



**LOS ANGELES COUNTY
DISTRICT ATTORNEY'S
RESPONSE TO
STANLEY WILLIAMS'
PETITION FOR
EXECUTIVE CLEMENCY**

November 16, 2005

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When one person kills another, there is immediate revulsion at the nature of the crime. But in a time so short as to seem indecent to the members of the personal family, the dead person ceases to exist as an identifiable figure. To those individuals in the community of good will and empathy, warmth and compassion, only one of the key actors in the drama remains with whom to commiserate—and that is always the criminal. The dead person ceases to be a part of everyday reality, ceases to exist. She is only a figure in a historic event. We inevitably turn away from the past, toward the ongoing reality. And the ongoing reality is the criminal; trapped, anxious, now helpless, isolated, often badgered and bewildered. He usurps the compassion that is justly his victim's due. He will steal his victim's moral constituency along with her life.

The Killing of Bonnie Garland, by Willard Gaylin

TABLE OF CONTENTS

| | | |
|-------|--|-------|
| I. | INTRODUCTION..... | 1 |
| II. | 7-ELEVEN ROBBERY-MURDER..... | 1-4 |
| III. | BROOKHAVEN ROBBERY-MURDERS | 4-7 |
| IV. | FIREARM EVIDENCE | 7-10 |
| V. | CONSPIRACY TO ESCAPE FROM CUSTODY | 10-15 |
| VI. | STANLEY WILLIAMS' TRIAL BEHAVIOR AND THREATS TO JURORS | 16-17 |
| VII. | THERE IS OVERWHELMING EVIDENCE OF STANLEY WILLIAMS' GUILT..... | 17-22 |
| | A. LAYDUANE DOUGLAS | 18 |
| | B. JAMES GARRETT..... | 18-19 |
| | C. ESTER GARRETT | 19 |
| | D. ALFRED COWARD..... | 19-20 |
| | E. JOHNNY GARCIA..... | 20 |
| | F. ARMANDO DOMINGUEZ..... | 21 |
| | G. DALE COATES..... | 21 |
| | H. GEORGE OGLESBY | 22 |
| VIII. | TONY SIMS | 22-37 |
| | A. EXCERPTS FROM SIMS' MARCH 23, 1979 STATEMENT OF HOMICIDE INVESTIGATORS | 23-31 |
| | B. EXCERPTS FROM TONY SIMS' TESTIMONY AT TRIAL..... | 31-32 |

TABLE OF CONTENTS

C. EXCERPTS FROM TONY SIMS’ TESTIMONY AT HIS
SUBSEQUENT PAROLE CONSIDERATION HEARING
July 17, 1997 32-35

D. EXCERPTS FROM TONY SIMS’ TESTIMONY AT HIS
SUBSEQUENT PAROLE CONSIDERATION HEARING
July 24, 1997 35-37

IX. POST-ARREST ADMISSION BY STANLEY WILLIAMS 37-38

X. STANLEY WILLIAMS’ DEFENSE AT TRIAL..... 38-39

A. FRED HOLIWELL 38

B. EUGENE RILEY 39

C. JOSEPH MCFARLAND..... 39

D. BEVERLY MCGOWAN 39

XI. FOUNDER OF THE CRIPS STREET GANG..... 39-40

XII. PRISON BEHAVIOR-DISCIPLINE 40-41

XIII. PROCEDURAL HISTORY AND APPELLATE REVIEW 41-43

XIV. JURY PANEL..... 43-44

XV. WILLIAMS HAS NEVER TAKEN RESPONSIBILITY, HAS NEVER
APOLOGIZED, HAS NEVER SHOWN ANY REMORSE, AND HAS
NEVER AGREED TO BE DEBRIEFED BY PRISON AUTHORITIES..... 44-45

XVI. REVIEW OF LETTERS OPPOSING CLEMENCY..... 45-47

XVII. CONCLUSION 48-50

I. **INTRODUCTION**

On February 28, 1979, Stanley Williams murdered Albert Lewis Owens during a robbery of a 7-Eleven convenience store. On March 11, 1979, Stanley Williams murdered Tsai-Shai Yang, Yen-I Yang and Yee-Chen Lin during a robbery at their family run motel, the Brookhaven. In March of 1981, a jury convicted Stanley Williams of the first-degree murder and robbery of Albert Lewis Owens, the first-degree murders of Tsai-Shai Yang, Yen-I Yang and Yee-Chen Lin, and the robbery of Tsai-Shai Yang.

The jury also found true the allegations that Williams personally used a shotgun during the commission of each of the murders and robberies. Finally, the jury found true the special circumstance allegations of robbery-murder and multiple murder.

On April 15, 1981, the trial court, following the jury's recommendation, sentenced Williams to death. On October 11, 2005, the United States Supreme Court denied Williams' petition for writ of Certiorari. On October 24, 2005, Williams' execution date was set for December 13, 2005.

This cold-blooded killer, Stanley Williams, now seeks mercy, the very mercy he so callously denied Albert, Tsai-Shai, Yen-I, and Yee-Chen. Stanley Williams does not deserve this mercy. In fact, despite the overwhelming nature of the evidence against him, and despite the non-existence of any credible defense, Stanley Williams has steadfastly refused to take any responsibility for the brutal, destructive, and murderous acts he committed. Without such responsibility, there can be no redemption, there can be no atonement, and there should be no mercy.

For nearly 25 years, justice has been held in abeyance while Williams took advantage of a legal system designed to protect his rights. His rights have been protected. It is now time for the victims' voices to be heard. We ask that clemency be denied, and that the ultimate punishment, imposed so many years ago, now be fulfilled.

II. **7-ELEVEN ROBBERY-MURDER**

Late on the evening of Tuesday, February 27, 1979, Stanley Williams introduced his friend Alfred Coward, a.k.a. "Blackie," to a man named Darryl. A short time later, Darryl, driving a brown station wagon, drove Williams to the residence of James Garrett. Coward followed in his 1969 Cadillac. (Trial Transcript (TT) 2095-2097). Stanley Williams often stayed at the Garrett residence and kept some of his belongings there, including his shotgun. (TT 1673, 1908).

Upon arriving at the Garrett residence, Williams went inside. (TT 2096). About ten minutes later, Williams returned carrying a twelve-gauge shotgun. (TT 2097-2098). Darryl

and Williams, with Coward following in his car, later drove to another residence, where they obtained a PCP-laced cigarette, which the three men shared.

After sharing the PCP cigarette, Williams, Coward and Darryl went to the residence of Tony Sims. (TT 2109). These four men then discussed where they could go in Pomona to make some money. (TT 2111). The four men then went to yet another residence where they smoked more PCP. (TT 2113-2116). While at this location, Williams left the other men for a brief period of time. When he returned, he had a .22 caliber handgun, which he also put in the station wagon. (TT 2117-2118). Williams then told Coward, Darryl and Sims they should go to Pomona. In response, Coward and Sims entered the Cadillac, Williams and Darryl entered the station wagon, and both cars traveled on the freeway toward Pomona. (TT 2118-2119).

Some time later, the four men exited the freeway near Whittier Boulevard. (TT 2186). They drove to a Stop-N-Go market and, at Williams' direction, Darryl and Sims entered the store to commit a robbery. At the time, Darryl was armed with the .22 caliber handgun Williams had previously placed in the station wagon. (TT 2117-2218; Tony Sims' Parole Hearing Dated July 17, 1997).

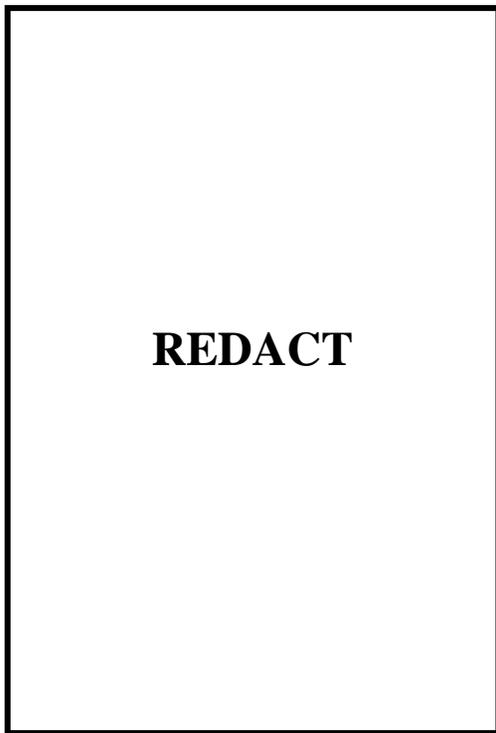
The clerk at the Stop-N-Go market, Johnny Garcia, had just finished mopping the floor when he observed a station wagon and four black men at the door to the market. (TT 2046-2048). Two of the men entered the market. (TT 2048). One of the men went down an aisle while the other approached Garcia. The man that approached Garcia asked for a cigarette. Garcia gave the man a cigarette and lit it for him. After approximately three to four minutes, both men left the market without carrying out the planned robbery. (TT 2049-2050). Williams became upset that Darryl and Sims did not commit the robbery. Williams told the men that they would find another place to rob. Williams said that at the next location all of them would go inside and he would show them how to commit a robbery. (Tony Sims' Interview Dated March 23, 1979; Tony Sims' Trial Testimony Dated April 14, 1981).

Coward and Sims then followed Williams and Darryl to the 7-Eleven market located at 10437 Whittier Boulevard. (TT 2186). The store clerk, twenty-six year old Albert Lewis Owens, was sweeping the store parking lot. (TT 2146). When Darryl and Sims entered the 7-Eleven, Owens put the broom and dust pan he was using on the hood of his car and followed them into the store. Williams and Coward followed Owens into the store. (TT 2146-2152).

