

— Audio portion of the Polygraph of —
WILLIAM MISTLER
(bv Inv. T. Gardner) 2/13 & 2/21/96

ORIGINAL

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IN RE: INVESTIGATION

ASSIGNMENT NO.: 96-02-262
February 21, 1996

AUDIO PORTION
OF THE POLYGRAPH OF
WILLIAM MISTLER

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

3 INVESTIGATOR GARDNER: Okay. Before we get
4 started, I just (inaudible) last week so we don't have
5 to go through so much information.

6 I just want to update a couple things.

7 First of all, (inaudible).

8 MR. MISTLER: (Inaudible).

9 INVESTIGATOR GARDNER: Just to reiterate what was
10 on that, the one thing is we'll be making a tape of
11 what will go on here today so we have a permanent
12 record, just like we did before.

13 MR. MISTLER: Yes.

14 INVESTIGATOR GARDNER: Okay. Just in the matter
15 of your background, just to see if we need to -- just
16 to confirm that there's no problems. 'Cause you look
17 as health as you did last week.

18 MR. MISTLER: Yeah.

19 INVESTIGATOR GARDNER: Have you had any physical
20 disorders in the last week?

21 MR. MISTLER: No.

22 INVESTIGATOR GARDNER: You haven't. Okay.

23 Any injuries of any type?

24 MR. MISTLER: No.

25 INVESTIGATOR GARDNER: Have you begun taking any

1 medication that you weren't taking before?

2 You were taking Tenormin and Lozol last week.

3 MR. MISTLER: I'm still taking that.

4 INVESTIGATOR GARDNER: Anything else?

5 MR. MISTLER: No.

6 INVESTIGATOR GARDNER: Okay. And I'll make the
7 jump, that you have not had anything to drink since
8 last week.

9 MR. MISTLER: What do you --

10 INVESTIGATOR GARDNER: Any alcoholic beverages.

11 MR. MISTLER: No. I haven't for twenty-one years.

12 INVESTIGATOR GARDNER: Right.

13 MR. MISTLER: I'd lose my designated driver
14 status.

15 INVESTIGATOR GARDNER: Okay. And have you used
16 any drugs besides marijuana in the last week and a
17 half?

18 MR. MISTLER: On Sunday I had some marijuana.

19 INVESTIGATOR GARDNER: Okay.

20 MR. MISTLER: Since Sunday nothing.

21 INVESTIGATOR GARDNER: How about before Sunday,
22 between -- I think we met last week it was on Tuesday,
23 if I remember correctly.

24 MR. MISTLER: I believe so, yeah.

25 INVESTIGATOR GARDNER: Okay. From Tuesday, to the

1 time you left here Tuesday afternoon, around noon-time,
2 Sunday's the last time you had some marijuana?

3 MR. MISTLER: Yeah.

4 INVESTIGATOR GARDNER: How many other days last
5 week have you had --

6 MR. MISTLER: Probably every day.

7 INVESTIGATOR GARDNER: Every day?

8 MR. MISTLER: Uh-huh.

9 INVESTIGATOR GARDNER: Okay. And when you -- when
10 you say you have marijuana, are you having just a
11 couple of joints in the evening or all day or --

12 MR. MISTLER: Oh, no, it's usually in the evening.

13 INVESTIGATOR GARDNER: Okay.

14 MR. MISTLER: Not that -- I mean, on Saturday I
15 might, you know, smoke one in the afternoon or
16 something.

17 INVESTIGATOR GARDNER: But there has been no other
18 drug use besides marijuana; is that correct?

19 MR. MISTLER: No, I haven't -- I did cocaine maybe
20 ten -- ten years ago or something like that.

21 INVESTIGATOR GARDNER: Right.

22 MR. MISTLER: Not very often even on that.

23 INVESTIGATOR GARDNER: Okay. Okay. I just want
24 to run through the case facts just -- I want to go
25 through it briefly. And the issues -- As I understand

1 it --

2 Let's go through it briefly, real quick.

3 You were -- You were in the area of Sears on July
4 27th, 1981.

5 MR. MISTLER: The last Monday of July.

6 INVESTIGATOR GARDNER: Okay. So we know -- We'll
7 use July '81 then for the purposes of the question --

8 MR. MISTLER: Right.

9 INVESTIGATOR GARDNER: -- so there's no hang-up at
10 all on the exact date.

11 Okay. And at that time you were stuck in traffic
12 behind a lady, who you eventually found out was waiting
13 for another car to pull out of a spot and you were
14 stuck there six, eight minutes and during that time,
15 some really weird guy in a black over white, 1971
16 Cadillac, pulled up in the opposite direction you were
17 facing pretty near to right beside you.

18 He got out of the car --

19 MR. MISTLER: The front of his car would have been
20 with the front of her car.

21 INVESTIGATOR GARDNER: Okay.

22 MR. MISTLER: The lady in front of me.

23 INVESTIGATOR GARDNER: So he was about a car
24 length or so ahead of you.

25 MR. MISTLER: Right. And it's possible --

1 INVESTIGATOR GARDNER: Facing your direction.

2 MR. MISTLER: Right. And it's a possibility that
3 that vinyl roof might have been a dark green. I told
4 Ralph that on that --

5 INVESTIGATOR GARDNER: Okay.

6 MR. MISTLER: -- I believe it's on that Saturday.
7 It may have been a dark green or a black. I'll say
8 black, because I think -- But, you know.

9 INVESTIGATOR GARDNER: We'll use dark over white,
10 I don't want to --

11 MR. MISTLER: Okay. Dark over white. It was
12 definitely a white Cadillac four-door.

13 INVESTIGATOR GARDNER: Okay. I don't want any
14 conflict.

15 It had a dark top, you're sure it was a dark top?

16 MR. MISTLER: Yeah, it was dark in color, it's
17 just I'm not a hundred percent one or the other. I
18 believe on my statement I gave the police I probably
19 said black, but there is a possibility it may have been
20 a dark green --

21 INVESTIGATOR GARDNER: Okay.

22 MR. MISTLER: -- top, but I told the detectives
23 that, also.

24 INVESTIGATOR GARDNER: Okay. So we got this -- we
25 got this really strange guy gets out of a dark over

1 white 1971 Cadillac --

2 MR. MISTLER: '71 or '72, they're identical.

3 INVESTIGATOR GARDNER: Okay. And he puts a shirt
4 on, gets out of the car, he makes eye contact with you.
5 His one eye drifts over to these kids.

6 He ends up going over, crouching down and talking
7 to this one little boy. And after a period of time, he
8 ends up walking that little boy over to his car. No
9 sign of struggle or anything.

10 He puts the little boy in his car, you go --

11 MR. MISTLER: Adam got in his car on his own, I
12 mean, he didn't pick him up and put him in there.

13 INVESTIGATOR GARDNER: Okay.

14 MR. MISTLER: And at one point he was standing
15 alongside of him on the curb, I guess facing west --

16 INVESTIGATOR GARDNER: Right.

17 MR. MISTLER: -- which would have been facing
18 towards me.

19 INVESTIGATOR GARDNER: Uh-huh.

20 MR. MISTLER: Later on I started to pull off, but
21 I looked in my mirror and I had a great big like -- I
22 think they call them California mirrors --

23 INVESTIGATOR GARDNER: Right.

24 MR. MISTLER: -- and I looked in my mirror and I
25 could see his back, because he had bent over. I

1 thought they had both went back inside. I started to
2 pull off, and I took one last glance in the mirror --

3 INVESTIGATOR GARDNER: Uh-huh.

4 MR. MISTLER: -- and I saw his back. And he was
5 -- he would have been down like this. If this was the
6 hood of the car --

7 INVESTIGATOR GARDNER: Right.

8 MR. MISTLER: -- he would have been down like
9 this, so his back was, you know, I mean --

10 INVESTIGATOR GARDNER: Level with the car.

11 MR. MISTLER: -- level with the car, yeah.

12 And apparently Adam was standing right there. I
13 couldn't see Adam at all --

14 INVESTIGATOR GARDNER: Okay.

15 MR. MISTLER: -- at that point, I could only see
16 Otis' back.

17 And I was still frozen at that point, you might
18 say, you know. My body was shaking so bad. You know,
19 at one point I wanted to take my hand off the shift
20 lever, and I couldn't do that, and that even made it
21 worse, you know, then my body really, I mean, it just
22 -- I couldn't move.

23 INVESTIGATOR GARDNER: Uh-huh.

24 MR. MISTLER: And I wasn't really sure why I
25 couldn't move, you know, I knew it had to do something

1 with the kid, you know. I didn't think I was having a
2 heart attack or anything like that. It was -- You
3 know, I couldn't explain that. You know, it was just
4 my gut feeling kept telling me there's something wrong,
5 there's something wrong.

6 INVESTIGATOR GARDNER: Right.

7 MR. MISTLER: And my eyes kept saying, you know,
8 what is it, what is it, you know.

9 And then after he was back, you know, like that,
10 that sort of unlocked me, you know.

11 INVESTIGATOR GARDNER: Uh-huh.

12 MR. MISTLER: Then by that time I had moved back
13 -- I'd started to pull away, and I'd moved to where his
14 tag would have been right there, like only a few feet,
15 you know, over from where I'm at.

16 And that's when I caught a glimpse of his back and
17 I stopped again.

18 INVESTIGATOR GARDNER: Uh-huh.

19 MR. MISTLER: And I sit there maybe two minutes
20 and then they start walking around the car, you know.

21 INVESTIGATOR GARDNER: Was there still traffic
22 lined up behind you at that point?

23 MR. MISTLER: Oh, the whole parking lot was
24 packed. I mean, nobody was going anywhere until I
25 moved or until this old lady moved first. And then

1 until I moved.

2 INVESTIGATOR GARDNER: Well, she had already moved
3 a couple car lengths for you to get up there, right?

4 MR. MISTLER: But she eventually moved away,
5 right.

6 INVESTIGATOR GARDNER: Right.

7 MR. MISTLER: And I was down there, so now I was
8 on the point, you know, I was up there and nobody was
9 gonna move. Because what had happened, the other cars
10 had started come up where they should have been
11 exiting and even coming around the side of the
12 building, I could see the nose of one car, you know,
13 like the regular lane would have been here, well, this
14 would have been the lane that you would have gone this
15 way. But now there was a car with its nose coming out
16 this way.

