

1 looking at that photograph to the police
2 officers?

3 A. ~~"That looks like the guy".~~

4 Q. And when you say "that looks like the
5 guy", to whom are you referring?

6 A. The guy that was there that day.

7 Q. Okay. At some point later did you have
8 an opportunity to look a photo lineup?

9 A. Yes.

10 Q. Was that at the Walnut Creek Police
11 Department?

12 A. Yes.

13 Q. And prior to looking at that, to
14 looking at that photo lineup were you given a photo
15 lineup admonishment where one of the detectives
16 said "it's important for you to -- we are going to
17 have you look at a series of photographs or group
18 of photographs. It is -- don't assume anything by
19 the fact that we are showing you these photographs.
20 It is as important to point out the innocent, or
21 free the innocent as it is to point out the
22 guilty", something along those lines?

23 A. Uh-huh.

24 Q. Is that a yes?

25 A. Yes.

26 Q. Did you understand those instructions?

27 A. Yes.

28 Q. Now, prior to viewing that photographic

1 lineup do you remember anybody making any comments
2 to you about who the suspect was from anybody else,
3 that somebody else had identified somebody or
4 anything like that?

5 A. No.

6 Q. Are you aware whether that happened or
7 not?

8 A. I don't remember anybody mentioning the
9 name besides me.

10 Q. Did that photo lineup that you looked
11 at occur during your interview with the detectives
12 or at some point later?

13 A. I'm sorry, could you ask the question
14 again?

15 Q. At some point at the Walnut Creek
16 Police Department you were brought in to an
17 interview room --

18 A. Uh-huh.

19 Q. -- is that right?

20 And did you -- did some detectives come in
21 and interview you for hours?

22 A. Yes.

23 Q. Were you still in that room during that
24 interview that you viewed this photo lineup or was
25 it sometime later, or before?

26 A. It was during the -- while they were
27 in the interview.

28 Q. Were you still in that same room when