As Darryl and Sims walked to the counter area to take money from the register, Williams walked behind Owens and told him "shut up and keep walking." (TT 2154). While pointing a shotgun at Owens' back, Williams directed him to a back storage room. (TT 2154). Once inside the storage room, Williams, at gunpoint, ordered Owens to "lay down, mother fucker." (TT 2160). Williams then chambered a round into the shotgun. (TT 2162). Williams then fired the round into the security monitor. (TT 2156-2157, 2162). Williams then chambered a second round and fired the round into Owens' back as he lay face down on the floor of the storage room. Williams then chambered a third round and fired again into Owens' back. (TT 2162).

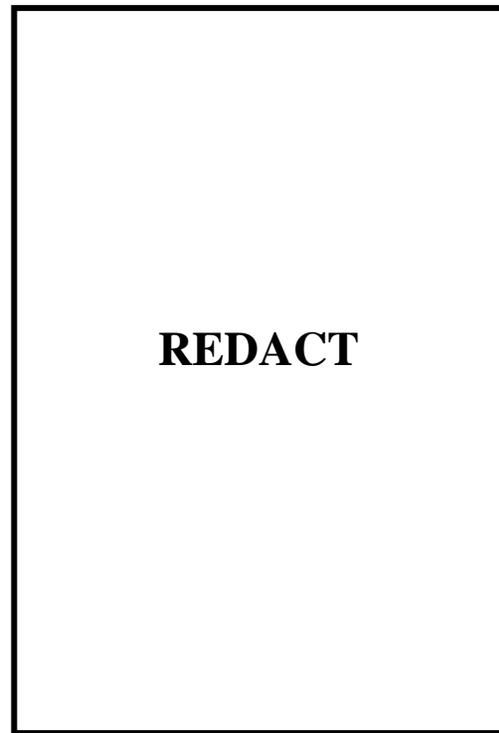


7-Eleven Security Monitor



REDACT

Albert Owens



REDACT

Albert Owens

Both of the shotgun wounds that Williams inflicted on Owens were fatal. (TT 2086). The pathologist who conducted the autopsy on Owens testified that the end of the barrel was “very close” to Owens’ body when he was shot. (TT 2077). One of the two wounds was described as “. . . a near contact wound.” (TT 2078).

REDACT

Albert Owens

After Williams murdered Owens, he, Darryl, Coward and Sims fled in the two cars and returned home to Los Angeles. The robbery netted Williams and his associates approximately \$120.00. (TT 2280). Once back in Los Angeles, Williams asked if anyone wanted to get something to eat. (TT 2178). When Sims asked Williams why he shot Owens, Williams said he “didn’t want to leave any witnesses.” Williams also said he killed Owens “because he was white and he was killing all white people.” (TT 2189, 2193).

Later that same day, Williams bragged to his brother Wayne about killing Owens. Williams said, “you should have heard the way he sounded when I shot him.” Williams then made gurgling or growling noises and laughed hysterically about Owens’ death. (TT 2195-2197).

III. **BROOKHAVEN ROBBERY-MURDERS**

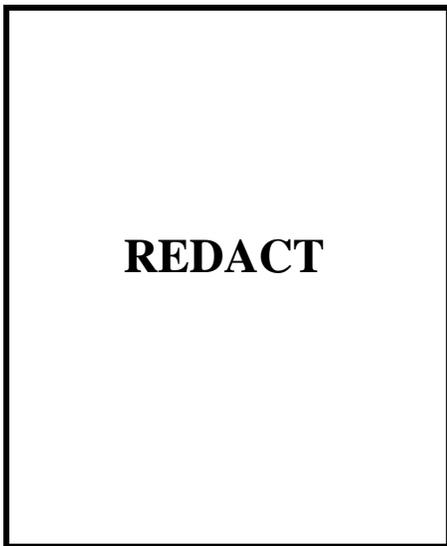
At approximately 5:00 a.m. on March 11, 1979, Stanley Williams entered the Brookhaven Motel at 10411 South Vermont Avenue. (TT 1411). After entering the public lobby area, Williams broke down the door that led to the private office. Once inside the private office, Williams, using his shotgun, killed seventy-six year old Yen-I Yang; Williams also killed Yang’s wife, sixty-three year old Tsai-Shai Yang; lastly, Williams killed Yang’s daughter, forty-three year old Yee-Chen Lin. Williams then removed the currency from the cash register and fled the location. (TT 1406-1442, 1562-1563, 1677-1720, 1915-1927).

Robert Yang was asleep with his wife in their bedroom at the Brookhaven Motel when he was awakened by the sound of somebody breaking down the door to the motel’s office. This sound was immediately followed by the sound of his mother or sister screaming, followed by gun shots. (TT 1409, 1411, 1433). When Robert entered the motel office he found his mother, his sister, and his father had all been shot. (TT 1412-1413). Robert observed that the cash register was open and money was missing. (TT 1414). It was later determined that the robbery of the Brookhaven Motel and the murder of the three members of the Yang family netted Stanley Williams approximately one hundred dollars.

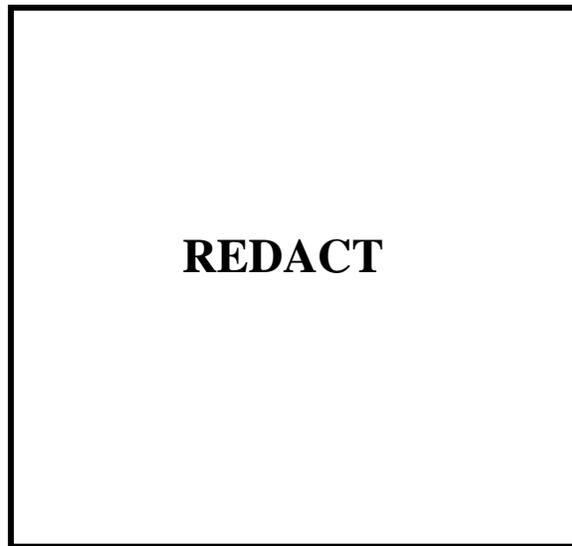
Robert Yang called 911. Two deputies from the Los Angeles County Sheriff's Department arrived within approximately ten minutes. (TT 1416). When the deputies entered the motel they noticed a strong odor of gun powder. (TT 1500). The deputies observed that the door leading from the public entrance into Yang's private living quarters had been forced open. The deputies observed the doorjamb was split open and the woodwork was torn away from the doorjamb. (TT 1508).

As they entered, they saw Yen-I Yang lying on a sofa. He was "soaked with blood," "gasping for air, and making gurgling noises." (TT 1501). They also saw the bloodied body of Tsai-Shai Yang. She was making "gurgling noises" and "gasping for air," with "her knees drawn up under her, and her face down on the floor," as if she had been forced to bow down before being killed. (TT 1502). Lastly, the deputies found the body of Yee-Chen Lin lying on the hallway floor.

According to the forensic pathologist, Yen-I Yang suffered two shotgun wounds. One shotgun wound was to his left arm and abdomen. This wound shredded Yen-I's left arm, fractured his ribs, and shattered his spleen, right kidney, bowel and large vessels. The other shotgun wound was to the lower left chest. This wound also fractured ribs and shattered the spleen, right kidney, bowel and large vessels. Moreover, a plastic shotgun shot container and associated wadding were recovered from the base of Yen-I's liver. The pathologist further explained that both of the Yen-I Yang's wounds were inflicted when the end of the muzzle was only feet from Yen-I's body. Despite the severity of these wounds, Yen-I clung to life. He was transported from the scene by paramedics to Daniel Freeman Hospital where he died at 6:53 a.m.

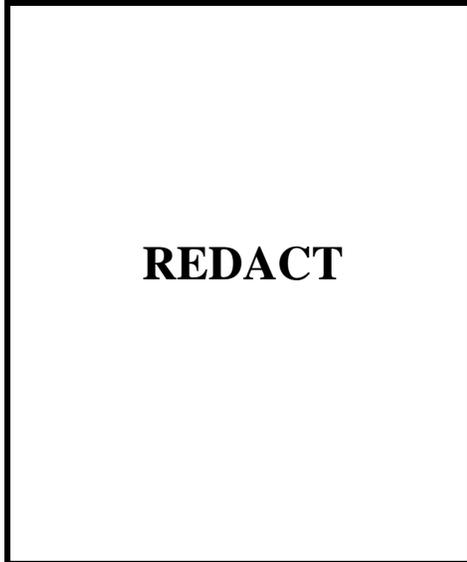


Yen-I Yang

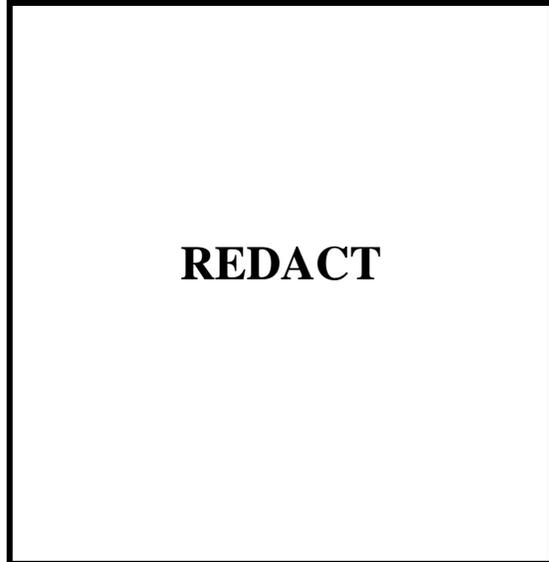


Yen-I Yang (Left Arm & Abdomen)

Yee-Chen Lin was shot once in the upper left face area at a distance of a few feet. Despite the truly horrific nature of the wound Stanley Williams inflicted upon her, Yee-Chen also clung to life. She was transported from the scene by paramedics to Centinela Hospital where she died at 7:36 a.m.