17 INVESTIGATOR GARDNER: Uh-huh.

18 MR. MISTLER: And back here were two lanes coming
19 up, one that would come this way and the other would
20 let you exit. Well, people would come up both sides
21 there and that was packed. Now they were trying to all
22 back up and the line went all the way around.

23 There used to be a post office, like a little
24 mobile -- not a mobile post office, but it was -- it
25 used to have a little post office there in Sears lot.

1 INVESTIGATOR GARDNER: Let me ask you to draw this
2 for me, okay. Let me see what you're talking about.

3 Let me get you a pen.

4 MR. MISTLER: A pencil would be better.

5 This is the sidewalk. This would be the garden
6 supply -- like a walkway through here.

7 INVESTIGATOR GARDNER: Uh-huh.

8 MR. MISTLER: You would have walked through and
9 there would have been plants and there would have been
10 things in here.

11 And the actual door for Sears was in here.

12 When I first saw Adam, he was standing -- there
13 was a lady here and there was about a fourteen year old
14 girl there.

15 When I first saw Adam, he was standing maybe eight
16 or ten foot away from her and there were four other
17 boys with him, there were five boys, because I remember
18 saying, Jesus Christ, five boys, you know, I got one
19 boy who drives me crazy, you know, how the hell she do
20 it with five boys, she got that other girl, six kids,
21 but five boys.

22 And then I looked back -- I would have been --
23 This is the -- Let's say this is the -- I don't think
24 they -- Well, there may have been a line on down
25 through there.

1 Otis' car would have been right here.

2 And originally the old lady's car would have been
3 right here, where the two fronts are straight across
4 from each other.

5 INVESTIGATOR GARDNER: Uh-huh.

6 MR. MISTLER: I was in my pickup truck, which
7 would have been back here. That's where I'd seen the
8 boys --

9 INVESTIGATOR GARDNER: Before we go any further,
10 just for my clarification, when you drew the line here,
11 does the street go around right here?

12 MR. MISTLER: No, actually what it would have went
13 down maybe a little bit further.

14 INVESTIGATOR GARDNER: Okay. What happens over
15 here, does the sidewalk go --

16 MR. MISTLER: The sidewalk followed the building
17 around.

18 INVESTIGATOR GARDNER: Okay.

19 MR. MISTLER: And they had package pickup --

20 INVESTIGATOR GARDNER: Okay.

21 MR. MISTLER: -- here. There would have been
22 another like two lanes here.

23 INVESTIGATOR GARDNER: Okay.

24 MR. MISTLER: If I remember correctly, I think the
25 sidewalk continued around here, but it wasn't as thick

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as this section.

INVESTIGATOR GARDNER: All right.

MR. MISTLER: So this would have been like the sidewalk. Say that's the yellow line.

This would have been, if you were coming down here, you'd want to go here for package pickup, you would have made the turn here. There was a stop sign here and I could see the front-end of this car here, and at one time another car came around and his front-end was sticking out here.

INVESTIGATOR GARDNER: Okay.

MR. MISTLER: He's one of them special people that just didn't want to wait.

Back here --

INVESTIGATOR GARDNER: How far does it go to the street there approximately?

MR. MISTLER: From here out to the --

INVESTIGATOR GARDNER: No, from here behind you, how many cars were backed up in here before you get to the street?

MR. MISTLER: Oh, seventeen, twenty, maybe thirty.

INVESTIGATOR GARDNER: Okay. All right. Let's just --

MR. MISTLER: Maybe more.

INVESTIGATOR GARDNER: Let me get this straight.

1 There's one lane -- There's room for one lane of
2 traffic coming this way and one lane of traffic coming
3 that way?

4 MR. MISTLER: Yeah, and then -- then you would
5 have had, let's see, you would have had like -- These
6 would be parking places here. There would be like an
7 entrance that went here --

8 INVESTIGATOR GARDNER: Right.

9 MR. MISTLER: -- there'd be another entrance that
10 went here, another entrance that went here, and then on
11 down. And this would have been the other door, which
12 would have been on the south side of that building.

13 INVESTIGATOR GARDNER: Okay. Just let me clarify.
14 This is just for me.

15 MR. MISTLER: No, I understand.

16 INVESTIGATOR GARDNER: Now, as I remember from the
17 other day, you said that this woman stopped and you're
18 talking six to eight minutes --

19 MR. MISTLER: Oh, at least. At least six to eight
20 minutes.

21 INVESTIGATOR GARDNER: Okay.

22 MR. MISTLER: It may have even been longer than
23 that.

24 INVESTIGATOR GARDNER: Okay. And that's why you
25 were -- Before she started moving at all, you figure,

1 or during this whole time -- through the whole time
2 period?

3 MR. MISTLER: I didn't -- I'm sorry.

4 INVESTIGATOR GARDNER: Were you -- Were you -- Was
5 traffic --

6 MR. MISTLER: She was here probably a good eight
7 -- I mean, eight minutes is a long time to be sitting
8 in, you know, it could have been six or eight.

9 INVESTIGATOR GARDNER: Okay. But then when she
10 eventually moved and then you --

11 MR. MISTLER: What she was doing, apparently, she
12 was waiting for a space to come open here.

13 INVESTIGATOR GARDNER: Okay.

14 MR. MISTLER: You know, they would have hit spaces
15 along this side and this side.

16 She was determined she was gonna get one of these
17 spaces.

18 When I was sitting behind her, you know, I
19 couldn't understand why she was sitting there and I
20 kept kinda like looking around, you know, trying to see
21 maybe she hit a dog or maybe there was something laying
22 in front of her car that, you know, kept her from
23 moving, you know. Maybe like a shopping cart or
24 something.

25 INVESTIGATOR GARDNER: Uh-huh.

1 MR. MISTLER: And, you know, if that were the
2 case, I would have gone up and moved it, you know.

3 INVESTIGATOR GARDNER: Right.

4 MR. MISTLER: So I kept kinda looking around, I
5 couldn't understand why she was sitting there and I
6 had sit there, and up to that point, traffic kept
7 coming down here, a car or two at a time and there
8 wouldn't have been much traffic this way, because this
9 row was the only thing that was open is where Otis was
10 coming, you know, down this way.

11 And I sit there and then I started to pull out and
12 just go around her, because I gotten a break from the
13 traffic coming this way. There wasn't a whole lot,
14 but there was just enough to keep me pinned behind her,
15 you know, and that was just at the last maybe fifteen
16 or twenty seconds of that six or eight minutes, 'cause
17 up till then I was just kinda sitting there laughing
18 that this old lady's just -- she's not gonna move.
19 She's gonna wait, you know, and I think what she's
20 doing is she's waiting to go into this space here.

21 INVESTIGATOR GARDNER: Uh-huh.

22 MR. MISTLER: That, or there's something in front
23 of her car blocking her car.

24 And as I'm about to just go on around her, I look
25 and I see this Cadillac coming down, which was Otis,

1 and he was coming down here and he was going slow, too,
2 because I kept wanting to go around and I said, well,
3 I'll wait for this guy to go by and I'm waiting and
4 waiting and I figure, well, he's gonna go by but he
5 doesn't, he stops right here, which would have been --
6 this would have been the front of her car.

7 INVESTIGATOR GARDNER: Uh-huh.

8 MR. MISTLER: And this is his car, and he stops
9 right there. Now, I'm still right back there.

10 Now, I think maybe she did hit something and this
11 guy's getting out to help her.

12 So I look up between the cars and I'm watching
13 them to see -- and I fully expected him to go to the
14 front of her car and maybe move a shopping cart or
15 something like that.

16 But he didn't do that.

17 He got out of the car, put his shirt on and this
18 shirt had like a brown spot here and it had like --
19 when I went to high school they used to have gold
20 ropes that the band wore. Well, he didn't have gold
21 ropes, but the sweat from the perspiration, it almost
22 looked like, you know, like gold ropes going around.

23 I mean, they weren't ropes their self, but you
24 know what I mean, the color, and around the neck and
25 that from the sweat he had like a -- it's like a yellow

1 ring. I mean, you know, this shirt was like yellow.

2 And he got out and he put this shirt on and I'm
3 sitting there and just watching him and I'm only a few,
4 you know, really a few feet away from him.

5 INVESTIGATOR GARDNER: Uh-huh.

6 MR. MISTLER: And then I thought he was gonna walk
7 up to this lady's car and say something to her, maybe
8 he knew her or maybe she -- you know, maybe her motor
9 had quit, you know, or for whatever reason.

10 So I'm watching him, and as he goes past this old
11 lady, she reaches over and pushes down on the -- the
12 door lock.

13 INVESTIGATOR GARDNER: Uh-huh.

14 MR. MISTLER: She must have pushed it down because
15 at first I thought maybe she was opening it up 'cause
16 she knew him. But he didn't even look at her, he
17 started walking up between there, you know, alongside
18 of his car, he left his car door open, the front door
19 was open, he walked around that and start walking up
20 and just start doing this as he was walking up.

21 And on -- He was facing, it would have been this
22 side of his head, it's like if you sleep on your hair,
23 you know how it goes up.

24 INVESTIGATOR GARDNER: Uh-huh.

25 MR. MISTLER: It looked like -- literally like a

1 little plate of hair. In other words, I mean, if you
2 took your hair and you laid and you slept on this all
3 night and you got up, your hair would still be sticking
4 straight up.

5 But this was almost a perfect circle like.

6 So that's the first thing that caught my attention
7 and he's doing this and I'm kinda looking at that and
8 I'm looking at this shirt and then he finally sees me
9 and he goes like this. Just like that.

10 And then he smiled at me as he's turning this way.
11 He give me a big smile and he had these green teeth.
12 And I couldn't believe what I was seeing.

13 My first impression when his head stopped was
14 upright animal, mini-big foot, circus. Before I could
15 analyze it anymore or think about it anymore, then he
16 smiled. And I've seen -- I've never seen green teeth
17 like this in my life. It reminded me of Justin
18 McKnight, a kid I went to -- I was probably in the
19 eighth -- seven, eight years old in school and a kid
20 transferred in, his brother transferred in and they
21 both had green teeth. Well, you know, as an eight year
22 old, I thought that that was really neat, you know.

