense of this. I'm saying,
10 well, Jesus Christ, you know, this -- it's kinda like
11 Uncle Buck, he's here, he picks this kid up, there's no
12 problem, he's here to pick them all up. That's why he
13 was parked there.

14 And that made sense to me, you know.

15 And then I looked over into the car and there was
16 so much stuff in the car, it would have been impossible
17 for anybody else to get into the car.

18 In the passenger seat there was -- he had to have
19 been sleeping in this car because it's kinda like when
20 your dog makes a little nest in the corner and that,
21 and he had different things, well, he had like a pillow
22 and a bunch of other stuff and like wrappings off of
23 like Twinkie wrappings. I don't know that they were
24 Twinkies, but you know, he had some -- looked like a
25 loaf of bread and a few other things in the front part

1 of this seat.

2 But in the back of the seat, it's kinda like when
3 my wife and I moved from our furnished apartment to our
4 house years ago, we shoved everything in the car in one
5 load, you know what I'm saying?

6 INVESTIGATOR GARDNER: Uh-huh.

7 MR. MISTLER: But the back seat, it was just
8 filled. There's was clothes and all kinds of stuff and
9 I could see the handles from like presume they were
10 shovels of different lawn equipment things, because
11 there was a lot of handles over there and they had all
12 the clothes packed in, so I couldn't see what was on,
13 you know, other than gardening tool handles, I don't
14 know exactly what they were.

15 INVESTIGATOR GARDNER: Uh-huh.

16 MR. MISTLER: He had two of those things that you
17 saw trees off with. One's got a rope on it and the
18 other one doesn't have a rope on it. And he had two of
19 those laying over -- it would have been laying on his
20 dashboard, the saw parts of them and the sticks going
21 back over top of that.

22 He had clothes that were just stacked up, you
23 know, there was some other crap in there, too.

24 He had either a toaster or a -- an iron, I'm still
25 -- I can't make out which one was that is, but it was

1 either a toaster or an iron, it was sitting on the very
2 top of all this pile of clothes and stuff.

3 So then I knew, hell, they couldn't have even
4 gotten in the car if that's what he was here to pick
5 him up for. Was that still make him with him or not
6 with him, you know.

7 INVESTIGATOR GARDNER: Uh-huh.

8 MR. MISTLER: So, he's still on the curb there and
9 they were both there and when I had seen the -- all the
10 clothes in there and that nobody could get in there, my
11 fuckin' body began to shake. It's -- It just was like
12 shaking 'cause I kept saying there's something wrong,
13 there's something wrong. But what the hell is it.

14 And then my body kept shaking and it just got
15 worse and worse and it's kinda like it's pouring gas on
16 a fire, you know, you just -- it just kept feeding and
17 getting worse.

18 I'm going now, this is ridiculous, you know, what
19 the hell's wrong. This guy isn't jerking this kid off
20 there, dragging him down the street or anything.

21 I was at such an angle where now where I'm parked,
22 I couldn't -- it was hard for me to see, so I had
23 these, what they call, California mirrors, I had
24 adjusted that out, you know, so I could still catch
25 him, you know, looking when they were up on the curb.

1 Now, he's standing on the side -- he's on the side
2 of the curb with him there now and -- and they're
3 standing, they're not moving towards the thing and I
4 don't know if they're waiting for the other, you know,
5 people to come back out of the store or what.

6 So my body's still shaking, hell, if they walk
7 past me then I couldn't have -- I just couldn't have
8 unlocked.

9 At one point, this foot was shaking on the edge of
10 the -- the brake pedal and I was afraid it was gonna
11 slip off and had it slipped off, there was no way I
12 could move.

13 So I was trying to unleash my hand off the gear
14 shift, and when I couldn't do that, that just made it
15 worse. I mean, now this thing -- My fuckin' body just
16 went -- it was just like vibrating. That's only the
17 second time I've ever had that happen. This went on
18 for about three minutes.

19 And the other time in my life when it happened, it
20 only happened maybe ten seconds.

21 But my fuckin' body was vibrating at this point, I
22 couldn't release this thing. I couldn't release this
23 hand. I couldn't turn my fuckin' head now.

24 So I'm sitting there and I'm just -- I'm pinned.
25 They could have walked right past me at that time, but,

1 no, still they hadn't came. They're not -- I don't
2 know where they are. I can't even look back at this
3 time.

4 So eventually I was able to take and just kinda
5 lean over and in the mirror I could see where they were
6 at and they weren't standing there anymore.

7 And I felt, oh, that means they went inside.

8 So that really brought me down, everything's fine,
9 they went inside and now I'm unlocked.

10 INVESTIGATOR GARDNER: The car was still out?

11 MR. MISTLER: The car was still there.

12 And now --

13 INVESTIGATOR GARDNER: How far from the car were
14 you at this time?

15 MR. MISTLER: I was directly across from it, three
16 or four feet.

17 INVESTIGATOR GARDNER: Okay. You hadn't moved
18 anymore?

19 MR. MISTLER: No, no.

20 INVESTIGATOR GARDNER: Was the woman still
21 blocking you in front?

22 MR. MISTLER: No, no, she had gone at this point.

23 INVESTIGATOR GARDNER: So you were holding up
24 traffic now.

25 MR. MISTLER: Now, I'm holding up traffic. This

1 woman was sitting here for twelve minutes and nobody's
2 blows their horn. I'm on the (inaudible) for ten
3 seconds and the whole fuckin' parking lot's going nuts
4 back here. Which I didn't care, because I wanted to
5 make sure on this.

6 So now I get unlocked because I don't see him in
7 the mirror. Now, I looked good, and the more I look
8 and I don't see him, the more I unlocked I'm getting
9 and finally I turned around and I looked and they're
10 gone.

11 I thought, well, shit, they went back inside.
12 Here I am, you know, getting ready to go on vacation
13 and I'm making a mountain out of a mole hill, I'm
14 letting my -- my fuckin' mind run away with me. You
15 know, any number of things.

16 So then I start to pull out and I decide to take
17 one last look and as I take one last look, I see his
18 back, this part of his back. What he had did is they
19 had stepped off of that curb and now he's in front of
20 the car, but he's leaned over this way, you know, and
21 he would have been just -- if this is the hood of the
22 car, his back would have been like this.

23 And I couldn't see Adam over there.

24 And so I catch what I think is his back. So now I
25 slam on the brakes again. And now I'm at the back of

1 the car, a little bit past the tail-end of it. And now
2 I'm waiting for these -- for them to come around here,
3 'cause I want to get one more look, I want to see what
4 this kid's doing.

5 INVESTIGATOR GARDNER: Uh-huh.

6 MR. MISTLER: So then while I'm sitting back there
7 at the back, you know, I got (inaudible) body man, I'm
8 looking this Cadillac over and the more I look at this
9 Caddy, the better it looks, I mean, instantly I knew it
10 was a '91 or a '81, or '71, '71, '72, they're
11 identical. And instantly I knew this Caddy was ten
12 years old.

13 And it was clean as a damn pin. And the more I'm
14 looking -- And now I look at this tag and it's got a 1E
15 tag, I said, wait a minute, that's a rental car tag.