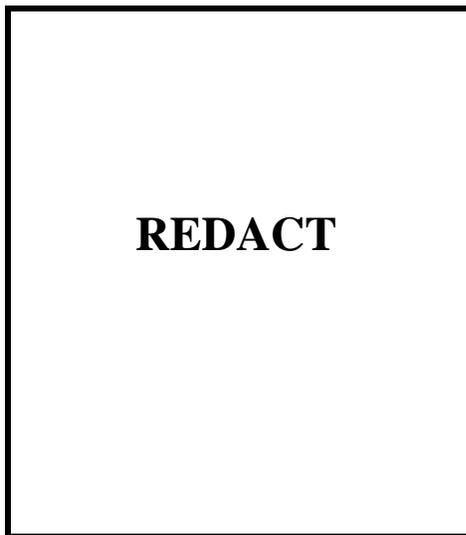


Yee-Chen Lin

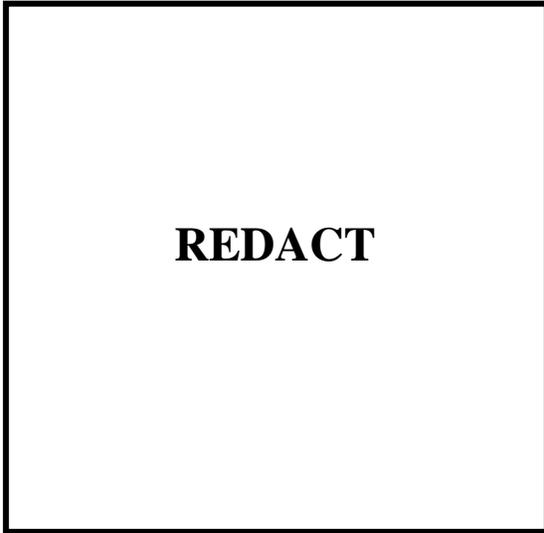


Yee-Chen Lin

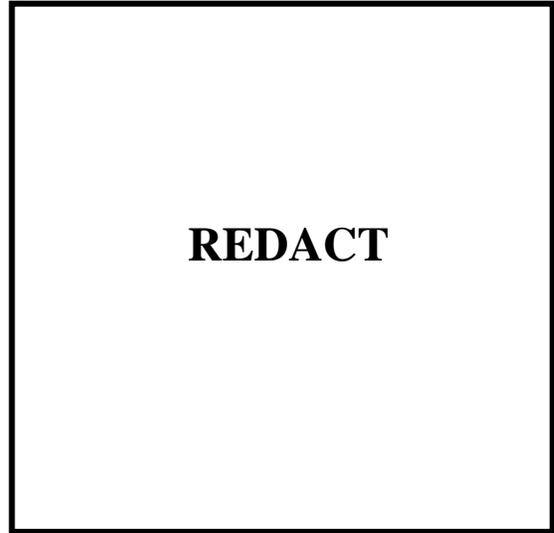
Tsai-Shai was shot twice at close range. The pathologist explained that one shotgun wound was to the coccyx or tail bone. Based on the physical characteristics of the wound and the fact that wadding, along with the plastic shot container, were recovered just beneath the skin of this wound, the muzzle of the gun must have been just inches from her body when she was shot and killed. (TT 1453). The other shotgun wound was to the anterior abdomen with the charge entering at the naval. At trial, the pathologist testified that the muzzle of the gun was a few feet from Tsai-Shai's body when the shot that caused this wound was fired. (TT 1454).



Tsai-Shai



Tsai-Shai (Abdomen)



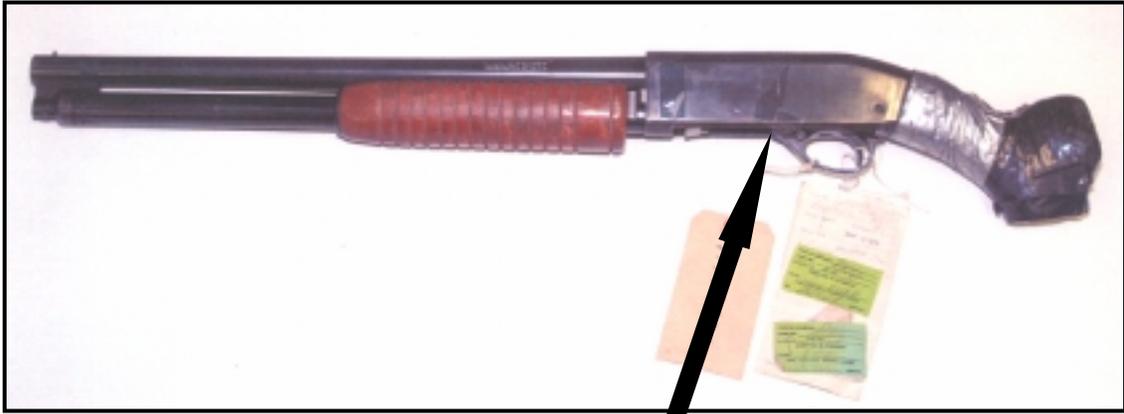
Tsai-Shai (Tail Bone)

IV. **FIREARM EVIDENCE**

One expended twelve-gauge shotgun shell was recovered by investigators during the crime scene investigation at the Brookhaven Motel. (TT 1506-1507). This expended shell was received as exhibit 9E at trial. (TT 1514, 1862-1863, 2300).

During the course of investigating the Brookhaven Motel murders, investigators recovered Williams' shotgun. (TT 1479-1489, 1691, 1863-1864, 1871-1872). This shotgun, a twelve-gauge High Standard slide-action shotgun bearing serial number 3194397, was received into evidence as exhibit 8. (TT 1487). In addition, a federal "Firearms Transaction Record" was received into evidence as exhibit 33. (TT 1483). This document records Williams' purchase of the shotgun, trial exhibit 8, on February 25, 1974. Williams signed the transaction record and used his California driver's license for identification purposes when he purchased the shotgun. At trial, a certified copy of Williams' driver's license was received as exhibit 32. (TT 1485).

Trial Exhibit 8



3194397
Shotgun Serial Number

RECORD CROSS REFERENCE COPY OF DRIVER LICENSE OR IDENTIFICATION CARD APPLICATION ON FILE WITH CALIFORNIA DEPARTMENT OF MOTOR VEHICLES FOR DMV OR LAW ENFORCEMENT USE ONLY

N2372747

CLASS 3
 Stanley Williams
 1627 W. 127th St.
 Los Angeles, Ca. 90044

SEX HAIR EYES HEIGHT WEIGHT PRE LIC EXP
 M Blk Brn 5-10 210 CA

DATE OF BIRTH 12-29-53 MUST WEAR CORRECTIVE LENSES

OTHER ADDRESS
 10-25-78
 Stanley Williams III
 3-3-77 JAG cb

SEE OVER FOR ANY OTHER CONDITIONS

SO INDEX



Trial Exhibit 32 (Front)

RIGHT THUMB PRINT

Stanley Williams
 1206 W. 127th St.
 Los Angeles, CA 90044

SEX HAIR EYES HEIGHT WEIGHT PRE LIC EXP
 M Blk Brn 5-9 210 CA

DATE OF BIRTH 12-29-53 MUST WEAR CORRECTIVE LENSES

OTHER ADDRESS
 10-25-78
 Stanley Williams
 10-25-78 LSA kc

CLASS 3, SECTION 12804 VEHICLE CODE

other name

CONFIDENTIAL

316101

FEE \$3.25

| | | | | | | | | |
|--------|-----|------|------|------|------|------|----------|-------|
| VISION | W/P | SIGN | CL-1 | CL-2 | CL-3 | CL-4 | MC SKILL | DRIVE |
| | | | | | | | | |

Trial Exhibit 32 (Back)