23 And I thought of Jessie McKnight. I hadn't
24 thought of him since -- hell, I was eight years old or
25 so. And then I thought of Christmas because even

1 though his hair looked brown in the sunlight, with his
2 beard and the rest of his hair sticking like up, I
3 mean, you know, you're talking bad hair, this was just
4 like frizzied all up, you know.

5 And you could see the red in his hair. I mean, if
6 he was sitting in the room with us, you'd think he had
7 brown hair and that, but it has like a red tint to it,
8 you understand what I'm saying?

9 INVESTIGATOR GARDNER: Yeah.

10 MR. MISTLER: Okay. So I thought of Christmas
11 because I had looked at Adam, and Adam had had -- and
12 when Adam was standing there with the boys and then
13 when he was standing there by himself, I kept looking,
14 he had these real wild pair of pants on, it was green
15 pants, but it had like -- I believe the other two
16 colors were orange -- orange and yellow, pants and they
17 were way too big. You know, like you buy clothes for
18 your kids and you buy them a little bit big. These
19 were way too big on him.

20 And this hat he had on, it had to have been an
21 adult hat because I've seen the picture of him in the
22 paper, it was a hat like that, red and it had the white
23 on there, I can't say that I remember the C, but I
24 remember a logo or something on this red hat.

25 And this hat he had on came right down to here and

1 it was still too big on him, I mean, even if it had
2 been, you know, adjusted up, it still was way too big.
3 It probably was an adult hat from that same ball club.

4 He was standing there -- And oh, and then the
5 notice came there and he's smiling like this, he's
6 turning. His eyes did this. His one eye went over,
7 you know, he was starting to look to the curb, but his
8 one eye went over at first.

9 INVESTIGATOR GARDNER: Hum.

10 MR. MISTLER: Now, I'm thinking Christmas and I'm
11 trying to analyze what the hell I'm still even looking
12 at that and I can't even do that because now this guy
13 did eye tricks. I was thinking, holy shit, eye tricks.

14 At this point if he would have vaporized, I
15 wouldn't have been any more shocked than I was right
16 now.

17 Now, my thought goes from I hope to hell this old
18 lady moves is what I was thinking before, to now I
19 hope she just stays where she's at.

20 So she stayed right there, she's still sitting
21 there. And he went over to the curb and Adam -- the
22 five, four other boys had walked away. I don't know
23 where they went. I think I remember seeing one
24 drifting around there, but I have no idea where the
25 other four went.

1 Adam went from here to where he stood right next
2 to this lady and this fourteen year old. And this lady
3 is digging in her purse with her right hand, she's
4 digging in her purse, she's just digging, I mean she's
5 digging. You know, she's going through this purse just
6 digging.

7 I'm still here, this old lady's still here. And
8 I'm watching. Now Otis comes here and now he's on the
9 street, but he doesn't touch the kid, he like crouches
10 down and he's only about two feet away from the kid's
11 face. Now he's eye level with the kid and he's like a
12 catcher would kneel down. He's eye level with the kid.

13 And I'm sitting there and I'm waiting to see this
14 lady's reaction, because I know if it was my kid, the
15 first thing I would do is look down and seen this guy,
16 I would have pulled my kid back.

17 So now I'm waiting, saying this lady's gonna shit
18 when she sees what's talking with her. And she kept
19 digging and digging and digging. So finally she stops
20 digging and she looks down and Otis had to be -- his
21 face had to be just like here, because Adam was
22 standing only a few feet away from her.

23 And when she had no reaction, I said she knows
24 him, you know, it's kinda like Uncle Buck, you know, he
25 always looks weird, but he's an all right guy or

1 something.

2 But I figured she knew him because she had no
3 reaction at all, like, oh, you know, pull your kid away
4 from him now.

5 So I just kept watching that. She just kept
6 digging and digging and digging. Finally this lady
7 moves and I think I must have looked back here to where
8 the post office see exactly how far the traffic had
9 gone now. Now it had gone all the way to the street,
10 and people that were trying to make the turn in on the
11 yellow -- on the green light were stuck in the middle
12 of the street, too. And I'm just kinda like laughing.
13 You know, this old lady's got this whole parking lot,
14 you know, blocked up and I'm looking back and then I
15 looked up and she had pulled away.

16 Well, when she did, I let the clutch out, and as
17 the truck's rolling, I remember the -- the weird guy
18 and the kid. And I just took a glance back over, and
19 when I did, I saw that this lady and this fourteen
20 year old weren't around. And something just kinda like
21 took over my body like shook and that. And, you know,
22 it's getting like worse.

23 Like my gut was saying there's something wrong,
24 there's something wrong, you know. But what's wrong.
25 You know, he's -- there's no law against being ugly,

1 you know. And something just told me that there's
2 something wrong.

3 So I slammed on the brakes and now by this time my
4 car would have been here, my truck rather. I guess I
5 would have been about where the back of his door ended
6 on that four-door and I could look into his car and see
7 his, you know, interior and that. And inside of there
8 he had like -- if you've ever slept in your car, you'd
9 pile stuff up, the same way a dog does, he piles, you
10 know, like stuff up. It looked like the guy had been
11 living in his car, because there was wrappers and bags
12 and, you know, it looked like twinkie wrappers, I don't
13 know that it was twinkie wrappers, but you know what I
14 mean?

15 INVESTIGATOR GARDNER: Uh-huh.

16 MR. MISTLER: Some of them laying around.

17 And he had some of the -- I don't know if they
18 were pillows, but they may have been like a blanket or
19 some towels or something where he had probably had used
20 that to sleep, because probably would have fit, you
21 know, this perfectly sleeping in there.

22 So now I'm here and I'm looking in this car and I
23 can't really get a good view through because I have to
24 look through his windshield, but I can still see the
25 kid and him. When I had pulled off, he had gone up

1 onto the curb and he was standing next to the kid on
2 the curb.

3 INVESTIGATOR GARDNER: Uh-huh.

4 MR. MISTLER: When I let the clutch out and took
5 off rolling. And he was standing next to the kid on
6 the curb --

7 INVESTIGATOR GARDNER: Standing up or still
8 crouching down?

9 MR. MISTLER: No, he was standing up now, and he
10 would have been, if you were the kid, I would have
11 been, you know, they were just like standing across
12 from each other.

13 INVESTIGATOR GARDNER: Uh-huh.

14 MR. MISTLER: He took his arm and this is what
15 caught my eye and probably got my body shaking, was I
16 had just caught that out of my eye, he didn't reach
17 down and grab the kid's --

18 Like stand up, maybe I can show you better.

19 If you were Adam and I'm Otis and I'm standing
20 next to you, what he did was he was he took this hand
21 and he put his hand up there like that.

22 INVESTIGATOR GARDNER: Uh-huh.

23 MR. MISTLER: And that's when I had saw when I had
24 pulled forward and that's what made me shake.

25 INVESTIGATOR GARDNER: Okay.

1 MR. MISTLER: Now, I look around for that lady and
2 that fourteen year old, 'cause I want to get out of the
3 truck and say, do you know this man, you know.

4 And I looked all around and I couldn't see them.
5 They had to have gone back inside, there was no way
6 they could have walked away from my eyesight in that
7 short of a period of time.

8 So now he's standing alongside of him on the curb,
9 these two are gone, those five boys -- the other four
10 boys are gone.

11 INVESTIGATOR GARDNER: Were all of those people
12 white --

13 MR. MISTLER: Yeah.

14 INVESTIGATOR GARDNER: -- all of the boys?

15 MR. MISTLER: Yeah, all the boys were white. They
16 looked like brothers. Yeah.

17 INVESTIGATOR GARDNER: Okay.

18 MR. MISTLER: I mean, not necessarily that they
19 all looked facially alike, but it would have been like
20 steps.

21 INVESTIGATOR GARDNER: Uh-huh.

22 MR. MISTLER: Adam being the smallest and then it
23 would have just been like steps, you know.

24 INVESTIGATOR GARDNER: Okay.

25 MR. MISTLER: Now, the two of them are standing on

1 the curb here. I'm still right here where it's really
2 tough for me to see, you know, what's going on there.
3 And I'm trying to rationalize, wait a minute, maybe
4 he's here to pick that lady up because now they're both
5 just standing on the curb.

6 They should have done been around the front of
7 that car and down through there by now, but they
8 weren't. They were just standing on the curb there.

9 And so now I'm like saying to myself, wait a
10 minute, you know, he just came to pick her up and it's,
11 you know, she knows him, and she had to go back in the
12 store for something, you know. There's no problem.
13 But my gut kept saying, there's a problem, there's
14 something wrong here.

15 So they stood on that curb like that for, oh, had
16 to be a good three minutes. But when I had thought,
17 wait a minute, I'm trying to rationalize, you know, why
18 wouldn't, you know, why didn't -- you know, of course
19 she knew him. He pulled up there to pick him up, she
20 forgot her credit card or something, went back in the
21 store. And they're gonna come back out.

22 And then I looked into the car and there was so
23 much stuff piled up in that car, there was no way that
24 he could have put them in the car.

25 INVESTIGATOR GARDNER: Uh-huh.

1 MR. MISTLER: Because he had the back seat was
2 filled with stuff and on the other side of the back --
3 in the back, you'd see the handles from different lawn
4 equipment and stuff, you know, sitting back, you know,
5 on the back -- in the back. He had two of them you
6 trim trees with, one had a rope, one didn't have a
7 rope. And one was in each direction, because when Adam
8 had got into the car, I remember thinking, you know,
9 watch out, pop, you forgot about your saws there, you
10 know.

11 And the one was pointed towards him. But that
12 would have been laying on the dashboard, the saw parts
13 of them, the wood handles would have been laying back
14 over the seat. And then on the other side of the car,
15 the handles -- I seen a lot of handles and stuff. But
16 there was clothes just piled up, clothes and all kinds
17 of -- looked like just clothes, you know.

18 And they were as high as the back of his seat, you
19 know, there. So there was no way this woman and this
20 fourteen year could have got in this car.

21 INVESTIGATOR GARDNER: Uh-huh.

22 MR. MISTLER: And that's when my body even began
23 to shake more, because I just kept saying, there's
24 something wrong.

25 And at that point my body just really -- I was

1 like pinned in the -- the more it shook, the worse it
2 got.