16 INVESTIGATOR GARDNER: 1E?

17 MR. MISTLER: 1E. That's a rental car tag.

18 I said, is this a rental car, ten years old,
19 Aluchia (phonetic) County. Hell, I didn't even know
20 where Aluchia County was at.

21 So I thought this was maybe a rental car. But
22 then -- You know, I couldn't get past a ten year old
23 -- who the hell rents ten year old cars. Maybe in
24 Aluchia County they do.

25 And I'm looking at this car and I'm looking at it,

1 and he just doesn't fit in this car. I'm -- If the
2 side had been ripped out or something, then it'd be a
3 beater (phonetic), this guy would have fit, but he just
4 didn't fit in this Caddy. This Caddy was clean. Other
5 than it had well water all of the hood of it, this car
6 was clean.

7 And in the back he's got like a dent in the back
8 bumper on this thing. And a body man's eye I'm saying,
9 what the hell caused that dent, a motorcycle hit it.

10 If a motorcycle hit it, then the inertia would
11 have carried it up under the deck lid. There'd be
12 marks on the deck lid.

13 I looked up on the deck lid, there were no marks
14 on the deck lid and at that time I looked around the
15 window, there was no rust around the window either. He
16 must have backed into a pole, because it didn't even
17 touch the deck lid. The bumper had like a long narrow
18 dent in it.

19 So that was the only dent in this whole car, you
20 know.

21 So now I'm still sitting there, the parking lot's
22 erupted by now, I mean, they're going nuts. I got this
23 guy two cars back, every ten seconds getting out
24 calling me a son-of-a-bitch every way he can, you know,
25 move it you son-of-a-bitch, come on, you know, what the

1 hell you waiting on, you son-of-a-bitch. You know. I
2 didn't care, I wasn't moving, I wasn't going anywhere
3 until I was sure.

4 So then it seemed like it took him forever. You
5 know, I mean, this it probably was only minutes, but it
6 seemed like forever.

7 So then they come around the car, they're both
8 walking real slow, and right as they come around the
9 front corner of the car, Adam sort of looked up and he
10 had that ball hat, and Otis reached down and pushed the
11 ball hat out and I started to come out of the truck
12 then, 'cause I remember doing that to my kid, you know.
13 Pushing his hat down, if he does that again, I'm coming
14 out.

15 So I'm watching the kid, I'm watching Otis and
16 they're walking up through there so slow and a few more
17 steps later Adam looked at him and he looked down and
18 he smiled, and I thought of my grandfather, he used to
19 do that. He had red hair, too. I remember him smiling
20 at me and that really brought me down. And the kid
21 wasn't fighting, he wasn't trying to get away, hell, he
22 didn't even look scared. He wasn't like pulling. I
23 was looking for, you know, his feet to shuffle,
24 anything, any signal that this guy's doing this against
25 this kid's will.

1 He never sent any signal.

2 So -- Had he sent a signal, I was gonna send the
3 junk yard dog after him, but he never did. He got on
4 into the car and he seen those two things were across
5 the -- you know, them things -- 'cause I remember
6 saying, you know, careful, pops, you're gonna cut the
7 kid.

8 I thought maybe he forgot about his gardening
9 utensils or stuff, you know, Adam walked up to him and
10 then Adam turned around, and by that time Otis had
11 gotten in, and he must have swooped his feet out, you
12 know how you're kid'll stand up and to get him to sit
13 down you swoop your feet. Which I've did dozens of
14 times with my kid to make him sit down.

15 So then I watched to see that he wasn't holding
16 him down. I watched to see that Adam's hands wasn't
17 flaring around --

18 INVESTIGATOR GARDNER: Where are you now?

19 MR. MISTLER: I'm still right on the very back. I
20 would be right across the very end of his back car
21 where I can look at his tag, maybe a couple feet past
22 his car. My driver's door would have been a couple of
23 feet past the end of his car.

24 So now I'm watching in there, and he takes the hat
25 off, he's not holding the kid down or nothing, the

1 kid's not flaring trying to get up from him. He takes
2 the hat and he lays it on the back of all this stuff
3 that's right behind there.

4 Because when I thought of Christmas in that lot
5 that day, and I remember telling the detective, I
6 remember thinking of Christmas, I remembered three
7 things.

8 First the red and green in his hair, which
9 reminded me of Christmas. This kid had on green pants
10 and that red hat.

11 When they got around to the side of the car, it
12 had green interior and I remember that little thought,
13 you know, where the hell's the red, and now there's the
14 red. The hat, again.

15 INVESTIGATOR GARDNER: What would you say at this
16 point if I told you that he didn't have a red hat on.

17 MR. MISTLER: I'd say you were full of shit, he
18 had a red hat on. I see that like I'm looking at you.

19 INVESTIGATOR GARDNER: Uh-huh.

20 MR. MISTLER: I see that green interior just like
21 I'm looking at you. I see the -- the Otis with the
22 reddish hair in the sunlight and the green teeth, just
23 like I'm looking at you.

24 INVESTIGATOR GARDNER: Okay. And they -- At that
25 point they just left the parking lot.

1 MR. MISTLER: Then he's in the car -- Now, I was
2 in the car and Otis is sitting there in the car. The
3 parking lot's locked up. This guy isn't going
4 anywhere.

5 INVESTIGATOR GARDNER: Why not?

6 He can go where he wants to.

7 MR. MISTLER: No, he can't. It's still locked up
8 from us sitting there. Everybody has got the whole
9 parking lot.

10 He may have been able to back all the way out of
11 there.

12 INVESTIGATOR GARDNER: I thought he was
13 northbound, you're southbound.

14 MR. MISTLER: He was northbound, yeah.

15 INVESTIGATOR GARDNER: Did he block the northbound
16 the whole way?

17 I mean, was there a line of cars behind him?

18 MR. MISTLER: Not behind him.

19 INVESTIGATOR GARDNER: How come?

20 MR. MISTLER: What they were doing, is when they
21 would come around that corner, they were feeding into
22 the parking lot there.

23 INVESTIGATOR GARDNER: Right.

24 MR. MISTLER: And at one point I started to pull
25 behind him, but then I see this lady coming down there,

1 and I thought, well, shit, I don't want to block her
2 in.

3 So then I see a parking space right over here,
4 which was only a few feet away from him, perfect. I
5 start to go into there because I want to leave this
6 load of cars behind me. They're going nuts now these
7 people, you know, they're blowing their horn, I mean,
8 they're going fuckin' nuts over there.

9 And at that point I thought everything's fine,
10 'cause I'm watching this kid, he's not flaring trying
11 to get away --

12 INVESTIGATOR GARDNER: Uh-huh.

13 MR. MISTLER: -- Otis isn't holding him, you know.

14 And I see the car coming down here, so I don't
15 want to block her in and so then I pull on down. This
16 lady found one of them spots on the way down and pulled
17 in. So there was still nobody behind him. I mean, he
18 could have backed up out of there, it would have been a
19 hell of a back-up job, but he could have backed up out
20 of there.