| | | | | |
|---|-------------------------------------|---|--|---|
| Form 4473 Part I (Rev. June 1976) Department of the Treasury Internal Revenue Service Alcohol, Tobacco and Firearms Division | |  Firearms Transaction Record Intra-State Over-the-Counter <small>NOTE: Please read and carefully follow the instructions on the back.</small> | | Transferor transaction number 411-12-04 |
| Section A—Statement of Transferee or Buyer #4339 | | | | |
| 1. Transferee's (buyer's) name (last, first, middle) <small>(Mr., Mrs., Miss)</small> <i>Stanley Williams</i> | 2. Height <i>5-8</i> | 3. Weight <i>200</i> | 4. Race <i>M</i> <i>BLK</i> | |
| 5. Address (number, street, city, State, ZIP code) <i>1032 W. 106th St</i> | 6. Date of birth <i>12-27-53</i> | 7. Place of birth <i>GA</i> | | |
| B. Certification of Transferee (Buyer)—an untruthful answer may subject you to criminal prosecution. Each question must be answered with a yes or no. a. Are you under indictment in any court for a crime punishable by imprisonment for a term exceeding one year? <i>NO</i> b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (Note: The actual sentence given by the judge does not matter—a yes answer is necessary if the judge could have given a sentence of more than one year.) <i>NO</i> c. Are you a fugitive from justice? <i>NO</i> d. Are you an unlawful user of, or addicted to, marijuana <i>NO</i> , depressant, stimulant, or narcotic drug? <i>NO</i> e. Have you been adjudicated mentally defective or have you ever been committed to a mental institution? <i>NO</i> f. Have you been discharged from the Armed Forces under dishonorable conditions? <i>NO</i> g. Are you an alien illegally in the United States? <i>NO</i> h. Are you a person who, having been a citizen of the United States, has renounced his citizenship? <i>NO</i> | | | | |
| I hereby certify that the answers to the above are true and correct. I understand that a person who answers any of the above questions in the affirmative is prohibited by Federal law from purchasing and/or possessing a firearm. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony. | | | | |
| Transferee's (buyer's) signature <i>Mr. Stanley Williams</i> | | Date <i>2/25/74</i> | | |
| Section B—Statement of Transferor or Seller | | | | |
| The person described in Section A, is known to me <input type="checkbox"/> , or has identified himself to me <input type="checkbox"/> in the following manner: | | | | |
| 9. Type of identification (driver's license, etc.) <i>Driver's License</i> | | 10. Number on identification <i>A2372747</i> | | |
| On the basis of: (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, or otherwise dispose of the firearm described below to the person identified in Section A. | | | | |
| 11. Type (pistol, rifle, etc.) <i>Shot Gun</i> | 12. Model <i>8111</i> | 13. Caliber or gauge <i>12</i> | 14. Serial number <i>3194397</i> | |
| 15. Manufacturer (and importer, if any) <i>Hi Standard</i> | | | | |
| 16. Transferor's (seller's) signature <i>Lorraine Hardin</i> | | 17. Transferor's title <i>Sales</i> | 18. Transaction date <i>2/25/74</i> | |
| Department of the Treasury—Internal Revenue Service | | Form 4473 Part I (Rev. 6-70) | | |

WILLIAMS' DATE OF BIRTH

WILLIAMS' SIGNATURE

WILLIAMS' DRIVER'S LICENSE NUMBER

SHOTGUN SERIAL NUMBER

DATE WILLIAMS PURCHASED SHOTGUN

Trial Exhibit 33

At trial, a firearms expert testified that the expended twelve-gauge shotgun shell that was recovered by investigators at the Brookhaven Motel, trial exhibit 9E, was fired from Williams' shotgun, trial exhibit 8, to the exclusion of all other firearms. (TT 1522-1523).

Two expended twelve-gauge shotgun shells were recovered by investigators during the crime scene investigation at the 7-Eleven. (TT 1979-1980, 1984). These expended shells were received as trial exhibits 9C and 9D. (TT 1982). Although these two shells lacked sufficient identifying characteristics to be conclusively matched to Williams' shotgun, the firearms expert

deputy to exit the bus. (TT 2400). Stanley Williams would then murder Alfred Coward ("Blackie") so as to eliminate the witness against him. Williams would also murder the other deputy on the bus. (TT 2400-2401). Lastly, Williams planned on blowing up the bus and its occupants with dynamite, in order to prevent the authorities from quickly discovering who had escaped. (TT 2403).

In a note, Williams wrote that a female had obtained a brand new shotgun for him. (TT 2402). This note was introduced at trial as exhibit 74.

GUNNER

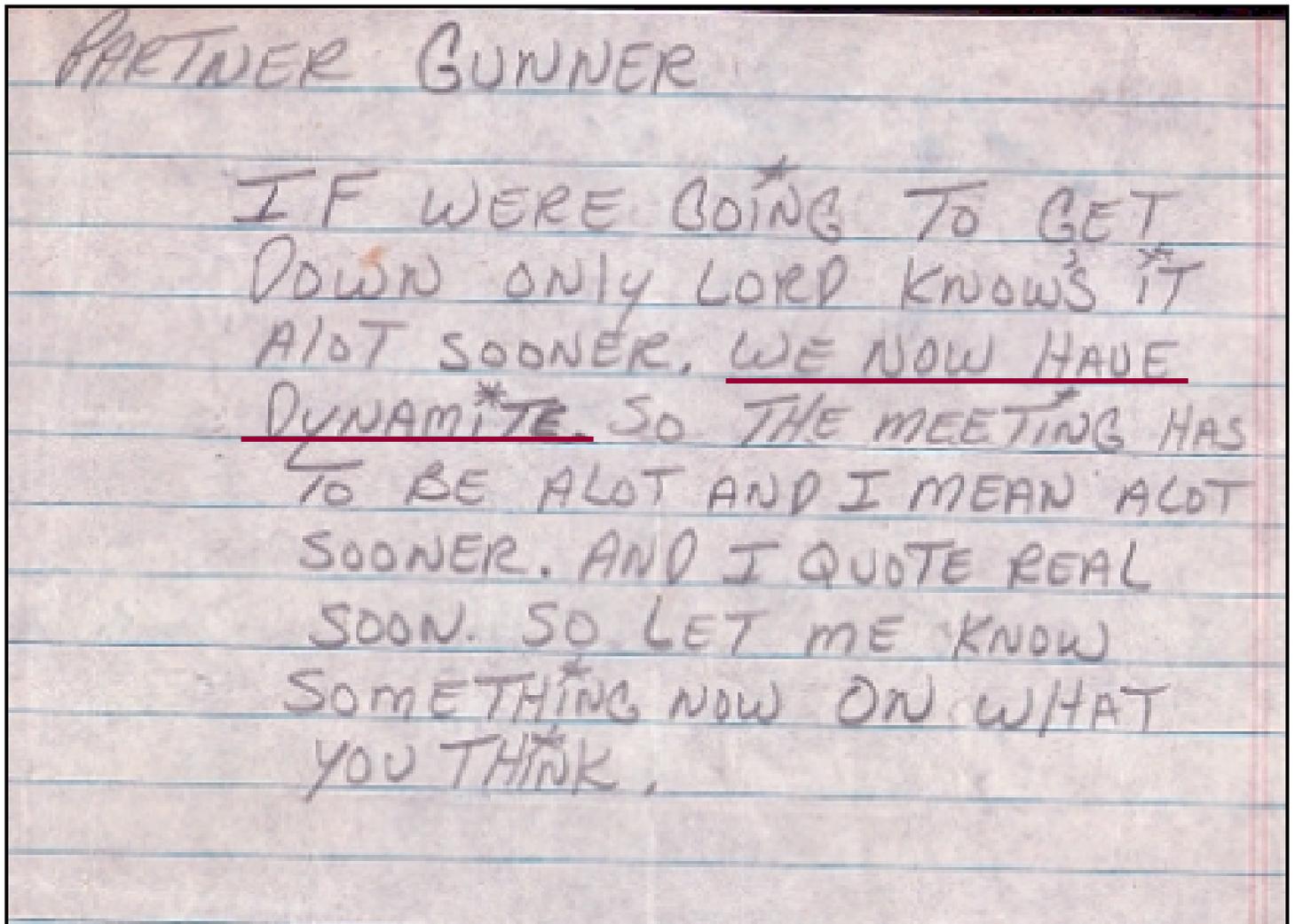
I HAD THE VISIT AND SHE SAID
IT'S COOL, AS I EXPECTED. SHE HAS
A BRAND NEW PUMP-ACTION SHOTGUN.
AND YOUR \$1.35 TOMORROW NO, IF'S, AND'S,
OR, BUTS, COOL. BUT ANYWAY ALL
THEY HAVE TO DO IS HOOK UP REAL
SOON, YOU KNOW.

WILLIAMS

Trial Exhibit 74

In another note written by Williams and given to Oglesby, Williams explained that he now had dynamite and that the escape would thus happen much sooner than previously

discussed. (TT 2403). This note was introduced as exhibit 75. Williams also wrote a note in which he asked Oglesby if they should delay the escape until his (Williams') brother was released from jail so that his brother could assist in the escape. (TT 2404). This note was introduced as exhibit 76. In still another note, Williams asked if they should escape at the next court appearance scheduled in three weeks, or try to be transferred to the jail hospital and escape from there. (TT 2421). This note was introduced as exhibit 77.



PARTNER GUNNER

IF WERE GOING TO GET
DOWN ONLY LORD KNOWS IT
ALOT SOONER. WE NOW HAVE
DYNAMITE SO THE MEETING HAS
TO BE ALOT AND I MEAN ALOT
SOONER. AND I QUOTE REAL
SOON. SO LET ME KNOW
SOMETHING NOW ON WHAT
YOU THINK.

Trial Exhibit 75

GUNNER

MY BROTHER HAS GOTTEN
3 MONTHS TODAY AND WILL
BE OUT SOON. DO YOU WANT
TO WAIT FOR HIM YES OR NO
OR JUST GO ON WITH OUT
HIM YES OR NO .