3 And then it got to this point that this leg was
4 doing this and it was on the edge of the brake, and the
5 other foot, I was pushing so hard, the bottom of my
6 foot was hurting, but this leg's doing this and I had
7 my hand on the shifter and when I tried to take my hand
8 off the shifter to just keep my foot from slipping off
9 of that brake, 'cause there was no way I could have
10 picked it back up on there. I couldn't release my
11 hand, I couldn't release the hand here and now I don't
12 know what's going on with me, I don't know why my
13 body's doing this and it's just like feeding itself,
14 it's making it worse, you know?

15 INVESTIGATOR GARDNER: Uh-huh.

16 MR. MISTLER: And I'm just -- I was just pinned.
17 And I'm looking ahead and I can't even know, at this
18 point, I can't even move my head around to look into
19 the mirror and that, you know, somewhere along before
20 that I had adjusted that mirror out so I could get a
21 better view of them and that.

22 And now I can't even -- I can't even move my head,
23 I'm just looking straight and I'm going, this is
24 ridiculous, you know. Why -- Why is your body doing
25 this, you know, what's going on.

1 And so they stood there, oh, a good, two to three
2 minutes maybe, a couple minutes, I'd say maybe two
3 minutes on that -- or possibly three minutes on that
4 curb. And had they walked around there, then I
5 couldn't even have gotten out of the damn truck. I
6 mean, I was just pinned, you know. Pinned.

7 So they stood there on that curb and now I'm
8 looking straight ahead and I can't -- I can't even look
9 back over there at them. And then finally I'm able to
10 move my body just enough to catch a view, look back
11 over there again. And I don't see them.

12 So that sort of freed me up a little bit and I was
13 able to move a little more and get a little bit better
14 of a view and I couldn't see them, you know.

15 So now I thought, oh, they went back on inside,
16 everything's fine. You really let yourself, you know,
17 you really let, you know, yourself go crazy, here,
18 Billy, you know. I'm going on vacation, you know, you
19 get a little irritable and a little, you know, I
20 thought maybe I was kinda blaming it on that. We were
21 just getting ready to leave the next morning on
22 vacation.

23 And so then my body really calmed down because
24 they were gone and I figured they went back inside,
25 they were all together and I'm just making a mountain

1 out of a molehill here. So then I leave the clutch out
2 and I started to pull out and I thought I'm gonna look
3 back just one more time and I look in the mirror and
4 that's when I saw his back.

5 INVESTIGATOR GARDNER: Uh-huh.

6 MR. MISTLER: Now, I'm back -- I would have been
7 -- the driver's door would have been there, this being
8 the front of my truck, I would have been here, 'cause
9 the tag of his car was right there. I would have been
10 right about in that position.

11 So now I see his back, I don't see the kid at
12 all. So I stopped again. So now they're in front of
13 that car and they must have been in front of that car
14 for maybe -- maybe two minutes, which is a long time
15 and he was bending down, I guess, in that position for
16 a good two minutes.

17 And while he was there, I'm looking this car
18 over, you know, and I'm just looking around and the
19 more -- because this guy just didn't fit in this Caddy.
20 Even though it was ten years old, this Caddy was in
21 good shape. He didn't fit inside of this thing.

22 And I'm trying to make him fit, you know. So I'm
23 looking for dents and dings, you know, I do like body
24 work as a hobby, you know, and so I'm just looking in
25 for -- the more I look, the better this Caddy's

1 looking. I see no dents down this side, I see no
2 dents, except in the bumper, there's a little dent in
3 the rear bumper. And I remember thinking maybe what
4 caused that dent. I said maybe a motorcycle run into,
5 'cause it was a dent that went like that, or he backed
6 into a pole.

7 So just, you know, it's just the way my mind's
8 working, and I looked on the deck lid, because the
9 inertia of the motorcycle would have carried it under
10 the deck lid. And he would have had scrapes or
11 something if a motorcycle had hit it, he probably
12 backed into a pole is what he did.

13 The deck lid was here and the dent goes almost
14 right up to the deck lid, but there was no -- no dents
15 in this deck lid, I looked around the back widow for
16 rust, because it should have been popping -- a ten year
17 old car should have been popping around there. There
18 was no rust on that and the car was in great shape.

19 And I remember thinking, I wanted to get out at
20 that point and look at the other side of the car and
21 maybe if it was ripped out that would have made it a
22 beater and this guy would have fit in it. I'm trying
23 to make him fit in this car and nothing I'm doing is
24 making sense now.

25 In the meantime, I got Rocky back here who had to

1 be -- there was a gray van behind me and then Rocky
2 would have been behind -- I call him Rocky because now
3 this guy's getting out and he's walking up here calling
4 me a son-of-a-bitch, I mean, he called me a son-of-a-
5 bitch, move it you son-of-a-bitch, what are you waiting
6 on, you son-of-a -- every ten or twelve seconds, you
7 know, this guy's doing this, you know, and he's walking
8 up, looking, you know, and he sees me looking in the
9 mirror and I guess he thought I was staring at him,
10 and, you know, and he's getting all huffy and puffy,
11 and you know, and I'm not even trying to pay anything
12 attention to him.

13 But what I'm thinking is if I have to get out of
14 this truck, by this time my body's unlocked, I'm still
15 shaking, but my body's unlocked.

16 So he walks around the front of the car and they
17 walked real slow, it seemed like it took them forever.
18 Right as he came around there, Adam had looked -- they
19 both walked around -- Rocky was walking up there and I
20 think Rock was -- I think -- kept walking up and he
21 walked back to his car, he'd walk over here and look
22 and see and he'd walk back and I'm watching him in the
23 mirror, too, and he'd walk up, he's getting angry this
24 guy, he wanted to know what the hell I'm doing sitting
25 up here.

1 And now he's getting ready to come up there and
2 he's getting ready to say something to me, like, you
3 know -- he'd been calling me a son-of-a-bitch for the
4 last, you know, few minutes or so. But I wasn't even
5 paying attention, I wanted to catch this eyes kid's --
6 this kid's eyes when he walked around that corner.

7 And he come around that corner and he looked up at
8 Otis and Otis took his hat and sort of like pushed it
9 down. Well, I didn't like that, but I remember I did
10 that to my own kid and that. So now I'm really
11 watching, and I'm watching Adam's eyes, because I'm
12 locked onto his eyes, I'm trying to read what this
13 kid's thinking; is he scared, is he afraid or what. He
14 wasn't crying, he wasn't -- you know, he may have
15 looked a little confused, but he -- he didn't look
16 scared, he wasn't crying.

17 And they were walking so slow, I mean, they came
18 around there, he wasn't rushing, you know, they're just
19 walking slow and he's smiled at him and I thought of
20 my grandfather then, because I remember walking with
21 him and looking up at him and him just smiling for no
22 reason, not saying anything, just smiling. I remember
23 that so clear and that really calmed me down. That
24 started to say to me everything was -- was fine,
25 because this guy isn't try to snatch this kid and get

1 in the car and run, hell, he's going extra, extra slow.
2 He's walking down -- they're walking -- I mean,
3 literally just like, you know, he's smiling down at the
4 -- Adam and that.

5 So then they walk up to here and Adam stopped
6 there for a second and the kid just like climbed up
7 into the car and that. And Adam -- Otis got in behind
8 him and Adam was standing on the seat and that's when
9 he walked towards those blades, and I remember
10 thinking, you know, be careful, pop, you forgot about
11 your garden equipment, you know, you're gonna cut your
12 --cut the kid.

13 And then Adam turns around right as Otis was
14 sitting -- getting into the car and he was still -- now
15 he's like facing him, but he's standing on the seat.
16 So now I don't know whether Adam sit down on his own or
17 if he reached over and, you know, swept his feet out
18 from underneath him, which I've did with my kid to make
19 him sit down, you know, when he was that age.

20 And then Otis reaches over and takes that red ball
21 hat off and he reaches back and he lays it on top of
22 all this stuff that's in the back here.

23 INVESTIGATOR GARDNER: Uh-huh.

24 MR. MISTLER: And then he turned back towards the
25 front. And I'm watching to see if he's holding the kid

1 down or the kid's arms are flaring or something like
2 that and none of that.

3 So then after about three, maybe five -- maybe ten
4 seconds, let's say, Otis reaches back, takes the ball
5 hat and he shoves it down in between the seat. And I
6 figure, well, he didn't want it to blow out the window
7 --

8 INVESTIGATOR GARDNER: Right.

9 MR. MISTLER: -- was the only reason. And it was
10 at that point I remember thinking, because I had
11 thought of Christmas earlier, the red, the green, the
12 red, the green -- you know, the red and the green,
13 Adam's hat, and the pants, the other red and green was
14 Otis' hair, which in the sunlight you see the red, and
15 then the green teeth.

16 And when I had pulled around to the car, I had
17 seen the green interior and I remember looking -- I
18 just remember these little thoughts -- I looked around
19 and I saw -- I was looking around for red, there was no
20 red in there.

21 When he had did that, I remembered the thought I
22 had earlier and said there's the red, which I don't
23 know what that means, it doesn't really mean anything,
24 it's just, you know, there's was little thoughts like
25 you were pairing stuff up and that.

1 And at this point I'm pretty sure everything's
2 fine, because now I'm watching to see if he's holding
3 him down and he wasn't holding him down. I could see,
4 you 'know, him starting the car, he's in no hurry, you
5 know.

6 I started to pull here because I wanted him to be
7 in that car a few -- maybe seconds or a little bit of
8 time and see what his reaction was.

9 So I started to pull back here because now the
10 parking lot's going nuts, I'm on the point -- this old
11 lady's on the point for eight minutes and nobody blows
12 their horn. I'm on the point for, you know, less than
13 a minute and there -- the whole parking lot's erupted
14 now. And I'm sitting there and I got this whole
15 parking locked up and I'm not even sure why I got it
16 locked up, except something in my gut kept saying there
17 was something wrong. But the more I watched it, then I
18 kept saying why would he -- why isn't that -- why
19 wouldn't that be that lady's kid, you know.

20 And I kept saying, Billy, you're making a mountain
21 out of a molehill here. There's nothing wrong.

22 INVESTIGATOR GARDNER: Uh-huh.

23 MR. MISTLER: And I still wasn't a hundred percent
24 sure.

25 So I wanted to pull here, that would have left the

1 parking lot get unlocked, because until I moved, nobody
2 was going anywhere. It was just that locked up.

3 I wanted to pull here and then I saw a car
4 starting to come down here. I said, now if I pull
5 there I'm gonna block, you know, traffic coming this
6 way.