21 Or he may have been able to go around the corner
22 there, you know, to the east, right around where
23 package pickup was. He might have been -- 'Cause I
24 couldn't see around that corner, I didn't know if, you
25 know -- I know at one point I'd seen cars heading out

1 the wrong way out of there, so I knew that was blocked
2 at one point, but that may have become unblocked,
3 because they were starting to get the other section
4 blocked.

5 The way Sears had it, they had it divided several
6 different roads kinda went in and out of there. And
7 what people were doing, because the one road was
8 blocked, they were all coming up the wrong one, the
9 wrong way, so everything was screwed up there and the
10 parking lot was locked up. They were starting to get
11 that undone. They may have got that undone, he may
12 have went around that corner.

13 The parking lot had backed all the way, because
14 like I said, there was still nobody behind him, you
15 know.

16 And when I seen that parking lot -- parking space
17 come open, I pulled over there and I was -- by the time
18 got there somebody had pulled in front of me. So then
19 I had to go down to the next section and the next
20 section and the next section and now I'm down
21 (inaudible) comes out of Sears on that side.

22 And I parked the car and I run back up to there
23 because now he would have been with him for about a
24 minute or so, and if there was a problem, I wanted to
25 look in the car and see the kid's eyes and see, you

1 know, what he was thinking. Trying to see what he was
2 thinking.

3 But when I went back up there the car was gone.
4 And then I stood up on the curb even trying to look --
5 look around to see, you know, if I could see it.

6 And then I stood on that curb and I weighed
7 everything. I said, wait a minute, what the hell's the
8 problem here. Why isn't he with them -- Why wouldn't
9 that woman have been his mother that's with him.
10 What's the problem here, you know.

11 I mean, what'd the guy do wrong. He didn't do
12 anything wrong. I mean, anybody like that, he's so
13 calm, I mean, he knew exactly what he was doing.

14 INVESTIGATOR GARDNER: Okay.

15 MR. MISTLER: He not only conned that kid, he
16 conned me that day, too, you know.

17 INVESTIGATOR GARDNER: So he was in the car with
18 Adam, he put the hat up on the back --

19 MR. MISTLER: Put the hat up on the back and he --

20
21 INVESTIGATOR GARDNER: Right.

22 MR. MISTLER: -- sat there for a second, and then
23 he reached back around and took that hat and tucked it
24 in between the seat and this -- He probably just did
25 that to keep it from blowing out.

1 INVESTIGATOR GARDNER: Right. And at that time
2 that's when you saw a parking -- you started to go, and
3 by the time you came back, they were gone.

4 MR. MISTLER: They were gone. And I looked all
5 over trying to see where they went to.

6 INVESTIGATOR GARDNER: Uh-huh.

7 MR. MISTLER: They didn't go out the main entrance
8 'cause that was still blocked up and they were still
9 getting this one -- he had either gone around this way,
10 because I couldn't see around there, I couldn't see
11 whether that was blocked or not --

12 INVESTIGATOR GARDNER: Uh-huh.

13 MR. MISTLER: -- or he had to back all the way up.

14 INVESTIGATOR GARDNER: Okay.

15 MR. MISTLER: Which would have been tough to do.

16 INVESTIGATOR GARDNER: When did you first find out
17 that Adam Walsh had been kidnapped, abducted?

18 MR. MISTLER: Well, after I left the mall that day
19 and that, and the reason we were getting our lantern
20 bag, the next morning, at five o'clock in the morning,
21 which would be Tuesday morning, we had left for the
22 national forest. Took two trucks, we had, you know,
23 three-wheel ATC's and all of our equipment stuff, and
24 we went up in the national forest.

25 We came back on the following Sunday, around three

1 in the afternoon, two or three in the afternoon,
2 something like that, and some of the neighbor kids had
3 seen our truck coming home, so they rode their bikes
4 over and they were in the driveway at the same time we
5 got there.

6 And before we had gotten out of the car, they were
7 going Adam Walsh has been kidnapped, Adam Walsh has
8 been kidnapped.

9 We'd been upstairs at either -- between two and
10 four in the afternoon on the same day -- Maybe I
11 should go back and explain what I saw after.

12 INVESTIGATOR GARDNER: Okay.

13 MR. MISTLER: Okay. After Otis had taken him and
14 put the hat back here and that, and they had drove
15 off, I have no idea which direction they went off to.
16 And I stood on that curb there, and I'm like, wait a
17 minute, you know, what the hell is wrong.

18 You know, you see what I'm saying?

19 Why wouldn't that be her -- her kid. I thought
20 because, you know, I'm going on vacation, I get real
21 irritable right before I go on vacation, you know. And
22 I thought maybe that was it, you know, maybe I'm just
23 letting this all -- making a mountain out of a mole
24 hill-type thing.

25 So I went inside of the store, and by the time I

1 had got to that other door and walked inside the store,
2 I was so glad that I didn't come out of that car
3 because I know I would have thrown him to the ground
4 and broke his fuckin' arms, I just -- I know that junk
5 yard dog, what he was gonna do to this guy.

6 And I was so glad then, because now I had weighed
7 everything and it just seemed like I almost made a huge
8 mistake and threw Uncle Buck to the ground or
9 something.

10 So I went on in and I bought my lantern bags,
11 which were right inside the door, halfway out to the
12 right, went over and looked at a badminton set, which
13 was a few aisles away, and looked at some other things
14 there, and I got in line and as I'm standing in line
15 here comes this crazy lady, yelling Cooter. I can hear
16 her yelling.

17 She comes running up through there. And I don't
18 know if you're familiar with Sears, but it's like a
19 main -- the main walk -- the main walkway that goes all
20 the way through out that way, and on this way here.

21 Well, I was right by the door here, so she was a
22 pretty good distance away. And now here comes this
23 lady and she just screaming Cooter, Cooter, and she's
24 swinging around like -- and she got her purse carrying
25 it like a one-bladed helicopter.

1 And she's swinging around, this purse is straight
2 out in the air, she's hollering Cooter, Cooter, and
3 she slams the purse down on the ground and she takes
4 off running towards the south and you can hear her
5 screaming, Cooter, Cooter, Cooter and it's getting
6 lighter and lighter.

7 And then apparently she went out that door on the
8 south side. And then apparently she came back in that
9 door because now it's getting louder as you're hearing
10 it come back through there.

11 I thought, I don't mean any disrespect to anybody,
12 I thought she was on a one-day pass from a nut house
13 somewhere.

14 She comes back up and now she's spinning around
15 and they got a table about this size and they had
16 shirts, I believe they were shirts, I'm not positive of
17 that, but I'm pretty sure they were shirts. They used
18 to set them up on end like this.

19 INVESTIGATOR GARDNER: Uh-huh.

20 MR. MISTLER: And they got these all these shirts,
21 and she's just thrashing herself down on this thing.

22 About that time two old ladies come up alongside
23 of her, they look like the perfect grandma, and she
24 calms down. And I said, one of them two have to been
25 Cooter, I thought she was Spanish, that's what I

1 thought Cooter meant something in Spanish like grandma
2 or, you know, or, you know, or chaperons.

3 Then she calmed down, by that time I just got my
4 change so I walked on out and left out of the store.

5 Well, we went back up to the store around two,
6 between two and four in the afternoon, it was me, my
7 wife and my son this time.