TOOKIE

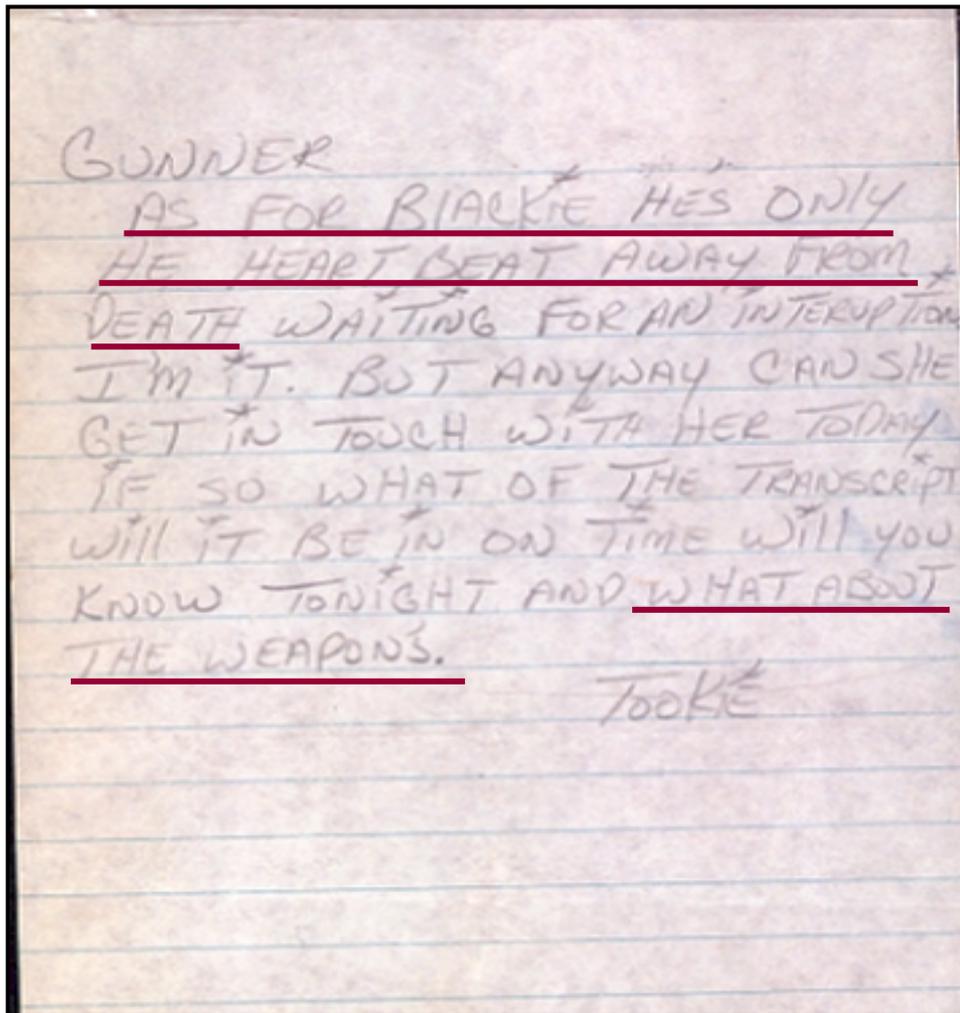
Trial Exhibit 76

GUNNER

I'M SO ANXIOUS TO BOOK
I DON'T KNOW WHETHER ARE
NOT IF WE SHOULD WAIT
3 WEEKS OR SHOULD WE
GO TO THE HOSPITAL
WHICH ONE. TOOKIE
LIKE I TOLD YOU I CAN'T FORGET
YOU BECAUSE WE'RE A TEAM
SHOULD HAVE BEEN ON THE STREET.

Trial Exhibit 77

In another note, Williams explained that Alfred Coward (“Blackie”) was a “heartbeat away from death.” Williams told Oglesby that he was going to murder “Blackie” because “Blackie” was a witness against him. (TT 2422). In this same note, Williams asked Oglesby about “the weapons.” This note was introduced as exhibit 78 (left side). Lastly, Williams wrote that his female accomplice had the new pump shotgun and that he (Williams) hoped that Oglesby’s “woman has all the other weapons with the silencers.” (TT 2423). This note also included specific instructions regarding the time of the escape, the day of the escape, the location of the jail transport bus, and the number of deputies. This note was introduced as exhibit 78 (right side).



GUNNER
AS FOR BLACKIE HES ONLY
HE HEART BEAT AWAY FROM
DEATH WAITING FOR AN INTERRUPTION
I'M IT. BUT ANYWAY CAN SHE
GET IN TOUCH WITH HER TODAY
IF SO WHAT OF THE TRANSCRIPT
WILL IT BE IN ON TIME WILL YOU
KNOW TONIGHT AND WHAT ABOUT
THE WEAPONS. TOOKIE

Trial Exhibit 78 (Left)

GUNNER
FIRST THING TO DO IS
GIVE HER THE NUMBER OF
DANA'S AGAIN TO BE DOUBLE
SURE. FOR ONE THING SHE'S GOT
THE PUMP SO I HOPE YOUR WOMAN
HAS ALL THE OTHER WEAPONS WITH
THE SILENCERS. I HOPE YOU COULD
GET TO THE PHONE TO TELL HER
TO MEET LYN SOMEWHERE SO
THAT THEY CAN PLAN IT FOR FRIDAY
BECAUSE THEY HAVE ENOUGH TIME I
KNOW AND TO REMIND BOTH OF THEM
THAT THEY HAVE TO BE THERE BEFORE
8:30 AM. AND REMIND HER AGAIN
THAT THE BUS GOES TO THE BACK
ENTRANCE AND THERE'S ONLY TWO
GUARDS ON THE BUS. THE MOST
IMPORTANT THING IS TO REMIND HER

Trial Exhibit 78 (Right) Page 1

THAT HER + DANA HAS TO
MEET TODAY AS SOON AS
POSSIBLE. AND REMINDER HER TO
GIVE YOU FIVE LIKE I TOLD
HERE BECAUSE SHE DIDN'T HAVE
CHANGE. AND IF SHE DOESN'T HAVE
CHANGE WHILE YOUR THERE TELL
HER TO GO GET IT -
TOO RIE

Trial Exhibit 78 (Right) Page 2

VI.
STANLEY WILLIAMS' TRIAL BEHAVIOR AND THREATS TO JURORS

On January 21, 1980, Stanley Williams, through his attorney Gerry Lenoir, made it clear that he wished to replace Mr. Lenoir with his hand-picked attorney of choice, Joe Ingber. In fact, Williams personally asked the trial judge for a continuance so that he could arrange for the hiring of Mr. Ingber. Williams, in addressing the court, stated, "Well, see, excuse me, your Honor. I'd like to move for a continuance at this time because the attorney of my choice, he's at this moment downtown fighting a murder trial." (TT A55-A56).

In response, the trial judge indicated that the next court date was months away, and that if Williams wished to employ Mr. Ingber, the court would allow Williams to "change counsel." (TT A56). At the next court appearance, on April 18, 1980, that is exactly what transpired. Stanley Williams asked that Gerry Lenoir be substituted out and that Joe Ingber be substituted in on his behalf. When the court asked Williams if that was his desire, Williams responded affirmatively. (TT A58). The court then granted Williams' request, and Joe Ingber became the attorney of record. During the subsequent trial, Stanley Williams was represented by both Joe Ingber and his associate, Steven Ehrlich.

On March 13, 1981, the jury reached guilty verdicts on all counts, and found all the special allegations true. After the verdicts were read in open court, Williams spoke out to the jury, calling them "sons of bitches." (TT 2886-U). He was later asked, outside the presence of the jury, if he would like to take advantage of his Constitutional right to testify in his own defense at the penalty phase (a right Williams chose not to take advantage of during the guilt phase). Williams' response to this question was "hell no." (TT 2988). Moreover, despite the trial judge urging Williams to present mitigating evidence during the penalty phase, Williams indicated he did not want to call any witnesses and did not want to present any evidence in mitigation. (TT 2988-2989, 2996). The following discussion was had among the trial judge, defense counsel, and Stanley Williams (TT 2996-2997):

INGBER: It's the defendant's desire that no one testify in his behalf in this phase; and I acquiesce to the desires of the defendant. So there will be no testimony called in this phase of the trial.

JUDGE: I would strongly urge that if there is any mitigating evidence, and if it can be presented, that you would be inclined to do that. But, of course, I realize the decision is yours. Are we to proceed?

INGBER: Yes, Your Honor...

The court then turned to Williams and urged him to put on whatever mitigating evidence he had.

JUDGE: Well, let me indicate, Mr. Williams, that I would strongly urge that if you have any testimony in mitigation that that be presented at this time. I realize the final decision has to be arrived at with you on the advice of counsel; and I suppose as to those matters counsel has the last word as to whether other mitigating evidence should be presented. So I want you to be aware that I'm recommending that you present any, if you have any. Have you had enough time, Mr. Williams, to discuss this matter with your lawyer?

WILLIAMS: (No response).

JUDGE: The record should reflect that the defendant remained mute in response to that inquiry.

It was subsequently discovered that the defendant threatened the jurors after the guilty verdict was read. Specifically, the defendant looked at the jurors and said he "was going to get all" of them. (TT 3072). After learning of this threat, the trial judge inquired of the jury foreperson. The foreperson confirmed the defendant mouthed the words "I'm going to get each and every one of you mother fuckers." (TT 3078). The foreperson further confirmed that this threat did not play any part in the deliberations and was, in fact, not discussed during the penalty phase of the trial. (TT 3078).

VII. **THERE IS OVERWHELMING EVIDENCE** **OF STANLEY WILLIAMS' GUILT**

Counsel for Williams claims in the "Petition for Executive Clemency" that:

What the District Attorney may not acknowledge is the nature of the evidence against Stanley Williams, who has always asserted his innocence . . . [t]he case rested on the testimony of claimed accomplices and admitted informants, including a notorious jailhouse informant, all of whom were facing substantial prison time and even death for various offenses, and all of whom received either freedom or vastly reduced sentences for their testimony. (Petition for Executive Clemency, Dated November 8, 2005, 9).

This statement is factually inaccurate. The People's case rested on strong physical evidence, eyewitnesses, and a series of incriminating admissions made by Williams himself. The following is a summary of some of the evidence in this case, as well as the witnesses that testified against Williams. It was this evidence that led the trial judge to deny the defense

motion to dismiss, to deny the defense motion for a new trial, to affirm the jury's verdict of death, and to finally conclude that the evidence:

Established highly aggravating circumstances in that the defendant (Williams) shot gunned and killed three people in one robbery, and a fourth person at the other robbery. **The victims, who were defenseless, and offered no resistance, were killed with blasts from defendant's shotgun for the purpose of preventing the victims from ever being witnesses against the defendant** These four killings were deliberate, premeditated, and with malice aforethought, as well as being robbery murders...the **defendant used force and violence against the four victims for its own sake.** (TT 3088-3089). [Emphasis added].