7 So then I looked over here and I see an open
8 space, and it's only a few feet away, oh, thank God,
9 you know, I already had my car started in that one, and
10 I saw that space and I said, now, great, I can just --
11 by the time I got over there, somebody had pulled into
12 that space and the car that was coming down here, had
13 pulled off anyway, so I could have parked either way.

14 So now I'm already moving now, you know, and that
15 space somebody jumped right in front of me, so I went
16 to the next section, which would have been here, the
17 next section, there's still not -- looking down, the
18 next one and the next one and by the time I finally
19 found a space, it would have been -- if this is that
20 door, it would have been in this section, but almost
21 three-quarters of the way down.

22 I got out -- After I parked the truck, I got out
23 and I ran back up to here, about like you would jog, I
24 guess, you know, 'cause I'm still not sure what the
25 hell I'm even seeing.

1 And I ran back up to there because I wanted to see
2 now he would have been with this guy for a minute or
3 two and if there's nothing wrong, if it is Uncle Buck,
4 the kid would have been fine. That way I could have
5 went up alongside of the car and looked in the car and
6 seen the kid's reaction and he would have been with
7 this guy for several minutes.

8 So when I got back up to here, the Caddy was gone.
9 And I looked all around and then I walked over to get
10 up onto the curb, just to give me that much more
11 height and I looked all around and I couldn't see the
12 Caddy.

13 INVESTIGATOR GARDNER: Uh-huh.

14 MR. MISTLER: I had no idea where he went.

15 He may have went around this corner and then he
16 could have got out through the back part there. They
17 may have got this straightened out where this guy
18 backed up out of that, I don't know whether they had
19 that straightened out or not.

20 Or I don't know where he went, you know.

21 INVESTIGATOR GARDNER: Okay.

22 MR. MISTLER: So then I stood up on that curb up
23 here about four or five minutes maybe, I guess, I don't
24 know, I was up there quite a while. And I was
25 analyzing everything, I'm going, why wouldn't that kid

1 belong to that lady. Of course that had to be her kid,
2 you know.

3 And -- And this guy looked so weird, he would have
4 scared this kid. You know, I mean, this guy was so
5 weird looking that day, that, you know, I'm thinking it
6 would have scared this kid, this guy would have cried
7 just at the sight of him unless he was a family member
8 or something.

9 And then I'm standing there, I'm just trying to
10 make sense of this whole thing and kept saying, why
11 wouldn't that be that lady's kid. Of course that's
12 that lady's kid.

13 INVESTIGATOR GARDNER: Uh-huh.

14 MR. MISTLER: This is Uncle Buck, he just came
15 here and he picked him up, everything's fine and thank
16 God I didn't release this junk yard dog on him, because
17 at that one point after I'd become unlocked and the
18 horns are blowing and everything and I wanted out of
19 that truck. I mean, if this kid needed help, I was
20 gonna be out of truck and it wasn't Bill the
21 exterminator coming out of that truck, it was a junk
22 yard dog I was gonna release on this guy.

23 And I literally was gonna grab him in a bear hug,
24 spin him 90 degrees and drop to the ground and pile
25 drive his head into the ground and probably break his

1 fuckin' arms. So I knew what would happen if I
2 released that dog, so I had to be sure. I just had to
3 be sure before I jump out of there and throw some guy
4 to the fuckin' pavement, because I don't like the way
5 he's dressed.

6 So I stood up on that curb and I'm thinking this
7 over and now I think, thank God I didn't do that,
8 because I know what I was gonna do to him. I know what
9 I was gonna do, and thank God I didn't. Oh, thank God,
10 everything's fine. You know, everything's fine.

11 You let yourself, you know, make a mountain out of
12 a molehill, you know, there's nothing wrong, the kid
13 wasn't pulling away, jerking or nothing. I thought,
14 thank God.

15 So I walked back up to here, I went in the store
16 and by the time I got in the store I was happy I didn't
17 do anything, because I'm now I'm just so sure
18 everything was just fine.

19 And I looked there for lantern bags, which were
20 right inside this doorway, I mean, as soon as you
21 walked in the door over here, about halfway up on the
22 rack, and I got a couple lantern bags and then I went
23 over here and looked at a badminton set and a few --
24 looked around a little bit.

25 INVESTIGATOR GARDNER: Right.

1 MR. MISTLER: And then I came back and there was a
2 checkout counter, about like here. So I got in line on
3 his checkout counter and there was like four or five
4 people ahead of me. And that was back before they had
5 the computer scanners and that and what they would do
6 is list each number and, you know --

7 INVESTIGATOR GARDNER: Right. That's when this
8 lady came out and she was screaming.

9 MR. MISTLER: Yeah, that's --

10 INVESTIGATOR GARDNER: Right.

11 MR. MISTLER: I had --

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

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

15 MR. MISTLER: -- there maybe -- I've been in the
16 store maybe eight or ten minutes.

17 INVESTIGATOR GARDNER: Uh-huh.

18 MR. MISTLER: And about that time, and it -- there
19 was a -- the main walkway went up through this way and
20 this would have been a walkway that went this way. And
21 then lady come screaming through here, you know,
22 Cooter, Cooter, Cooter, and she kinda -- I'm like --
23 there's like four people ahead me and I'm really almost
24 close to that door there.

25 And she's going Cooter, Cooter and then she spins

1 around -- It kinda reminded me, I used to fly them
2 model airplanes, but her purse was literally straight
3 out.

4 INVESTIGATOR GARDNER: Uh-huh.

5 MR. MISTLER: And she's spinning around and she
6 don't know which way to go, you know, she's just like
7 -- you know, she don't know whether to run this way,
8 this way, this way or what to do. She's just like
9 spinning and she's hollering Cooter, Cooter, Cooter.

10 And she's spinning this purse and then finally she
11 stops and she throws the purse down and she bolts off
12 running down this way. And now she's hollering,
13 Cooter, Cooter, and you can hear it getting less -- In
14 other words, you know, the further away she gets --
15 because now down over here there's a door and
16 apparently she must have went out of the door, because
17 you could hear it getting like Cooter, Cooter. And she
18 must have went out of that door and hollered Cooter
19 outside, because now -- now you can hear her running
20 back up the aisles doing the same thing, but now it's
21 getting louder as she's coming.

22 INVESTIGATOR GARDNER: Right.

23 MR. MISTLER: Her purse is still laying right
24 here on the floor, you know, right where she threw it
25 down at. Because me and the guy in line, we looked and

1 I think I might have said to him, you know, this is
2 like Candid Camera or something, you know. You know,
3 it's just a trick to see if, you know, some will go
4 over and, you know, rifle through this purse or, you
5 know, I bet there's no money in that or, you know.

6 And then she came up and now I'm thinking, she's
7 on a one-day pass from a nut house and she got
8 separated from her chaperons. That's the only thing
9 that would explain this terror, you know.

10 And she wasn't very -- And I'm thinking, she isn't
11 very stable and that's what I thought. I literally
12 thought she was on a one-day pass from a nut house.

13 And she's yelling, Cooter, Cooter and she's
14 spinning around and they had this table here, and I
15 believe they had shirts on this table, and they didn't
16 have them laying flat, they had them laying up like
17 this and they, you know, they stack them. And she's
18 just like thrashing herself on this -- on this -- on
19 these shirts, this -- the counter about the size of
20 your desk.

21 INVESTIGATOR GARDNER: Uh-huh.

22 MR. MISTLER: And she's just like thrashing
23 herself on this and she hollered Cooter and she'd spin
24 around. Then about that time, two gray haired old
25 women, looked like grandma types, come up here, and one

1 on this side of her and one that side and they were
2 talking to her. And as they're talking to her, she
3 calmed down some. I thought one of them was Cooter.

4 The other one reached over, picked up her purse,
5 handed her her purse, she threw her purse down again,
6 the old lady reached down picked up her purse this time
7 and just held it. And she -- they were like talking.

8 Now she calmed down and she's talking to these two
9 people and by that time I had gotten my change and paid
10 for my thing and I thought, well, everything's fine
11 there, you know. And boy what a strange day this
12 turned out to be in Sears, you know.

13 So I just turned around and walked on out.

14 INVESTIGATOR GARDNER: All right. And as I
15 understand from that point, I mean, you went back to
16 Sears that day and then on vacation, came back the next
17 week, you find out about Adam Walsh, don't really make
18 any connection with anything until 1983, when the chief
19 shows up on the TV announcing about this Otis Toole or
20 Otis Toole individual and you -- as soon as you saw his
21 picture, you recognized him as the guy.

22 MR. MISTLER: Oh, instantly.

23 INVESTIGATOR GARDNER: Okay.

24 MR. MISTLER: I was laying in bed --

25 INVESTIGATOR GARDNER: That's the guy that was

1 with the Cadillac.

2 MR. MISTLER: That was in the guy in the white
3 Cadillac.

4 See, I went away on vacation --

5 INVESTIGATOR GARDNER: Right.

6 MR. MISTLER: -- and we came back the following
7 Sunday and that, and before we even got out of the
8 truck, some of the neighborhood boys that knew my son,
9 had run up there and said Adam Walsh is missing, you
10 know, he's been missing.

11 And my wife and I said, oh, my God, because we
12 were up at Sears like between two and four on that
13 afternoon and I had saw Mrs. Walsh, who I didn't make
14 the connection because I thought the lady in the
15 morning was Spanish.

16 INVESTIGATOR GARDNER: Right.

17 MR. MISTLER: And Mrs. Walsh said something to --
18 to, I believe it was John, you know, where could he
19 be, you know.

20 INVESTIGATOR GARDNER: Exactly.

21 MR. MISTLER: And so that's why I didn't think
22 those two people were connected at all, because I
23 thought that was Spanish.

24 Because when I had went home, I went out to the
25 motorcycle shop, I had picked up a chain and some other

1 parts I'd ordered for them ATC's and then I went back
2 home and I told my wife about this story, you know, and
3 I kept asking her, what does Cooter mean and she didn't
4 know what Cooter meant.

5 And there was an old lady that -- that used to
6 walk up and down, you know, on our street and we would
7 like talk and we knew she spoke Spanish, but not very
8 good English, and I even wanted to go to see if, you
9 know, I could go to her and find out what the hell
10 Cooter meant.