8 Now, we're standing right by where the same cash
9 register that we were earlier that day, 'cause we went
10 back and bought the badminton set, is what it was, and
11 now there's a blonde-haired lady standing there and
12 there's what I believe is a cop standing next to her.
13 John Walsh was standing here and there was some guy
14 that was really dressed good, I mean, standing next to
15 him. Big heavy-set security guard was there, great big
16 guy, he could tame a bear with a stick, you know, big
17 black rimmed glasses and that was there, and Mrs. Walsh
18 is there.

19 And now I hear her like whimpering, crying, like
20 if you get popped for shoplifting or something like
21 that. You know, you're not gonna be out of control,
22 you know, maybe a teenager or maybe a woman was just
23 like, you know, (makes sound). You know.

24 And at one point I heard her say, where could he
25 be. And right before I was saying to my wife her hair

1 looks like the lady I saw this morning. And then I
2 heard her speak English and then I said, it couldn't be
3 her. 'Cause the lady in the morning was speaking
4 Spanish.

5 I never connected the two, you know. In the
6 afternoon I'm only a few feet, I'm within that wall
7 away from her. In the morning she was a pretty good
8 way away and spinning around. So I never connected the
9 two, you know.

10 And the security guy, you know, he had asked him
11 to put on a thing to ask him to come either to the
12 checkout or come somewhere.

13 So when my wife and I heard that, she said to me,
14 Key West and I'm thinking Key West. I'm thinking the
15 exact same thing she's thinking, because our son
16 drifted away in Key West once for about an hour, he
17 drifted in the wrong room and laid down and went to
18 sleep. And for that hour, it'd be the darkest hour of
19 my fuckin' life. But, you know, we thought our kid was
20 gone and all he did was just go into the wrong room and
21 that.

22 So my wife said immediately Key West and I was
23 thinking the exact same thing that she had just said to
24 me, because we had heard that on the thing, so we
25 figured he just drifted away in the store for a few

1 minutes.

2 INVESTIGATOR GARDNER: What did you hear?

3 MR. MISTLER: The security guard had said -- I was
4 standing there watching him. The security guard said,
5 go ahead and run that again.

6 And so then they came on the loud speaker in there
7 and they said, will Adam Walsh please come to -- I
8 don't know if it was the checkout counter or the
9 service desk or, they asked him to come somewhere.

10 So then my wife and I we both realized that's what
11 had happened. He had just drifted away, everything's
12 gonna be fine, just like it was in Key West for us and
13 -- and that -- by then we had gotten our change and we
14 just left, you know. And we figured, you know,
15 everything was fine.

16 So, my son had knew Adam Walsh because he played
17 on the same playground that Adam Walsh plays on. So
18 that day in the store, he said that's Adam Walsh's dad.
19 He knew who Adam Walsh's dad was.

20 So when we came back on that Sunday and the three
21 boys came up on their bikes and said Adam Walsh has
22 been disappeared, my wife and I said, Jesus Christ, we
23 saw them up at the store on Monday right before we
24 left. Oh, everything wasn't all right.

25 You know, we were under the impression he had been

1 snatched in the afternoon there. 'Cause by then I had
2 just forgotten about the old man and the kid in the
3 morning. I mean, it didn't even -- it didn't even
4 enter my mind. I think I remembered that was because
5 my son had identified the Walsh, John Walsh, so I had
6 forgotten all about that until about a month or so goes
7 by and I'm up at Sears and I'm sitting there and now
8 where Otis' car would be, there's another car parked,
9 not the same kinda car, and I would have been two or
10 three cars back from where I was that day, and it was
11 like somebody smacked me in the face with a two-by-
12 four.

13 I saw the grill on the car and then I remembered
14 that weird guy and the kid. And then I remembered both
15 things happened on the exact same day.

16 So I went back home and I told my wife and she
17 said maybe you better go up to Hollywood Police and
18 tell them. But by that time, they had pumped this blue
19 van so many times, you know, I kept saying, well, you
20 know -- I mean, this blue van you heard about it
21 fifteen times a day back then. It was like a -- It
22 wasn't a paid commercial, but it was like a commercial.
23 And fifteen times a day, you know, you're hearing this
24 blue van.

25 I said, you know -- She said, well, maybe -- you

1 know, maybe you better go on up. I said, okay, I'll go
2 on up there.

3 So I go on up there, I come up Taft, I get on Park
4 and I'm heading towards the police department, which is
5 only a few blocks away, and I hear this blue van
6 commercial again, but the only difference is now this
7 blue van commercial, they put a ladder on the back of
8 this blue van.

9 I don't know if you lived here back then --

10 INVESTIGATOR GARDNER: Uh-huh.

11 MR. MISTLER: Oh, you did. Do you know the blue
12 van commercial I'm talking about?

13 And then they put a ladder on the back, I said,
14 fuck, they're putting options on this thing. I saw a
15 white Cadillac, I didn't see no blue van. You know,
16 they're putting options, there couldn't be any
17 connection, I'm not gonna waste Hollywood Police
18 Department's time.

19 There's like a street or two that's got little
20 cross-throughs, right before I got to Johnson, I turned
21 and went back and then went on home because I was sure
22 that the old man, the weird looking guy in the Cadillac
23 had nothing -- you know, that wasn't important because
24 this blue van. They brain-washed me with this blue
25 van.

1 INVESTIGATOR GARDNER: You all along have
2 identified Toole, Otis Toole.

3 MR. MISTLER: Uh-huh.

4 INVESTIGATOR GARDNER: When did you first come to
5 that identification?

6 MR. MISTLER: That -- When I went up there to tell
7 the Hollywood Police, that was about a month or so
8 after Adam had disappeared.

9 So then two years goes by and Chief Sam -- Sam
10 something, they had a news conference, they'd caught
11 the killer of Adam Walsh. So I sat in my bedroom, hell
12 I ran out and made a sandwich while the commercial was
13 on and got some coffee and -- 'cause I want to see
14 this, I mean, this is almost two years later -- it's
15 almost two years later, they finally made an arrest.
16 They got the guy they're saying.

17 So I come back in and I'm laying in that bed and I
18 had a small TV, it's only about like that in a cabinet
19 I had built in the wall. And I'm watching that and
20 they flash this black and white picture of Otis up
21 there and before my fuckin' feet touch the ground, I
22 knew exactly who that was, that's that weird guy in
23 the Cadillac. Instantly I knew who that was.

24 And even though the chief appeared to be drunk, I
25 still believed him when he said that was definitely the

1 man.

2 There was a female reporter there and you could
3 tell in her voice, she said are you sure this is the
4 man. Because by that time I was standing two inches
5 away from that screen, and I said to this female
6 reporter, yeah, honey, that's him and the chief said
7 that's definitely him.

8 I said, see. It's like all three of us were in
9 the same room having the same conversation. I fuckin'
10 instantly knew, because that weird guy looked exactly
11 like that picture. If I had a box of crayons, I could
12 have colored it in. It's a black and white picture
13 with the red hair and the green teeth.