A.
LAYDUANE DOUGLAS

In 1974, Layduane Douglas worked as the gun supervisor at Western Surplus. (TT 1478). As the gun supervisor, Mrs. Douglas was familiar with the record-keeping process utilized at the store. (TT 1478-1487). Mrs. Douglas, through her testimony and through documentation, proved that on February 25, 1974, Stanley Williams purchased the shotgun used in these murders. (TT 1478-1489).

Despite Williams' claims in his clemency petition, Douglas was not an accomplice, she was not a jailhouse informant, she was not facing a lengthy prison term or death, and she was not granted freedom or a reduced sentence for her testimony. She was simply a citizen testifying to facts within the scope of her knowledge.

B.
JAMES GARRETT

In 1979, Stanley Williams lived with James Garrett. In fact, Williams typically stayed there between 5 and 7 days a week. (TT 1673-1674). He also kept, among other things, his shotgun at the residence. (TT 1673, 1691-1693). On March 13, 1979, just two days after the Brookhaven motel murders, Williams asked Mr. Garrett if he had heard about the motel murders. (TT 1675-1677). Williams went on to explain that some "Chinese people" or "Buddhaheads" had been killed. (TT 1677-1678, 1720). Williams also stated that the murderer must have been a professional because he picked up the shotgun shells and did not leave behind any witnesses. (TT 1678, 1687).

Williams later provided Mr. Garrett with even more details. Williams explained that a big guy knocked down the door and "blew away" a guy on a couch (Mr. Yang), a woman near the register (Mrs. Yang), and a third person who came out from behind (Ms. Lin). (TT 1682). Eventually, Williams admitted he was the actual murderer. He stated, in referring to committing a future robbery, he will "blow them away just like I blew them Buddhaheads away on Vermont." (TT 1720).

In addition to admitting his involvement in the Brookhaven murders, Williams also admitted killing Albert Owens. Specifically, Williams told Mr. Garrett that he had used his shotgun to blow away a white guy at a store, that Blackie (Alfred Coward) was with him, and that Blackie was a “punk” because Blackie couldn’t eat after the murder. (TT 1688-1690). Williams also told Mr. Garrett that he was considering killing Blackie. (TT 1689). Of course, this was subsequently corroborated by Williams’ jailhouse note where he indicated Blackie was a “heartbeat away from death.” (Trial Exh. 78).

James Garrett was not an accomplice, he was not a jailhouse informant, he was not facing a lengthy prison term or death, and he was not granted freedom or a vastly reduced sentence for his testimony. This is not to say Mr. Garrett had an unblemished past. At the time of trial, Mr. Garrett was facing sentencing for a violation of Penal Code § 496 (Receiving Stolen Property). This crime carried a sentence of either one year in county jail or a maximum sentence of three years in state prison. Mr. Garrett also had a pending extortion case. Clearly, Mr. Garrett was a criminal. However, it is a testament to the character and activities of Stanley Williams that the person with whom Williams chose to live was a criminal. It also explains why Williams was comfortable confiding in him. Williams, knowing Garrett to be a criminal, felt safe in telling Garrett about the murders. Finally, the jury heard all about the criminal activities of Mr. Garrett and still found Williams guilty of these four grisly murders.

C.
ESTER GARRETT

Ester Garrett was the wife of James Garrett. (TT 1899). She also participated in conversations with Williams regarding his involvement in these murders. Moreover, she relayed these conversations to the jury. According to Mrs. Garrett, Williams told her he broke down the motel door with his shoulder, shot the lady by the register (Mrs. Yang), shot the man on the couch (Mr. Yang), and shot the lady coming through the door (Mrs. Lin). He described the victims as “Buddhaheads.” (TT 1915-1916, 1917, 1931).

Williams also told Mrs. Garrett that he killed some “white dude” for about \$63.00 and that Blackie (Coward) couldn’t handle it so he vomited. (TT 1917). Williams also stated that he was concerned Blackie might talk to the police and, as a result, he (Williams) might kill Blackie. (TT 1917).

Ester Garrett was not an accomplice, she was not a jailhouse informant, she was not facing a lengthy prison term or death, and she was not granted freedom or a vastly reduced sentence for her testimony. Like Mr. Garrett, she had previously been in trouble with the law. However, the jury was informed of this criminal past and still found Williams guilty of all four murders.

D.
ALFRED COWARD

Alfred Coward (Blackie) was with Stanley Williams the night Williams shot and killed Albert Owens. (TT 2093-2164). Mr. Coward provided the jury with a detailed account of the

events leading up to the murder of Mr. Owens. (TT 2093-2164). For example, Coward described how Williams retrieved his shotgun and another gun earlier in the night. (TT 2098, 2117-2118). Mr. Coward described the vehicles used, namely a 1969 Cadillac and an old brown station wagon. (TT 2097-2099). Mr. Coward explained that he, Williams, Tony Sims, and a fourth man named Darryl, drove to the Stop-N-Go to commit a robbery, that Darryl (wearing a corduroy jacket) and Sims (wearing a green jogging suit) entered the store but failed to complete the planned crime, and that all four men then drove to the 7-Eleven to make a new attempt. (TT 2093-2143, 2186).

Mr. Coward explained that when they arrived at the 7-Eleven, Mr. Owens was sweeping the parking lot. (TT 2145-2147, 2186). The men exited their respective vehicles, at which time Williams put his shotgun to Mr. Owens and forced him into the back of the store. (TT 2145-2154). Coward described how Williams forced Owens to the floor, shot out the security monitor, and then shot Owens twice in the back with the shotgun. (TT 2157-2164).

Mr. Coward also explained how Williams laughed about the murder of Albert Owens. (TT 2195-2197). Specifically, Mr. Coward heard Williams say “you should have heard the way he sounded when I shot him.” Williams followed this comment by making growling noises and then laughing hysterically. (TT 2195-2197).

Albert Coward was an accomplice in this crime. He was with the three other individuals during the time the weapons were gathered by Williams, and he drove his 1969 Cadillac to the various locations. Additionally, he entered the 7-Eleven along with the other men. Alfred Coward was given immunity. This grant of immunity, which was revealed to the jury, was granted to ensure the successful prosecution and conviction of the actual killer, Stanley Williams.

E. **JOHNNY GARCIA**

In February 1979, Johnny Garcia worked the night shift at the Stop-N-Go. (TT 2046). Mr. Garcia testified that on February 28, 1979, at approximately 4:00 a.m., he had just finished mopping the floors. (TT 2047). At that time, he saw four black males at the front door of the store. He also saw a station wagon in the parking lot. (TT 2047-2048). According to Mr. Garcia, two of the four men entered the store, walked around the store for a few minutes, asked for a cigarette and then left the store. Mr. Garcia described the two men as black males, with one wearing a green jogging suit and one wearing a brown coat. (TT 2048-2050).

Johnny Garcia was not an accomplice, he was not a jailhouse informant, he was not facing a lengthy prison term or death, and he was not granted freedom or a vastly reduced sentence for his testimony. Mr. Garcia, by all accounts, was a hard-working night teller at this convenience store. His testimony, although it did not directly link Williams to the plot, was notable in that it directly corroborated much of Alfred Coward’s testimony about being at the Stop-N-Go to commit a robbery, that one of the vehicles was a station wagon, and about the clothing worn by two of the men.

F.
ARMANDO DOMINGUEZ

On February 28, 1979, at approximately 4:30 a.m., Mr. Dominguez was driving to his place of employment. As he drove along Whittier Boulevard, he passed the 7-Eleven. As he did so, he noticed a station wagon in the parking lot, and two people standing at the counter area of the store. (TT 2051-2056).

Mr. Dominguez was not an accomplice, he was not a jailhouse informant, he was not facing prison time or death, and he was not granted freedom or a reduced sentence for his testimony. Like Johnny Garcia, he was an uninvolved citizen witness who was able to corroborate some of the relevant facts testified to by Alfred Coward.

G.
DALE COATES

Dale Coates worked the night shift as a truck driver. On February 28, 1979, he drove past the 7-Eleven on Whittier Boulevard sometime around 4:30 a.m. As he did so, he noticed two cars in the parking lot. He remembered one of the cars was a light-colored car and the other car was darker and longer. He also testified he saw a thin white male walking toward the store entrance, while being followed by two black males wearing three-quarter length jackets. As the white male walked, he looked over his shoulder at the two black males behind him. (TT 2058-2065).

With the testimony of Mr. Coates, the prosecution again corroborated statements made by Alfred Coward. Mr. Coates corroborated the approximate time of the crime, he corroborated the vehicles used, and he corroborated the sequence of events at the time Williams walked up behind Mr. Owens and forced him into the store. Contrary to the claims made in Williams' petition, Mr. Coates did this despite the fact he was not an accomplice, he was not a jailhouse informant, he was not facing a lengthy prison term or death, and he was not granted freedom or a reduced sentence for his testimony. Instead, he was a completely uninvolved citizen witness who was able to corroborate some of the relevant facts testified to by Alfred Coward.