11 INVESTIGATOR GARDNER: Uh-huh.

12 MR. MISTLER: I was that curious what Cooter
13 meant, you know.

14 INVESTIGATOR GARDNER: All right.

15 MR. MISTLER: So, then we went ahead and went on
16 our vacation, we left about probably five o'clock in
17 the morning --

18 INVESTIGATOR GARDNER: Right.

19 MR. MISTLER: -- which would have been normal so
20 we can get out of Broward County and that before the
21 traffic gets bad.

22 We got up to Nashville (phonetic) Forest, it
23 usually takes about five hours, you know.

24 INVESTIGATOR GARDNER: Okay. What I'd like to do
25 today on this test, the question -- a lot of the

1 questions are gonna be the same questions you heard
2 before.

3 MR. MISTLER: Uh-huh.

4 INVESTIGATOR GARDNER: Okay? It's a similar type
5 test, I'm still interested in these same type issues.

6 I want to direct a couple questions a little more
7 specific towards exactly what you're telling me. Let
8 me just change a couple of words here.

9 Let me review all the questions with you.

10 MR. MISTLER: Okay.

11 INVESTIGATOR GARDNER: Once again, I'll do it them
12 in -- with types, and they're really simple questions.
13 If you'd just answer these out loud.

14 Were you born in Kentucky?

15 MR. MISTLER: Yes.

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

18 MR. MISTLER: Yes.

19 INVESTIGATOR GARDNER: Is today Thursday?

20 MR. MISTLER: No.

21 INVESTIGATOR GARDNER: Is today Wednesday?

22 MR. MISTLER: Yes.

23 INVESTIGATOR GARDNER: I have my days mixed up.

24 MR. MISTLER: You're looking forward to the
25 weekend.

1 INVESTIGATOR GARDNER: No, I just had a week like
2 you read about. We even worked Monday, it was a
3 holiday, and I just kinda -- we're the only ones that
4 worked in the whole courthouse, so it just kinda throws
5 -- when those weeks happen, sometimes it just throws
6 your day calendar off.

7 So, okay. Did you ever go to school?

8 MR. MISTLER: Yes.

9 INVESTIGATOR GARDNER: And are you completely
10 convinced I will only ask you questions on this test we
11 have reviewed?

12 MR. MISTLER: Yes.

13 INVESTIGATOR GARDNER: Okay. I'm just reviewing
14 old questions

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

18 MR. MISTLER: Yes.

19 INVESTIGATOR GARDNER: Did you lie when you said
20 that you personally observed Otis Toole in a dark over
21 white Cadillac in July of 1981?

22 MR. MISTLER: No.

23 INVESTIGATOR GARDNER: Did you lie when you said
24 that you personally observed Otis Toole put a young
25 boy in his dark over white Cadillac in July of 1981?

1 MR. MISTLER: No.

2 INVESTIGATOR GARDNER: And once again, I'm gonna
3 get into a couple of questions regarding your veracity
4 and truthfulness, we've already discussed that before.
5 That type of question needs to be included in this
6 test.

7 Between the ages and 26 and 30, do you remember
8 ever telling a serious lie to someone who trusted you?

9 MR. MISTLER: No.

10 INVESTIGATOR GARDNER: Okay. And other than what
11 you have told me, because you mentioned a couple things
12 about when you were younger, during the first 30 years
13 of your life, do you remember ever lying to someone in
14 authority?

15 MR. MISTLER: The first 30 thirty years?

16 INVESTIGATOR GARDNER: Yes.

17 MR. MISTLER: Well, I'm sure I did, yeah.

18 INVESTIGATOR GARDNER: Well, you told me there was
19 a time right around when you were nineteen --

20 MR. MISTLER: Well, from nineteen -- The way you
21 asked it last time, from nineteen to 30.

22 INVESTIGATOR GARDNER: No. I asked -- The first
23 question is 26 to 30 and this one's during the first 30
24 years.

25 MR. MISTLER: No, I mean, when we met last time I

1 thought it was like --

2 INVESTIGATOR GARDNER: No, I got the question
3 sheet right over here.

4 Is it a problem then?

5 MR. MISTLER: No, I just remember that question
6 from last week was 19 to 30, because I did time and I
7 got out and I might have lied to people beforehand.

8 INVESTIGATOR GARDNER: This is the first sheet
9 from the first day, this is the second. I just copied
10 -- I copied them back over the same way.

11 'Cause put other than what you told me, because I
12 remember you specifically told me there were a couple
13 instances around the time when you were maybe eighteen,
14 nineteen --

15 MR. MISTLER: Yeah, I did time for strong-armed
16 robbery.

17 INVESTIGATOR GARDNER: Right. You got bounced
18 around a little bit with the police --

19 MR. MISTLER: Yeah.

20 INVESTIGATOR GARDNER: -- and you're sure that you
21 lied to them.

22 But you said other than that incident, you had
23 never lied to anybody in authority.

24 MR. MISTLER: No. No. No.

25 INVESTIGATOR GARDNER: So that's why I'm prefacing

1 this, but I am doing the whole 30 years of your life,
2 first 30.

3 The question is, other than what you have told me
4 about during the first 30 years of your life, did you
5 ever lie to someone in authority?

6 MR. MISTLER: No.

7 INVESTIGATOR GARDNER: Okay. And another question
8 will be, is there something else you're afraid of I'll
9 ask you a question about during this test?

10 MR. MISTLER: No.

11 INVESTIGATOR GARDNER: Okay. The -- The incidents
12 that you've told me about today, the -- when I -- the
13 follow-up information I've gathered, you know, from
14 last week to today, (inaudible) vacation, you know,
15 age, (inaudible) illnesses or anything I asked you,
16 there's nothing to suggest there's anything has created
17 you to be in a situation now where you would be
18 unsuitable to do the test.

19 I do have to put a make-up lie in every -- in
20 every test series that I do, just to confirm that
21 you're -- that you are responding and reacting as you
22 should.

23 For the purposes of this test, what I'd like you
24 to do is pick a letter between C and H.

25 MR. MISTLER: D.

1 INVESTIGATOR GARDNER: Okay. For this test I will
2 ask you in alphabetical order. Did you pick the letter
3 B, did you pick the letter C, did you pick the letter
4 E, D --
5 MR. MISTLER: D.
6 INVESTIGATOR GARDNER: -- E and F. Okay.
7 MR. MISTLER: Yeah. And you want me to answer --
8 INVESTIGATOR GARDNER: Truthfully to every
9 question, except the one you picked.
10 MR. MISTLER: You want me to lie on D?
11 INVESTIGATOR GARDNER: Yes, sir.
12 MR. MISTLER: Okay.
13 INVESTIGATOR GARDNER: So I'll say did you pick
14 the letter B?
15 MR. MISTLER: No.
16 INVESTIGATOR GARDNER: Did you pick the letter C?
17 MR. MISTLER: No.
18 INVESTIGATOR GARDNER: Did you pick the letter D?
19 MR. MISTLER: No.
20 INVESTIGATOR GARDNER: Did you pick the letter E?
21 MR. MISTLER: No.
22 INVESTIGATOR GARDNER: Did you pick the letter F?
23 MR. MISTLER: No.
24 INVESTIGATOR GARDNER: Okay. That's what we're
25 gonna do.

1 Just lean forward just a little bit.
2 Raise your arms a little higher this time.
3 Turn your (inaudible) up.
4 Relax your arm, bend your elbow.
5 Okay. Just relax. Feet flat on the floor as you
6 are. If you'd face off toward the brown chair.
7 If you'll close your eyes.
8 I'll let you know when I'm gonna inflate the cuff
9 on your arm. The first question will come about ten
10 seconds after that. I'll space the remaining questions
11 about fifteen seconds apart.
12 As we reviewed, I'll start the questions with the
13 letter B and I will go in alphabetical order. I need
14 you to answer each question truthfully. I need you to
15 remember your letter and I need you to remember to lie
16 when we come to yours, and answer truthfully to all the
17 rest.
18 Close your eyes. I'll let you know in just a
19 moment when I'll be inflating the cuff.
20 I'm inflating the cuff on your arm now.
21 The test is about to begin.
22 Did you pick the letter B?
23 MR. MISTLER: No.
24 INVESTIGATOR GARDNER: Did you pick the letter C?
25 MR. MISTLER: No.

1 INVESTIGATOR GARDNER: Did you pick the letter D?

2 MR. MISTLER: No.

3 INVESTIGATOR GARDNER: Did you pick the letter E?

4 MR. MISTLER: No.

5 INVESTIGATOR GARDNER: Did you pick the letter F?

6 MR. MISTLER: No.

7 INVESTIGATOR GARDNER: Test is over. Open your
8 eyes. Don't move yet, please.

9 (Inaudible).

10 MR. MISTLER: No, (inaudible).

11 Yeah, I have one, but (inaudible) knows what day
12 it says on it.

13 INVESTIGATOR GARDNER: If you'd go ahead and sign
14 this (inaudible).

15 Once, again, just (inaudible) everything's working
16 the way it's supposed to. What we end up with -- We've
17 got the largest reaction in the green line comes up.
18 This is what we call in polygraph a double saddle. It
19 comes up to the point of the line at D and then
20 actually increases again off of that.

21 And then afterwards it relaxes, you see it's just
22 on a steady trend down afterwards.

23 MR. MISTLER: Uh-huh.

24 INVESTIGATOR GARDNER: Plus up here we have what
25 we call a staircase (inaudible). If you look at this,

1 right there in that little notch, that's a -- that's at
2 the point of your answer, and then we end up, you can
3 just see, it's just a staircase.

4 MR. MISTLER: That's D at the top.

5 INVESTIGATOR GARDNER: Exactly.

6 MR. MISTLER: Yeah.

7 INVESTIGATOR GARDNER: That's the one that you
8 lied about. So you're still -- I showed you on the
9 last one time --

10 MR. MISTLER: Yeah. (Inaudible).

11 INVESTIGATOR GARDNER: Yeah, your charts are very
12 good. There's not a whole lot of problem reading your
13 charts.

14 So what we'll do now is we'll go into the
15 questions about this incident on July of '81 and we'll
16 run through those questions at least two times.

17 Okay. Bill, if you'll get yourself seated as
18 comfortably as you can. Feet flat on the floor, face
19 forward toward the brown chair, close your eyes.