14 INVESTIGATOR GARDNER: Let me ask you this, Bill,
15 two years after this occurred, you identified -- as
16 soon as you saw O'Toole's picture or Otis Toole's
17 picture on TV, you knew --

18 MR. MISTLER: I knew instantly.

19 INVESTIGATOR GARDNER: How come for two years you
20 didn't know that Adam Walsh was the one that was
21 abducted?

22 Because his pictures were in the paper --

23 MR. MISTLER: And his picture had a smile every
24 time, and Adam Walsh looked like a full-grown four year
25 old. He didn't look like a six year old. It could

1 have been him, it could have been a dozen other kids,
2 too, you know. And I couldn't remember the color of
3 the ball hat.

4 You know, I couldn't remember that and I couldn't
5 remember -- I didn't remember the shorts and I didn't
6 remember the color of the ball hat --

7 INVESTIGATOR GARDNER: How do you remember all
8 those things now?

9 MR. MISTLER: I remembered that now because when I
10 remembered thinking of Christmas, when one of the
11 detectives (inaudible) remember thinking of Christmas.
12 I thought of Christmas because first the kid had the
13 red ball hat and the green pants. Otis had the red
14 hair and the green teeth. The car had the red -- or
15 the green upholstery, so that one thought tied those
16 three together. Up until that time, everything looked
17 gray, I mean, I couldn't make the colors of that out.

18 INVESTIGATOR GARDNER: When did the colors come to
19 you?

20 MR. MISTLER: The colors came to me on the pants
21 and the other things once I remembered Christmas. When
22 I remembered Christmas --

23 INVESTIGATOR GARDNER: When was that, that's what
24 I'm trying to find out.

25 MR. MISTLER: That would have been when I was

1 talking to Jack Hoffman.

2 INVESTIGATOR GARDNER: Okay. 1991.

3 MR. MISTLER: '91, yeah.

4 A lot of pieces started coming up. When you
5 remember one thing, something else you remember.

6 Where it could have been him, this kid never
7 smiled at all that day and in that picture of him he
8 was smiling, you know.

9 Adam looked like a four grown four year old. I
10 don't know, he must have just -- I don't know if he
11 just turned six or what, but he sure as hell didn't
12 look like a six year old. You know what I mean, size-
13 wise. You know, kids are funny, sometimes they'll grow
14 like hell and other times they don't.

15 INVESTIGATOR GARDNER: In '83 when you saw this on
16 the TV --

17 MR. MISTLER: Uh-huh.

18 INVESTIGATOR GARDNER: -- why didn't you go to the
19 police at that time?

20 MR. MISTLER: First, the chief comes on there, and
21 like I said before, even though he appeared to be
22 drunk, I still believe him 'cause I knew he was telling
23 the truth. I knew this was the right guy.

24 Now, the chief said this is definitely the man.
25 Now I figure, wait a minute, this is the chief of

1 police, he had on the uniform in that press
2 conference, hell, he probably must lead the city
3 parade with that uniform, is the only other thing he
4 does with it. He looked official as shit.

5 I know they got the right guy, Hollywood Police is
6 on television telling me they know they got the right
7 guy. They definitely got the right guy.

8 Now, before you put somebody on television that
9 comes in there and admits to a murder, you have to tell
10 them a hell of a lot before you do that, right?

11 I mean, if I walk into Hollywood Police
12 Department, what do I just have to get there before
13 eleven so they'll put me on TV?

14 You have to give them so much information for them
15 to make that kind of a statement on television, that,
16 I mean, Jesus Christ, you just don't take a guy walking
17 in and say, I popped somebody, they say, fine, thank
18 God you're here before eleven, we'll get you on TV.

19 So now I'm sitting there and I'm taking the chief
20 at his word. I mean, if the chief don't know what the
21 hell's going on up there, who does.

22 But to be real sure, I wanted to see what John
23 Walsh had to say.

24 So the next day, you know, we looked all that
25 night, we couldn't find him on TV, and I know he'd been

1 on TV the next day. So my wife and I took off work, it
2 was on Wednesday and we were at home, and we took off
3 work to deal with this. We were gonna deal with this.
4 Was I gonna come in or wasn't I gonna come in. You
5 know, because now the way the chief's making it sound,
6 we don't need you Bill, what the hell do we need you
7 for, we definitely know who this guy is.

8 So he had almost fully talked me out of it, I
9 wanted to see what John said the next day.

10 And the next day John comes on television and he
11 said he'd like to have five minutes alone in a room
12 with this guy somewhere. And I say, why would he want
13 five minutes alone in a room with this guy somewhere if
14 he didn't believe this is the guy who popped his kid.

15 Of course, Hollywood Police Department had to fill
16 him in and they definitely knew what happened. That
17 meant I didn't have to get this skeleton out of my
18 cupboard for doing time as a teenager. Because now
19 Adam Walsh is bigger than the Linberg baby, ten days
20 before Otis turns himself in, hell, there's a full
21 length movie on him, so you're not dealing with an
22 average local six year old kid anymore.

23 INVESTIGATOR GARDNER: Why didn't you at least
24 come forward or call the police and say, hey, this is
25 the guy, but you know what blue van stuff's a bunch of

1 crap. 'Cause I saw it and we're talking a black and
2 white Cadillac, there wasn't no van involved?

3 MR. MISTLER: What do you mean, call them after I
4 had seen Otis on television?

5 INVESTIGATOR GARDNER: Yeah.

6 MR. MISTLER: Why should I? They definitely knew
7 who they had.

8 They were so sure of who they had. I mean, it's
9 the chief, this isn't a police spokesman, this isn't a
10 rookie cop, this is the chief telling me. It's
11 definitely the man.

12 So now John Walsh is telling me he wants five
13 minutes alone in this room with this guy, I'm saying,
14 wait a minute, they've got this guy pinned to the
15 fuckin' wall, what do they need me for. They don't
16 need me.

17 So to be real, real sure now, my wife and I
18 watched the newspaper afterwards and that and they
19 talked about four -- four murders they were
20 interviewing this Otis on and that, and they gave him
21 the death penalty and three life sentences eventually
22 on those other four murders.

23 So, I mean -- So it's -- They're not gonna put
24 Adam Walsh ahead of these other four, because they
25 were already talking to this guy about them. It's just

1 like Ted Bunday, he killed maybe thirty people and they
2 convict him on two, and where do the other twenty-eight
3 fall, in the oh well section, and that's where Adam
4 Walsh had fell in the oh well section, you know, they
5 knew who did it and everything, but the state wasn't
6 gonna spend the money or for whatever reason they
7 weren't gonna take him and go through with it.

8 And so I heard nothing. And if we weren't looking
9 I'd say, well, yeah, but my wife and I were both
10 looking and we haven't stopped looking for information
11 about that since that day.

12 (Thereupon, Tape 1, Side 2 concluded.)

13 (Thereupon, the following was heard on Tape 2,
14 Side 1.)

15 INVESTIGATOR GARDNER: Just so I'm clear, the --
16 it's your recollection today, up to today, that the
17 published pictures of Adam Walsh, he didn't -- that
18 isn't the little boy that you -- although it was Adam
19 Walsh that was taken, you never -- you never connected
20 those pictures with the little boy --

21 MR. MISTLER: I never connected them because first
22 I couldn't -- I couldn't remember the color of the hat.
23 I didn't remember the color of his pants.