H.
GEORGE OGLESBY

Although George Oglesby can be characterized as a jailhouse informant, the jury was fully informed of this. In fact, defense counsel for Williams conducted a lengthy and aggressive cross-examination of Mr. Oglesby on this very issue. Much of what George Oglesby testified to, however, was corroborated by handwritten notes written by Stanley Williams himself. Not only did George Oglesby identify these notes as being written by Stanley Williams, but Deputy Matthews recognized the writing from having previously received notes from Williams. (TT 2382). In addition, Stanley Williams personally handed a note to Deputy Lichten that was subsequently used for comparison purposes. (TT 2535-2536, 2551). Herbert Campbell, a court-qualified handwriting expert, then compared the handwritten

note passed to Deputy Lichten to the escape notes, and determined that all the notes were written by the same person. (TT 2548-2556).

VIII. **TONY SIMS**

Tony Sims, like Alfred Coward, was an accomplice in the 7-Eleven robbery-murder. However, Sims did not testify at Williams' trial because he was not granted immunity. Sims was separately prosecuted for his role in the 7-Eleven robbery-murder. Sims' statement to homicide investigators following his arrest, along with his sworn testimony over several decades, not only corroborates the testimony of Alfred Coward offered at Stanley Williams' trial, but further establishes, without question, Stanley Williams' guilt.

Tony Sims was arrested on March 23, 1979, for his participation in the robbery of the 7-Eleven that led to Albert Owens' murder. After his arrest on March 23, 1979, Tony Sims spoke to homicide investigators. In that audio-taped interview, Tony Sims openly admitted his involvement and the role he played in the robbery leading up to the murder of Albert Owens. Moreover, Sims identified the other participants as Alfred Coward (Blackie), Darryl and Stanley Williams (Tookie), identifying Stanley Williams as the man who senselessly executed Albert Owens. (People's Clemency Exhibit 1 (P. Exh. 1)).

Tony Sims was subsequently prosecuted for his role in Owens' murder. At his trial, Sims testified in his own defense. Under oath, Sims again identified Stanley Williams as Owens' killer. (P. Exh. 2).

Sims was convicted of the first-degree murder of Owens based on the felony murder rule (a killing committed during the course of a robbery). Sims was also convicted of robbery. Additionally, the allegation that a principal was armed with a shotgun was found to be true and the special circumstance of robbery-murder was found to be true. At sentencing, the court specifically found ". . . that the defendant (Sims) was not the actual killer in the sense of handling the shotgun that caused the death of the victim in this case . . .". On May 20, 1981 Sims was sentenced to life in prison without the possibility of parole, plus one year.

In 1982, the Second Appellate District struck the special circumstance finding of robbery-murder against Sims, holding that there was no substantial evidence that Sims aided and abetted the robbery of Owens with the intent that Owens be killed. Sims was subsequently re-sentenced to an indeterminate term of life in prison.

At subsequent parole hearings, Sims, again under oath, has repeatedly identified Stanley Williams as the man who shot-gunned Owens to death. (P. Exh. 3; P. Exh. 4). Tony Sims, throughout the last 26 years, has never wavered in his identification of Stanley Williams as Owens' killer.

A.
EXCERPTS FROM SIMS' STATEMENT TO HOMICIDE INVESTIGATORS DATED
MARCH 23, 1979 (P. Exh. 1)

INV: Uh, for the record, would you give us, uh, your full name, please?

SIMS: Tony Lee Sims.

INV: And how old are you, Tony?

SIMS: 22.

INV: Now, we've talked here, uh, for a period of time prior to turning the tape on. Prior to that conversation, uh, I advised you of your rights; is that true?

SIMS: Yes.

INV: All right. Now, at that time, you waived your rights and said that you wanted to talk to me; is that also true?

SIMS: Yes.

INV: I'm going to advise you of your rights again for purposes of this tape. You have the right to remain silent. Anything you say can and will be used against you in a court of law. And you have the right to have an attorney. You have a right to have an attorney present before, or at any time, while you're talking to us. If you cannot afford an attorney, one will be appointed for you, free of charge. Do you understand those rights, Tony?

SIMS: Yes.

INV: Do you want to talk to us about this case?

SIMS: Yes.

INV: Do you want to talk to us about this case now, without an attorney being present?

SIMS: Yes.

INV: Now, the particular incident that, uh, we want to talk to you about is an incident that occurred on the -- during the early morning hours of the 28th of February, 1979. Which is approximately three weeks ago, uh, on a late Tuesday night, or early Wednesday morning, uh, on an occasion when you were with some other young men and -- out on the east side of the county; do you recall that incident?

SIMS: Yes.

INV: All right. What we would like you to do is tell us who you were with that night.

SIMS: Alfred, Tookie, and -- and I don't know the other person's name.

INV: Okay. How did the four of you happen to get together on that particular night?

SIMS: Well, I was at home in the bed, getting ready to go to court the next morning. **And Alfred, Tookie, and Darryl came by the house.** Alfred came to the door, and I went outside and we was talking. He ask me, did I know any place to make some money at, and I said, no. And, uh, Tookie and Darryl was in the car. And, uh, I asked him, "Do you know where to get somethin' to smoke at?" said "yeah." So we went to get some smoke. And while we was in the car, uh, **Tookie said he wanted to stop by one of his friends' house so he can get a gun, another gun, cause he needs another gun.**

INV: Another gun?

SIMS: Uh-huh.

INV: **By "another gun", you mean he already had one gun with him?**

SIMS: **A shotgun.**

INV: **Did you see the shotgun?**

SIMS: **Yeah.**

INV: **All right. And he wanted to get another gun?**

SIMS: **Uh-huh.**

INV: **Who was he gonna get that gun for?**

SIMS: **For Darryl.**

INV: All right. Did you go to another house?

SIMS: Yes.

INV: Where was the house located?

SIMS: Oh, uh, on 111th. I don't know the name of the street, I know it was a block off of Western.

INV: On a 111th? A block off of Western?

SIMS: Uh-huh.

INV: Did you go into that house?
SIMS: No. We went in the backyard. Tookie wanted to see his dog, he had a dog over there.

SIMS: Uh-huh. And so we got in his car -- I mean, Tookie and Darryl got in they car, and me and Alfred was in his car. So we was following them. And Tookie wanted to go by somebody else's house, go get another gun. So we went on 111th right off of Western, right off of Normandie.

INV: 111th and Normandie?
SIMS: Yeah. To get another gun. And Tookie said he had a dog in the backyard, and he wanted us to see it. So we got out and we went in the backyard and seen the dog. And so then we went across the fence to another one Tookie friends' house. And smoking on some Sherman, and then we left from there. And -- and Tookie and Darryl told me and Blacky to follow them, you know, just in case somebody get behind them then we can block 'em off. And, uh, so we followed them and got on the freeway and went out, I don't know where we was. I don't know where we ended up to. But, anyway, we went out there --

INV: You know what freeway you took?
SIMS: He took the, uh, think it was the Pomona Freeway -- think was the San Bernardino Freeway.

INV: And you went east?
SIMS: Yeah.

INV: Do you know -- did you get on another freeway after you'd gone east a-way?
SIMS: I think we got on the Pomona Freeway after went east a-ways.

INV: At some point did you get off the freeway?
SIMS: Yeah.

INV: Do you know what street you got off on?
SIMS: No, I don't know what street we got off on.

INV: Okay. What happened after you got off the freeway?
SIMS: Well, we was riding around, and was following them. And they stopped at a -- a stop-and-Go -- No. First,

they stopped at one store, and I got out and went in the store and got me some cigarettes and some bubble gum. Then we left from that one. **And we was riding, and they stopped at, uh, Stop-and-Go,** and uh, me and Darryl went in, and they was supposed to -- Blacky and Tookie was suppose to come in after me and Darryl had went in. I walked to the back, and Darryl was at the front of the store. And I walked back from the back cause there was somebody in there, and just walked out the door and got back the car with, uh, Blacky. And then we left.

INV: Okay. When you walked out of the store, then did Darryl also come out?

SIMS: Yeah, he came out behind me.

INV: Did he buy anything?

SIMS: No, he didn't buy nothing.

INV: Okay. So now, when you got back to the car, what happened?

SIMS: Uh, I walked over to, uh, Alfred's car and got in and told him that it wasn't cool. And, uh, Darryl walked back to his car. And Tookie was sitting in the car. And so we pulled off, and uh, we was riding down the street, and Tookie kept saying, "we got to do somethin'. We got to do somethin'."

INV: How do you know Tookie is saying this if you're in the other car with Alfred?

SIMS: Because we was riding on the side of each other, I mean, you know, we was behind him and, you know, like somebody roll down they window and put out -- stick out they hand and tell you to come over to the side.

INV: Oh, I see, and then he would tell you, "we got to do somethin'."?

SIMS: Yeah. And, uh, pulled on the side, and then we pulled up in a parking lot. We had passed the 7-11 store, and we pulled up in the parking lot.

SIMS: **We had passed the 7-11 store, we was down the street from the 7-11 store. And pulled up in the parking lot, and Tookie kept saying, "we got to do somethin'. We got to do somethin'.** Just fuck it, we

just go on back and just do this, uh, uh, 7-11 Store.” So I was telling Alfred, you know, “I -- I don’t want it,” you know, “I don’t want to rob no store. I don’t,” you know, “I don’t want to do nothing, really.” And so we pulled back and parked on the street in front of the 7-11 store. And I kind of think Blacky was thinking about what I was saying not doing nothing, you know. **And he was trying to tell Tookie uh, that, uh, “No, we don’t want to do nothing.” And Tookie kept hollering at him, “just do what I say. Just do what I say.”** Like that. And Blacky just saying, “All right, man, all right.” Like that. And so, uh, he said, “Now, this how we gonna do it. We all gonna go in the store, and me and Blacky is gonna take the dude in the back and, uh, you and “whatever the other dude name is. -- And, uh, he say, we -- “We all gonna go in the store together.” So we, uh, goes to the 7-11, and, uh, the dude was standing outside sweeping up. And, uh, Darryl asked him -- He wanted to buy some cigarettes, the dude said, “All right.” So he went in, and we all went in behind him. And he went behind the counter --

SIMS: He could of been kind of tall, I don’t know, I really wasn’t paying attention. But, anyway, uh, he was behind the counter, and he was getting the cigarettes. And Darryl -- Wait, wait. Okay. We all went in, and he was behind the counter. And Tookie and Blacky, as soon as they walked in the door, they walk straight to the back room. And Darryl told him -- pulled the gun out and told the dude to go in the back room.