20 I'll let you know the moment I'm gonna be
21 inflating the cuff (inaudible).

22 I'm inflating the cuff on your arm.

23 The test is about to begin.

24 Were you born in Kentucky?

25 MR. MISTLER: Yes.

1 INVESTIGATOR GARDNER: Regarding the abduction of
2 Adam Walsh, do you intend to answer truthfully to the
3 best of your (inaudible)?

4 MR. MISTLER: Yes.

5 INVESTIGATOR GARDNER: Are you completely
6 convinced I will only ask you questions on this test we
7 have reviewed?

8 MR. MISTLER: Yes.

9 INVESTIGATOR GARDNER: Between the ages of 26 and
10 30, did you ever tell any serious lie to someone who
11 trusted you?

12 MR. MISTLER: No.

13 INVESTIGATOR GARDNER: Did you lie when you said
14 you personally observed Otis Toole in a dark over white
15 Cadillac in July of 1981?

16 MR. MISTLER: No.

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

20 MR. MISTLER: No.

21 INVESTIGATOR GARDNER: Did you lie when you said
22 that you personally observed Otis Toole put a young boy
23 in a dark over white Cadillac in July of 1981?

24 MR. MISTLER: No.

25 INVESTIGATOR GARDNER: Is there something else

1 you're afraid I'll ask you a question about during
2 this test?

3 MR. MISTLER: No.

4 INVESTIGATOR GARDNER: The test is over, open your
5 eyes. Don't move yet, please.

6 If you'll close your eyes, (inaudible) cuff on
7 your arm.

8 I'm inflating the cuff on your arm now. The test
9 is about to begin.

10 Do most people call you Bill?

11 MR. MISTLER: Yes.

12 INVESTIGATOR GARDNER: Regarding the abduction of
13 Adam Walsh, do you intend to answer truthfully each
14 question about that?

15 MR. MISTLER: Yes.

16 INVESTIGATOR GARDNER: Are you completely
17 convinced I will only ask you questions on this test we
18 have reviewed?

19 MR. MISTLER: Yes.

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

23 MR. MISTLER: No.

24 INVESTIGATOR GARDNER: Did you lie when you said
25 that you personally observed Otis Toole in a dark over

1 white Cadillac in July of '81?

2 MR. MISTLER: No.

3 INVESTIGATOR GARDNER: Between the ages of 26 and
4 30, do you remember lying to someone who trusted you?

5 MR. MISTLER: No.

6 INVESTIGATOR GARDNER: Did you lie when you said
7 that you personally observed Otis Toole put a young boy
8 in a dark over white Cadillac in July of 1981?

9 MR. MISTLER: No.

10 INVESTIGATOR GARDNER: Is there something else
11 you're afraid I'll ask you a question about during this
12 test?

13 MR. MISTLER: No.

14 INVESTIGATOR GARDNER: The test is over. Open
15 your eyes, don't move yet.

16 I can get you to sign (inaudible) please.

17 One thing I'm curious about, Bill, (inaudible)
18 who's Uncle Buck?

19 MR. MISTLER: That's that movie. Haven't you ever
20 seen that movie?

21 INVESTIGATOR GARDNER: No.

22 MR. MISTLER: Uncle Buck's a real sloppy dressed
23 guy, and he's always going to the track and got a cigar
24 and got a car that burns oil and just like, you know --

25 INVESTIGATOR GARDNER: Who was he?

1 MR. MISTLER: John Candy played the part.

2 INVESTIGATOR GARDNER: Oh, okay.

3 (Inaudible) a few minutes while I take a look at
4 these?

5 MR. MISTLER: Sure.

6 INVESTIGATOR GARDNER: (Inaudible).

7 MR. MISTLER: Okay.

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

9 (Thereupon, the following was heard on Tape 2,
10 Side 1.)

11 INVESTIGATOR GARDNER: I've got some activity on
12 these charts that I'm gonna take some time and do some
13 detail analysis on before I do anything else, having
14 any conversations with you. Okay?

15 MR. MISTLER: So what's that mean?

16 You know one way or another, Terry, you know.

17 INVESTIGATOR GARDNER: I got my -- I have my -- I
18 have some opinions, but before I really pursue them, I
19 really do -- I'm not jerking you around.

20 MR. MISTLER: Yeah. All right.

21 INVESTIGATOR GARDNER: I want to do some -- I want
22 to do some detailed -- look at these things. I want to
23 do a little conferring with an associate to take a look
24 and, you know -- I candidly don't -- I don't like
25 everything I see, but I don't want to jump to a

1 conclusion in the same respect.

2 MR. MISTLER: Yeah.

3 I just came here -- You know, when you get done
4 here, you want either a yes or no, you know --

5 INVESTIGATOR GARDNER: I understand. And I'm not
6 trying to leave --

7 MR. MISTLER: But I understand your side too.

8 INVESTIGATOR GARDNER: -- you hear disappointed.
9 I -- This is too important to --

10 MR. MISTLER: Oh, I know.

11 INVESTIGATOR GARDNER: You know, so that's why I
12 am where I am.

13 What I would like you to do -- I don't know you,
14 the detectives here, you know, Detective Smith and Mr.
15 Rick, none of us really know you, okay, we don't know
16 your background or anything else. And what I'm -- what
17 I'm trying to say, there's a lot of different things
18 that can cause problem -- that can cause memories to
19 reflect a difference in what actually might have been
20 to what -- to what is perceived fourteen years later
21 as it definitely was.

22 And I need you to do some self-analysis and that
23 kind of thing just between now and the next time we
24 talk to you about this, if you would.

25 MR. MISTLER: Uh-huh.

1 INVESTIGATOR GARDNER: It's --

2 MR. MISTLER: What do you mean?

3 INVESTIGATOR GARDNER: Well, there's -- Okay. I
4 understand.

5 MR. MISTLER: Give me an example.

6 INVESTIGATOR GARDNER: Well, an example is, you've
7 seen the old story, you've probably haven't experienced
8 in your own life, but I know back in school, I can
9 remember when I was in grade school, one thing they
10 would -- they'd tell somebody in the back corner of the
11 room a sentence and then ask them to tell the next
12 person --

13 MR. MISTLER: Yeah, by the time it gets to the
14 front it's --

15 INVESTIGATOR GARDNER: It doesn't even relate to
16 what happens there.

17 MR. MISTLER: Yeah.

18 INVESTIGATOR GARDNER: Well, we can do the same
19 things to ourselves individually, okay, over a period
20 of time, reflecting back on something, reflecting back
21 on something. Picking up on a thought, well, this was
22 -- Yeah, there was this thing, too, when maybe this
23 thing -- this thing, too, wasn't necessarily with this
24 incident, it was with a similar incident but they can
25 flow in to it.

1 And it's just a possibly. And those things can
2 happen.

3 All I'm asking you to do is just do some serious
4 self-analysis of the incident. Don't try -- I'm not
5 asking you to dig up new facts about what happened back
6 in 1981, I'm just asking you to do some -- do some --
7 do some sincere self-analysis of all the times you'd
8 thought about this over the years and try to -- try to,
9 as best you can take yourself back, and this is a damn
10 difficult thing to do, but try to put a filter up there
11 and filter out everything from -- from February 21st,
12 1996 back to the first week of August 1981, and try to
13 see -- try to look at that, you know, when you first
14 came back from that camping trip when you heard that.

15 MR. MISTLER: Uh-huh.

16 INVESTIGATOR GARDNER: When you came home from
17 Sears that day, you talked to your wife. Try to look
18 at that because there's been a lot of things that you
19 -- have, from what you told me last time, there's a lot of
20 things that you have come up with that -- that has --
21 your memory's been jogged and you've come up with it;
22 the license plate number --

23 MR. MISTLER: Uh-huh.

24 INVESTIGATOR GARDNER: -- and things of that sort,
25 that has come to you years after the fact.

1 So the things -- And if there's -- The problem we
2 have in polygraph and the reason I'm asking you to do
3 this, if there's things that have come into your memory
4 of that, okay, that may not necessarily have been
5 accurate, but you have rehashed it in your mind and
6 rehashed it in your mind so it becomes part of your
7 scenario of that event, and you consciously -- you
8 consciously have been relating that story to Detective
9 Smith and to Mr. Ray and myself.

10 MR. MISTLER: It'd be the same story, Terry, a
11 month from now --

12 INVESTIGATOR GARDNER: Okay. I'm just asking you,
13 that's all I can do is ask.

14 MR. MISTLER: Yeah.

15 INVESTIGATOR GARDNER: You know, I'm just -- you
16 know, I'm just --

17 MR. MISTLER: It's -- Really it's crystal clear
18 in my mind.

19 INVESTIGATOR GARDNER: Okay.

20 MR. MISTLER: You know, I have no problem with it.
21 I really don't.

22 INVESTIGATOR GARDNER: Okay.

23 MR. MISTLER: I have nothing gain by making the
24 story up like this.

25 INVESTIGATOR GARDNER: I'm not suggesting you do.

1 I'm just trying -- You see, I have a problem in
2 polygraph, I have to try to -- once a test is over
3 with, I can read the charts and I can come to a
4 conclusion and then when the conclusion doesn't match
5 up with the story I've been told, like it did last
6 week, I'm at a loss.

7 MR. MISTLER: Yeah.

8 INVESTIGATOR GARDNER: 'Cause I don't have a
9 crystal ball.

10 MR. MISTLER: No, I can appreciate that.

11 INVESTIGATOR GARDNER: If my equipment came with a
12 crystal ball, I'd be -- I'd be in fat city. I'd crank
13 that baby up right now, you know, I'd ask you a few
14 questions, (inaudible) and I'd have the answers written
15 right inside. I don't have that.

16 All I have is you and me to discuss it --

17 MR. MISTLER: Yeah.

18 INVESTIGATOR GARDNER: -- you know, until we can
19 figure out what the hell's causing, you know, the
20 charts to react the way they are. And the charts are
21 only a reproduction of what's happening inside of you.

22

23 MR. MISTLER: Yeah.

24 INVESTIGATOR GARDNER: You know, and that's what
25 -- that's what -- that's what I have to interpret.

1 Today's thing, though, like I say, I don't want to
2 address anything, 'cause I want to take a long, hard
3 look at these, I'm gonna put some good numbers to them.
4 I have an associate I want to show a couple things to
5 just get an independent opinion, just on charts. Take
6 a look, what do you think.