24 I mean, but the size is what threw me off more
25 than anything. I mean, Adam never smiled once and they

1 have pictures you see all the time on the television
2 and everything, he's always smiling, you know.

3 He never once smiled. But he was smaller than a
4 six year old.

5 My kid, I remember what he -- you know, I remember
6 what a six year old looks like and Adam was a lot
7 smaller. He must have just turned six or he was small
8 for his age, also. You know. And I could never really
9 positively, you know --

10 INVESTIGATOR GARDNER: The license plate you're
11 pretty comfortable with?

12 MR. MISTLER: Yeah. I'd say that's the exact
13 plate. It may be a little different view, but I'm
14 pretty sure that's the exact one.

15 IE5087, 'cause I remember having a thought
16 (inaudible) I would have had them all. I believe
17 that's the exact tag. I don't know if Smith's found it
18 or not. And Aluchia, I see that like I'm looking at
19 you. A-U-A.

20 INVESTIGATOR GARDNER: When is the first time that
21 you have a recollection of that tag number?

22 Have you -- Have you known that tag number since
23 --

24 MR. MISTLER: No.

25 INVESTIGATOR GARDNER: -- the day this happened?

1 MR. MISTLER: No, they put me under hypnosis
2 twice. First -- First time they went dry, I hadn't
3 slept in a couple days and Jack Hoffman come over and
4 (inaudible) blow smoke up my ass, he was lying to me
5 about Adam, I knew he was blowing smoke up my ass then.

6 It was kind of like a waste of my fucking time.
7 It sorta pissed me off, and I hadn't slept in a couple
8 days and I wasn't even sure I wanted to get involved
9 'cause they kept lying to me up there.

10 So when we went there under hypnosis and we went
11 to the parking lot there and this Harlick (phonetic)
12 guy sort of took me around in the parking lot and that
13 and we went through the same area where everything
14 happened.

15 And I really couldn't get anything out then.
16 (Inaudible) went back over to the Hollywood Police
17 Department and got in my car and started home, and as I
18 was coming through the intersection, it was kinda like
19 a -- Have you ever seen the cash register where the
20 numbers go cha-ching?

21 INVESTIGATOR GARDNER: Uh-huh.

22 MR. MISTLER: It was kinda like that.

23 First I saw the A-U-A next to (inaudible), Aluchia
24 is the county. And then I saw the 508. So then I
25 wasn't sure what area it was in.

1 Then they put me under hypnosis again the second
2 time, and it came out -- it came out 508LTE and then
3 the more I thought about and then I remembered thinking
4 about a rental car and the L wasn't the L, it was the
5 1 and the E and if you move them back to the front, and
6 then the 7 had to be the T that I had described. So
7 once I said that, I knew that, because then I remember
8 the other little tiny thought. The first thought it
9 was a rental car tag and I had never seen a fuckin' 1E
10 tag on anything but a rental car, which I found unusual
11 to be in that parking lot.

12 And then I thought of the other little thought I
13 thought about, I had them all in the row, had that
14 other one not been a -- if the 0 was a 6 or something,
15 you know, if there was one of them that was different.

16 INVESTIGATOR GARDNER: Now, was you're describing
17 to me today the thoughts about the 1E and the rental
18 car --

19 MR. MISTLER: Uh-huh.

20 INVESTIGATOR GARDNER: -- I'm trying to -- what
21 I'm trying to get to, Bill, is did you -- do you today
22 remember thinking that the day this happened --

23 MR. MISTLER: Yeah.

24 INVESTIGATOR GARDNER: -- or is that coming to you
25 now after hypnosis and you see the 1E and you place

1 that --

2 MR. MISTLER: I remember them little tiny
3 thoughts. You know, the little thoughts you have like
4 how did that happen, was it a motorcycle that hit it to
5 make that kind of a dent. You know, and then -- the
6 inertia would have carried the motorcycle under the
7 deck lid, I remember looking under the deck lid. Then
8 I remember looking around the back window for rust.

9 And I remember the other little fellow, he
10 couldn't have been --

11 INVESTIGATOR GARDNER: Do you remember looking --
12 making those visual observations --

13 MR. MISTLER: On the day that it happened.

14 INVESTIGATOR GARDNER: -- or do you -- or is that
15 something that --

16 MR. MISTLER: No, this -- they say I was
17 hypnotized, I don't believe I was hypnotized, you know.
18 But what happened was, like days -- like a day or so
19 after, and right after you would do that, stuff would
20 pop up. And by that time, Jack Hoffman (inaudible) was
21 lying to me, so I wasn't -- there were a lot of things
22 popping up and I didn't bother to telling him, you
23 know, they were already yanking my chain.

24 So after I remembered, you know, a lot of things,
25 I didn't bother telling him.

1 INVESTIGATOR GARDNER: Okay. Just give me a
2 minute.

3 Now, when this happened back in July of '81, you
4 were stopped five to eight minutes.

5 MR. MISTLER: At least, yeah.

6 INVESTIGATOR GARDNER: At least. Cars were backed
7 up --

8 MR. MISTLER: All the up the street.

9 INVESTIGATOR GARDNER: -- people were blowing
10 their horn. Do you have, in your mind, have you come
11 up with a scenario as to why no one, virtually no one,
12 including yourself, with all of the publicity,
13 pictures, posters, television, newspapers, radio, that
14 no one in all those cars, the one right behind you,
15 which had to be right across from this happening, that
16 no one made any mental connection --

17 MR. MISTLER: I don't think their body was
18 shaking.

19 INVESTIGATOR GARDNER: -- of Toole and this little
20 boy.

21 MR. MISTLER: If my body hadn't shook like that, I
22 don't think I would have remembered either.

23 INVESTIGATOR GARDNER: Okay. What was the other
24 time when your body shook like that?

25 MR. MISTLER: Back end of a semi came off on the

1 other side of I-95 right before Ives Dairy Road and it
2 hit a gray '77 Grenada and I could see the blue smoke
3 coming off, you know it was a flatbed, it wasn't an
4 enclosed semi, but it was a full-length semi and it
5 come separated from the truck, and when it did, it came
6 across right this side of Ives Dairy Road.

7 There was a gray Grenada and it hit -- hit her on
8 the side, the tires hit her on the side and she
9 straightened it up and it came over and hit her again
10 and I kept seeing these big puffs of blue smoke on the
11 other side of the road coming.

12 And then you can say what you want about lady
13 drivers, this woman straightened that car out all three
14 times, you know, and finally got it stopped. And then
15 finally when she got it stopped, the back end of the
16 semi turned and came right across the expressway at me
17 and there was nothing I could do. I mean, I--didn't
18 have enough time to put the gas on, put the brakes on.

19 And right at the last second, the -- the little
20 wheels that they got on there --

21 INVESTIGATOR GARDNER: Right.

22 MR. MISTLER: -- it was running on those, it had
23 dug into like the shoulder and it lifted up just like a
24 horse would rear up and when it did, my truck went over
25 and I could see those two little wheels right here.

1 And then as it slammed to the ground, I could see in
2 the rear-view mirror the smoke, you know, like a car,
3 you hit a car over the years it builds dust, if
4 you've ever seen a car get hit.

5 INVESTIGATOR GARDNER: Oh, yeah.

6 MR. MISTLER: It's like a cloud -- I still see
7 that in my mind. This fuckin' thing come out and
8 blocked all three lanes and didn't touch nothing over
9 here. The only thing it hit was (inaudible).

10 And then as I'm driving on down the road, then it
11 dawned on me, you know, right after that, after I look
12 in the mirror and I seen what happened, and I was in
13 the fast lane and my body started to shake, you know,
14 this only went on for maybe ten seconds at the very
15 most --

16 INVESTIGATOR GARDNER: Uh-huh.

17 MR. MISTLER: -- and then I was able to control it
18 and then everything was fine, and I went on down the
19 road.

20 But just standing in that parking lot out there, I
21 was shaking for a good three minutes or better, which
22 seemed like a fuckin' eternity, you know.

23 INVESTIGATOR GARDNER: Yeah.

24 Is there anything else about all this you'd like
25 to add?

1 MR. MISTLER: Yeah, Jack Hoffman tried to sell me
2 a bag of shit, they were lying to me. They fuckin'
3 knew I was telling the truth. I want to make that
4 clear.

5 INVESTIGATOR GARDNER: Okay.

6 MR. MISTLER: They wasted my time, he repeatedly
7 lied to me.

8 INVESTIGATOR GARDNER: Anything else?
9 That's it?

10 MR. MISTLER: That's it.

11 INVESTIGATOR GARDNER: Okay. Let me work on some
12 questions here a few minutes.

13 Do you need to go to the bathroom or anything
14 while I'm doing this?

15 MR. MISTLER: No.

16 INVESTIGATOR GARDNER: We'll try these and see how
17 we go through the review. These questions are just --
18 If you have any questions about them, you need anything
19 clarified or if you need anything changed as I review
20 the questions with you, let me know as I come to that
21 particular question.

22 MR. MISTLER: Okay.

23 INVESTIGATOR GARDNER: Okay. There are different
24 types of questions on a polygraph test, as I explained
25 to you earlier. There are specific questions about

1 where you were born, your name, a couple things like
2 that. There are some questions about the abduction of
3 Adam Walsh, there are some questions about your truth
4 and veracity at different periods of your life. There
5 are questions regarding whether or not you believe I'm
6 gonna tell you any surprise questions, and things of
7 that sort, those questions -- every question here has a
8 meaning to it --

9 MR. MISTLER: Uh-huh.

10 INVESTIGATOR GARDNER: -- as far as a final
11 evaluation goes.

12 The questions about your veracity, that comes as a
13 result of -- you know, you told me you lied to the
14 police back around when you were nineteen and you're
15 sure you did then, but other than that, you know, a
16 couple little things like if somebody calls for your
17 son, you don't tell any serious lies to anybody.

18 MR. MISTLER: No.

19 INVESTIGATOR GARDNER: You know, just somebody
20 wants your son or he doesn't want to talk, you say he's
21 not here. If you're a little late, you might say I
22 had a flat tire. You know, but you don't tell no
23 serious lies or anything, so we just -- these things
24 just need to be clarified and make sure we can see that
25 that's accurate over here, also.

1 I review the questions, Bill, in types. I'll
2 start with the simple questions and I'll go in groups
3 through the questions.

4 During the test, the questions will be in -- it'll
5 be mixed up, and I'll go through a series and stop,
6 and then I'll go through another series and when I go
7 through the other series, I'll switch the position of a
8 couple of questions, but they won't be in specific
9 groups. They'll be -- they'll be mixed up a bit.

10 MR. MISTLER: Okay.

11 INVESTIGATOR GARDNER: Okay? For review purposes
12 -- And I'd like you to answer all of them out loud so
13 your answer is and know that you understand the
14 question.

15 Were you born in Kentucky?

16 MR. MISTLER: Yes.

17 INVESTIGATOR GARDNER: Do most people call you
18 Bill?

19 MR. MISTLER: Yes.

20 INVESTIGATOR GARDNER: Is today Tuesday?

21 MR. MISTLER: Yes.

22 INVESTIGATOR GARDNER: Did you ever go to school?

23 MR. MISTLER: Yes.

24 INVESTIGATOR GARDNER: Are you completely
25 convinced that I will only ask you questions on this

1 test we have reviewed?

2 MR. MISTLER: Yeah.

3 INVESTIGATOR GARDNER: Regarding the abduction of
4 Adam Walsh, do you intend to answer the questions about
5 that truthfully?

6 MR. MISTLER: Yes.

7 INVESTIGATOR GARDNER: Have you lied about any of
8 the details of Adam Walsh's in July of 1981?

9 MR. MISTLER: No.

10 INVESTIGATOR GARDNER: Did you lie in your
11 statements when you said that all of the details of
12 Adam Walsh's abduction are from your personal
13 observation?

14 MR. MISTLER: Sure.

15 INVESTIGATOR GARDNER: Okay. Answer the question

16 --

17 MR. MISTLER: Yes. Yes.

18 INVESTIGATOR GARDNER: No, no, no. Listen to the
19 question.

20 Did you lie in your statements when you said that
21 all the details of Adam Walsh's abduction are from your
22 personal observations?

23 MR. MISTLER: Maybe I'm misunderstanding here.

24 INVESTIGATOR GARDNER: Okay. This is a did you
25 lie question, in other words.

1 MR. MISTLER: Did I lie.

2 INVESTIGATOR GARDNER: Did you lie -- Did you lie
3 to anyone, me, Mr. Ray, Mr. Hoffman --

4 MR. MISTLER: Oh, no.

5 INVESTIGATOR GARDNER: You understand what I'm
6 asking?

7 And it's a longer question, I apologize for it,
8 but this type of test sometimes lends itself towards
9 questions that have to be a little longer than I would
10 really prefer.

11 So the question is did you lie in your statements
12 when you said that all of the details of Adam Walsh's
13 abduction are from your personal observations?

14 MR. MISTLER: I didn't lie about that, no.

15 INVESTIGATOR GARDNER: Okay. Your answer is -- is
16 no to that question?

17 MR. MISTLER: I didn't lie about that. If I'm
18 understanding that question correctly.

19 INVESTIGATOR GARDNER: Right. Okay.

20 Let me see if I can shorten this down.

21 See if this helps. I understand (inaudible) and
22 I'll keep working with it till we get it where it's
23 comfortable.

24 Are you lying when you say that all the details of
25 Adam Walsh's abduction are from your personal

1 observation?

2 MR. MISTLER: No, I'm not lying about that.

3 INVESTIGATOR GARDNER: Okay. Just yes or no is
4 all I want.

5 MR. MISTLER: That'd be no.

6 INVESTIGATOR GARDNER: Right.

7 MR. MISTLER: No, I'm not lying. No.

8 INVESTIGATOR GARDNER: Okay.

9 MR. MISTLER: Okay.

10 INVESTIGATOR GARDNER: Let's try those three
11 questions one more time. All three are about Adam.

12 Regarding the abduction of Adam Walsh, do you
13 intend answer questions about that truthfully?

14 MR. MISTLER: Yes.

15 INVESTIGATOR GARDNER: Have you lied about any of
16 the details of Adam Walsh's abduction in July of 1981?

17 MR. MISTLER: No.

18 INVESTIGATOR GARDNER: Are you lying when you say
19 that all the details of Adam Walsh's abduction are from
20 your personal observation?