7 You know, I've been doing it twelve years, you
8 know, and I trust my opinion, this one associate, he's
9 brought stuff to me before. You know, you get
10 (inaudible), hey, you ever seen anything like this
11 before, exactly what do you think, you know. You don't
12 even tell him what you've got, just let them look at it
13 and see what they come up with.

14 And I really want to do that with this.

15 MR. MISTLER: Yeah, that's fine with me. But like
16 I say, it's certain little things that made me lock in
17 --

18 INVESTIGATOR GARDNER: Uh-huh.

19 MR. MISTLER: -- what I, you know, what I
20 remember.

21 INVESTIGATOR GARDNER: Right.

22 MR. MISTLER: I mean, like the thought of
23 Christmas --

24 INVESTIGATOR GARDNER: Uh-huh.

25 MR. MISTLER: -- made me lock that in.

1 I mean, like the other day you were saying, you
2 know, about maybe he didn't have that hat on. I mean,
3 that is so crystal clear in my mind, you know, what I
4 saw there, you know.

5 I mean, it's like one little thought will lead to
6 another, and it'll -- and it kind of confirms.

7 I mean, if I were to live to a hundred, I'll still
8 you he had a red hat on that day with green pants and
9 the same way with those, with the --

10 INVESTIGATOR GARDNER: I wasn't there that day and
11 --

12 MR. MISTLER: I realize that.

13 INVESTIGATOR GARDNER: -- once again, I mentioned
14 this to you last week, but I have been told, and I
15 haven't read the whole file, I haven't had that luxury,
16 I haven't had the time to do that. I've been doing
17 other stuff -- to make myself familiar with this, I
18 went over the incidents --

19 MR. MISTLER: Yeah, I remember --

20 INVESTIGATOR GARDNER: But I have been -- I have
21 been told by those that are closely involved in this
22 case, that it is documented from the day that that
23 little boy was missing, that Adam was missing, he
24 didn't have a hat on. I mean, that was way back then,
25 and I remember your comment last week, something to the

1 effect, you don't care if his mother said he did or
2 didn't.

3 MR. MISTLER: (Inaudible) mother said, really.

4 INVESTIGATOR GARDNER: But the reality is, of all
5 the things that are -- you know, that are important or
6 unimportant and why would someone, you know, say
7 something that wasn't, why the hell would she say he
8 had a blue hat if he had a red hat on. You know what
9 I'm saying?

10 MR. MISTLER: Yeah.

11 INVESTIGATOR GARDNER: So, you know, I don't doubt
12 -- I see the sincerity in your eye when you tell me
13 that and when you make the comments about it after the
14 test even last week, but in the same respect, that is
15 one -- one factual thing --

16 MR. MISTLER: Well, he was -- I'll tell you, it
17 was an adult's hat. It isn't the hat that you see on
18 him in the paper.

19 INVESTIGATOR GARDNER: Uh-huh.

20 MR. MISTLER: It was an adult size hat, because it
21 came right down to here. Now, whether he went to the
22 mall with a different hat on and maybe his dad had a
23 hat that was in that car, you know, maybe his dad was a
24 couch, I don't know.

25 You know, I mentioned that to Detective Smith

1 also, but that is so crystal clear in my mind that --
2 whether it's ten years from now, it'll still be the
3 same because, I mean, of the different little pieces
4 that lock that in.

5 INVESTIGATOR GARDNER: Right.

6 MR. MISTLER: You know, where you'll remember one
7 little piece and then that locks in two or three
8 different things.

9 INVESTIGATOR GARDNER: Right. Like I said, I'm
10 not --

11 MR. MISTLER: Yeah, no, I can appreciate it.

12 INVESTIGATOR GARDNER: -- I'm not questioning your
13 sincerity when you say it 'cause I can see in your eye
14 when you're telling me the whole story, but that is
15 just one little thing that, from what I've been told
16 from those who have lived this case --

17 MR. MISTLER: Yeah.

18 INVESTIGATOR GARDNER: -- since, you know, since
19 '81, that that is one that -- that there is a conflict
20 between your recollection and what they were told
21 factually at the time when they filed their initial
22 reports.

23 MR. MISTLER: I mean, it's -- You know, a mother
24 can tell you -- I can't tell you what my kid had on
25 yesterday either, but, I mean, you know, there has to

1 be an explanation somewhere for that.

2 INVESTIGATOR GARDNER: Right. Exactly.

3 MR. MISTLER: And you're not gonna bend me on
4 that.

5 INVESTIGATOR GARDNER: I'm not trying --

6 MR. MISTLER: Nobody would ever -- Nobody would
7 ever bend me on --

8 INVESTIGATOR GARDNER: Bill, I'm not trying to
9 bend you on anything.

10 MR. MISTLER: -- because my mind has got that
11 locked in there so tight because of the Christmas
12 thoughts.

13 INVESTIGATOR GARDNER: Right.

14 MR. MISTLER: The red, the green -- the red, the
15 green with him, the -- even though his hair looks
16 brown, if you look at it and you see the red in it if
17 you put him in the sun.

18 INVESTIGATOR GARDNER: Uh-huh.

19 MR. MISTLER: And the green on his teeth, you
20 know. And, I mean, that's like it was yesterday.

21 INVESTIGATOR GARDNER: Right.

22 MR. MISTLER: I mean, truthfully, and I've been
23 over this millions of times in the last four years.
24 You know, I've been through four years of this already.
25 Truthfully, you know.

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INVESTIGATOR GARDNER: I know that. I appreciate
you coming in.

MR. MISTLER: Thank you, sir.

INVESTIGATOR GARDNER: I'll let you on
(inaudible).

(Thereupon, Tape 2, Side 1 concluded.)

CERTIFICATE OF REPORTER

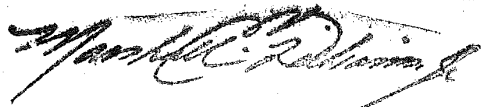
STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

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

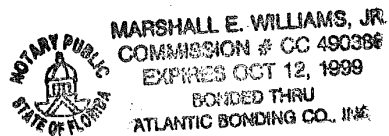
DO HEREBY CERTIFY that the foregoing tape recorded polygraph interview was reduced to typewritten form under my supervision; and the foregoing pages numbered 1 to 71 are a true record of the contents of the tape recording.

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 24th day of March, 1997.



Notary Public, State of Florida at Large.
My commission expires:



NOTES ON INTERVIEW
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INV. T. GARDNER,
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- 1-46 Pre-test conversation.
- 47 Went to Sears the last Monday in July of 1981,
about 10:30 A.M..
- 48 Sat behind an old lady in the parking lot for 6 -
8 minutes. Was on the side of Sears by the garden
entrance.
- 49-52 Other vehicle, a Cadillac, pulls up from the other
direction and stops. Begins his description of the
driver - hair stood up like an antenna, made eye-
contact and he thought "upright animal, mini-big
foot, circus." A red tint to the hair. Teeth were
"green as grass." Reminded him of Christmas and a
8th grande school-mate Jessie McKnight who had
green teeth.
- 52-53 The subject gets out and he sees him talking to
"Adam." Traffic is backed up into the street.
- 53 Discusses other boys and a woman standing in the
area. Refers to the man as "Ottis."
- 54 Woman looks at man like she knew him. He refers to
the man as "Uncle Buck." The old woman in front of
him drives forward, he looks back and the woman and
children are gone.
- 55 Stopped straight across from his seat and could look
into the inside of the Cadillac. Describes that he
is now feeling something is wrong.
- 56 Ottis is wearing a shirt covered in perspiration -
suit pants - pinstripe - fit like a glove.
- 59 Describes he is having a physical reaction - shaking,
entire body is vibrating - last three minutes.
- 61 Eventually looks back and the people are gone, he
thinks they went into the store. Car is still
there.

NOTES ON INTERVIEW
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- 62-64 Sees man and "Adam" - slams on brakes. Recognizes Cadillac as a 1971, clean as a pin, 1E tag - ALAUCHIA CO. (In 1971 1E was Dade Co. designation). Well water on the hood. Dent in the back bumper.
- 64-65 He is holding up traffic - horns blowing - one driver is shouting at him.
- 65-66 Describes "Adam" walking with "Ottis". He thinks the scene is like he and his own grandfather. They enter car and he refers to gardening tools (see also page 57-58).
- 67 He insists that the boy had on a red hat. Vehicle had a green interior.
- 72 Parked his car and by then the vehicle was gone.
- 74-76 Describes a woman yelling "Cooter, Cooter" and running down the aisle. Woman slams her purse down to the floor and runs off. She returns and throws herself down on a table of shirts, two old women come and calm her down.
- 76-78 Describes returning to the store between 2 and 4 P.M. with his wife and son. Sees a blond woman crying, John WALSH, a police officer, and an unidentified man. Hears a page for Adam WALSH and then they leave the store.
- 78-80 Returns from vacation and a neighbor boy tells them Adam WALSH has disappeared. At the time the morning event at Sears and the WALSH disappearance does not connect. About one month later while in the Sears parking lot he recalls the incident with the "old man" and the kid. His wife convinces him to go to the police but enroute he hears a radio broadcast regarding a blue van involved in the case and he decides his information is not connected to the WALSH case and he returns home.
- 81 Says he first identified TOOLE about a month or so after the crime (?). Two years later he viewed Chief WITT's news briefing and saw Ottis TOOLE and instantly recognized him.

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- 82-83 Inv. GARDNER asks him to explain, having seen Adam WALSH's picture, why he didn't recognize him as the victim. He says it was because he didn't look like a six year old, couldn't remember the color of the ball hat, and didn't remember the shorts.
When asked how he remembers things now the witness says because he ties it into Christmas - red hat/green pants, red hair/green teeth, and car had red or green upholstery.
- 84-86 Asked why he didn't go to police in 1983 he provides struggling with decision and concluding that his testimony was not needed.
- 87-88 Explains that like Ted BUNDY the State of Florida convicted TOOLE of four murders and so was not going to spend the money to try TOOLE for the Adam WALSH murder.
- 88-89 He never connected the published photos of Adam WALSH to the boy he saw on July 27, 1981.
- 89 Says the tag was 1E5087 - Alauchia.
- 90 Describes how the tag number "came" to him thru hypnosis and re-visiting the scene.
- 96-107 Polygraph.