21 MR. MISTLER: I'm not lying about that, no.

22 INVESTIGATOR GARDNER: Okay. I'm trying to get --
23 I'm just trying to see -- I ask you the other question,
24 have you lied about any of the details of Adam Walsh --
25 I'm just rewording the questions is all I'm doing.

1 MR. MISTLER: Yeah.

2 INVESTIGATOR GARDNER: 'Cause I like to address a
3 specific issue from a couple of different angles.

4 MR. MISTLER: Okay.

5 INVESTIGATOR GARDNER: And that's all I'm doing.

6 MR. MISTLER: No, I didn't lie. I mean, you know,
7 I want to make that clear.

8 INVESTIGATOR GARDNER: The one question, have you
9 lied about the details of Adam Walsh's abduction in
10 July of '81?

11 MR. MISTLER: No.

12 INVESTIGATOR GARDNER: Are you lying when you say
13 that all of the details of Adam Walsh's abduction are
14 from your personal observations?

15 MR. MISTLER: No, I'm not lying about that.

16 INVESTIGATOR GARDNER: Okay. Can we --

17 MR. MISTLER: Okay. I'm okay now. I'm fine now.

18 INVESTIGATOR GARDNER: You're fine with that now?

19 MR. MISTLER: Yeah, I'm fine with that now.

20 INVESTIGATOR GARDNER: Okay. Between the ages of
21 26 and 30, do you remember telling any serious lies to
22 someone who trusted you?

23 MR. MISTLER: No.

24 INVESTIGATOR GARDNER: Other than what you told
25 me, I'm referring back to your incident when you were

1 nineteen years old, that's why I qualify this question.
2 Other than what you've told me, during the first 30
3 years of your life, do you remember lying to someone in
4 authority?

5 MR. MISTLER: No.

6 INVESTIGATOR GARDNER: Okay. Is there something
7 else you're afraid I'll ask you a question about during
8 this test?

9 MR. MISTLER: No.

10 INVESTIGATOR GARDNER: Okay. Those are all the
11 questions you're going to be hearing today. As I said,
12 they're gonna be mixed around, put in different places,
13 but those are the questions.

14 MR. MISTLER: Okay.

15 INVESTIGATOR GARDNER: Okay?

16 Lean forward, please.

17 I need you to stand for a second.

18 Okay. Blood pressure cuff I've put on your
19 forearm. I do put this on tight, the tighter I wrap
20 it, the less additional pressure I have to add to it.

21 Okay. Relax.

22 Okay. What I want you to do now is just get as
23 comfortable as you can. I'll be asking you to place
24 your feet flat on the floor, and in a moment I'll ask
25 you to face off toward the corner where I was sitting

1 earlier. And during the test, Bill, I'm going to ask
2 you to close your eyes. That'll make things a little
3 bit better.

4 MR. MISTLER: Okay.

5 INVESTIGATOR GARDNER: Now, in just a moment I'll
6 turn the (inaudible) on, I'll start making some
7 adjustments getting it tuned to you. During that
8 tuning process, I'll let you know when I'm going to
9 inflate the blood pressure cuff on your arm. That
10 thing needs to be pumped up a little bit.

11 Once I've inflated the cuff, you'll hear me say
12 the test is about to begin. The main questions will
13 come in about ten seconds and I'll space them about
14 fifteen seconds apart after that.

15 MR. MISTLER: Okay.

16 INVESTIGATOR GARDNER: During the test, I'll be
17 asking you to sit still. Any body movements you make
18 is detected by these components, it causes activity
19 changes to occur when on the charts.

20 If you move around, I'll watch you during the
21 test, I'll make a notation on the chart that that
22 particular change was caused by a movement, rather than
23 being later interpreted as a deceptive change.

24 If you move around too much, we have to stop and
25 start over till you don't move.

1 MR. MISTLER: Okay.

2 INVESTIGATOR GARDNER: So if you need to scratch
3 anything, now's the time.

4 Okay. If you just get yourself comfortable, close
5 your eyes, I'll inflate the cuff on your arm just in a
6 few moments. I'll let you know when.

7 You can open your eyes. I have to make an
8 adjustment up here.

9 Okay. Sit still, please.

10 Just relax, I have to make another adjustment.

11 I'll be inflating that cuff on your arm.

12 The test is about to begin.

13 Were you born in Kentucky?

14 MR. MISTLER: Yes.

15 INVESTIGATOR GARDNER: Regarding the abduction of
16 Adam Walsh, do you intend to answer the questions about
17 that truthfully?

18 MR. MISTLER: Yes.

19 INVESTIGATOR GARDNER: Are you completely
20 convinced that I will only ask you questions on this
21 test we have reviewed?

22 MR. MISTLER: Yes.

23 INVESTIGATOR GARDNER: Between the ages of 26 and
24 30, do you remember telling a serious lie to someone
25 who trusted you?

1 MR. MISTLER: No.

2 INVESTIGATOR GARDNER: Have you lied about any of
3 the details of Adam Walsh's abduction in July of 1981?

4 MR. MISTLER: No.

5 INVESTIGATOR GARDNER: Other than what you have
6 told me, during the first 30 years of your life, have
7 you ever lied to someone in authority?

8 MR. MISTLER: No.

9 INVESTIGATOR GARDNER: Are you lying when you say
10 that all of the details of Adam Walsh's abduction are
11 from your personal observation?

12 MR. MISTLER: No.

13 INVESTIGATOR GARDNER: Is there something else you
14 are afraid I will ask you a question about during this
15 test?

16 MR. MISTLER: No.

17 INVESTIGATOR GARDNER: The test is over, you can
18 open your eyes.

19 Don't move yet, please.

20 MR. MISTLER: So how did I do?

21 INVESTIGATOR GARDNER: We've got a lot more to do
22 before we come to that conclusion.

23 MR. MISTLER: Okay.

24 INVESTIGATOR GARDNER: Okay. Bill, what I do at
25 this time, my polygraph procedure is I'm gonna divert

1 away from those questions. I want to do a series of
2 questions and do one chart which will give me a picture
3 of what it looks like when you tell a lie.

4 MR. MISTLER: Okay.

5 (Thereupon, Tape 2, Side 1 concluded.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I, MARSHALL WILLIAMS, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing tape recorded polygraph interview was reduced to typewritten form under my supervision; and the foregoing pages numbered 1 to 107 are a true record of the contents of the tape recording.

I FURTHER CERTIFY that I am not an attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel or financially interested in the foregoing action.

WITNESS MY HAND AND OFFICIAL SEAL in the City of Fort Lauderdale, County of Broward, State of Florida, this 14th day of March, 1997.

Marshall E. Williams, Jr.

Notary Public, State of Florida at Large.

My commission expires:



MARSHALL E. WILLIAMS, JR.
COMMISSION # CC 490388
EXPIRES OCT 12, 1999
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ATLANTIC BONDING CO., INC.