INV: Darryl pulled the .22 out?
SIMS: Yeah.

INV: He pulled his revolver out?
SIMS: I don’t -- Did he pull it out? I guess he did pull it out, and told the dude to go in the back room.

INV: Then what happened?
SIMS: And then he walked around and, I guess, he got the money and the cigarettes. And then, uh, I was standing by the door looking at Darryl, and, uh, I heard one shot.

INV: What was **Darryl** doing when you were looking at him?

SIMS: He was getting the money out of the cash register. And -- he was getting the money out of the cash register, then, when the shot went off. And then, uh, I heard one shot, and Blacky came running from out the back and said, "Tookie done shot this guy." Like that. And I said, "oh, no. So let's go." You know. And as we was running out the door, I heard two more shots. And so, uh, then Blacky got in the car, and uh, pulled off. And Tookie, them was behind us, and so we let them catch up with us.

INV: Let's go back for a second, when you got to the door to leave there, did you see Tookie coming out of the back room?

SIMS: Well, uh, when I got -- when -- okay. When I heard the first shot, Blacky came from out of the back, okay. As Blacky was coming out from the back, there was two more shots. And as we was going out the door, I looked back and I seen Tookie coming from the back with the shotgun under his coat.

SIMS: Yeah. And we was getting in the car, me and Blacky was getting in the car, in his car. And uh --

INV: By the way, what kind of car does Blacky have?

SIMS: A '69 Cadillac.

INV: What color is that?

SIMS: Uh, brown with a black top.

INV: Okay.

SIMS: Don't think he have it no more, though, I don't think so. And, uh, after that, uh, we got in the car. And, uh, Tookie and Darryl came out the door and they got in the car. And me and Blacky was pulling off. And we was pulling off, and then we let them catch up with us. And Tookie kept hollering, well -- cause we didn't have no gas, we didn't have enough gas to make it back home. And so Tookie said, "Well, let's go to the gas station right now." So we goes to the gas station, and --

INV: Now, how did you get to the gas station?

SIMS: We drove to the gas station.

INV: Did you have some conversations while you were at the gas station?

SIMS: **Yeah. I went over to, uh, to the station wagon, and I asked him, was -- I asked Tookie, I said, "What you do?" He say, "I killed him," like that. And I say, "Why you kill him?" He say, uh, "So it wouldn't be no evidence."**

INV: So there wouldn't be any evidence?

SIMS: Yeah, somethin'. He said somethin' like that. And so I said, uh, -- I didn't say nothing else to him. And he kept saying, "Well, we" -- "we gonna do something else." You know, do somethin' else. I say, "No, uh-uh." I say, "I can't do nothing. I'm not doing nothing cause I got to go to court in the morning."

INV: All right. Since this thing has happened, since this has gone down, have you discussed with any of the people that were involved in it what happened that night?

SIMS: Nobody but Alfred.

INV: What did Alfred think about what happened?

SIMS: The same thing I think about it.

INV: What do you think about it?

SIMS: Stupid, it's dumb.

INV: **Did you think there was any reason why he had to kill that boy?**

SIMS: No.

INV: Have you ever been with him when he killed anybody else?

SIMS: No.

INV: Did you know when you went into that market with him that he was gonna kill somebody?

SIMS: No.

INV: If you had known that he was gonna kill that guy, would you have gone in the market with him?

SIMS: No.

INV: Do you think Alfred would?

SIMS: I don't think so.

INV: Was Alfred kind of afraid of him?

SIMS: I think he is, the way Tookie was talking to him -- Cause I had told Alfred that we sh -- just go on book up, and Alfred --

INV: Changed sides on the tape. Okay, go ahead.
SIMS: Then he was kind of like me, he didn't want to do nothing. And so he was -- he -- okay. Like I say, when we first went to the 7-11, uh I tell -- I had told Alfred, I said, "No, man, we shouldn't do this." You know, like that. He say, "Yeah, I hear you." And he -- He was starting to tell Tookie somethin' And I guess Tookie was kind of saying that he was kind of, you know trying to cheese up or whatever, you know, didn't want to do it. **So Tookie started hollering at him, you know, saying, "Just do what I tell you. Just do what I tell you." And Blacky say, "All right, man, all right." just like that.**

INV: So Tookie has the shotgun, right?
SIMS: Yeah.

INV: Did you expect that we would be looking for you for this thing?

SIMS: **Well, uh, after Tookie had told us that he had shot out the camera, then I didn't know, you know.**

INV: He told you he shot out the camera?
SIMS: Uh-huh.

INV: **So he said he shot the guy twice, and he shot the camera?**

SIMS: **Uh-huh.**

INV: So then, you figured maybe you were away clean?
SIMS: Well, I didn't think nobody, you know, would know about it, like that, unless somebody said somethin'.

INV: That, uh --
SIMS: I knew, you know, like if the camera had took a picture of us, then I know that, uh, it wasn't no way we was gonna get away with it.

INV: **What does that shotgun look like of Tookies?**
SIMS: **It was pump and didn't have no end.**

INV: **The stock was cut off?**
SIMS: **Yeah.**

INV: Is there anything around the area where the stock was cut off?
SIMS: I don't know. **I think it had tape behind -- around it, though.** [Emphasis added].

B.

**EXCERPTS FROM TONY SIMS' TESTIMONY AT HIS TRIAL DATED
APRIL 14, 1981 (P. Exh. 2)**

[Sims' attorney: Earl Broady (Broady)]

BROADY: Now, going on, sir, to the 7-Eleven market, do you recall the position of the cars before they parked on the 7-Eleven parking lot?

SIMS: Yes.

BROADY: And where was Alfred's car parked?

SIMS: It was parked on the side street. Alfred's car was facing the 7-Eleven, and Darryl and Stanley's car was going - - facing the other way. (Sims 166)

BROADY: Did Stanley Williams say anything to Alfred in your presence before you went inside that store?

SIMS: I told Alfred that I didn't want to go in the store, and I told him to tell Stanley that we wasn't going in the store. So when Stanley came over to the car, I guess Alfred was getting ready to tell him, and Stanley said, "Well, just do what I say; I'm calling the shots. Just do what I say. We're all going in the store."

BROADY: Did you interpret those words, with your state of mind, that Stanley was talking to you?

SIMS: Yes.

BROADY: And did you do what he said? Did you go inside the store?

SIMS: Yes.

BROADY: Why did you go inside?

SIMS: Because I was scared of him.

BROADY: Scared of who?

SIMS: Stanley.

BROADY: Why were you afraid of Stanley?

SIMS: Because of the type of person he is.

BROADY: What do you mean by that, sir?
SIMS: Violent.

BROADY: Well, violent; what do you mean by violent? Why were you afraid of him?

SIMS: Because I knew if I wouldn't have went in the store, he probably would have did something to me.

BROADY: Like what?

SIMS: Like killed me or something. (Sims 167, 168)

When Sims was asked by his attorney if all four – Williams, Coward, Darryl and Sims – went into the 7-Eleven, Sims testified:

SIMS: Well, we was all four in the store, but me and Darryl went in the store first. As soon as Darryl went in the store, he jumped over the cash register, and I was standing in between the cash register and the front door, and –

BROADY: Did you and Darryl and Stanley and Alfred go in together? or was it like Alfred said, you two went in first?

SIMS: Me and Darryl went in first and they came in behind us. (Sims, 168,169)

BROADY: Did you hear any shots?

SIMS: Yes.

BROADY: Where did the shots appear to come from?

SIMS: From the back room. (Sims, 169)

C.

**EXCERPTS FROM TONY SIMS' TESTIMONY AT HIS
SUBSEQUENT PAROLE CONSIDERATION HEARING
JULY 17, 1997 (P. Exh. 3)**

Tony Sims had a subsequent parole consideration hearing on July 17, 1997. The following are excerpts from that tape recorded hearing: [Commissioner Ortega (CO)]

CO: All right, thank you. At this time, Mr. Stanton, will your client be speaking with us today?

STANTON: Yes, he will.

CO: Please raise your right hand. **Do you solemnly swear or affirm that in the hearing now pending you will tell the truth, the whole truth, and nothing but the truth?**

SIMS: I do.

CO: All right. This is not first time you've gone through this, Mr. Sims, so there's no need to rehash the case. Very basically, just as an overview, you and three friends were driving around looking for some place to rob. Ultimately, you went into a 7-11 market, a little 7-11store. At which time, I believe, two of your crime partners had taken the victim into another part of the store.

SIMS: Yes.

CO: You were at the front counter, I believe, with, with Mr. Cowert (phonetic). Was that who you were with?

SIMS: No, Mr., oh, I think --

CO: You were with somebody named Darryl (phonetic)?

SIMS: Darryl. Darryl was at the counter. I was at the front door.

CO: Okay. Suddenly, you hear a gunshot blast. You hear glass breaking. And what you find out later is that, it must have been Mr. Cowert and Mr. Williams (phonetic) --

SIMS: Yes.

CO: -- had, had executed the store clerk, is that right?

SIMS: Yes.

CO: Is that pretty much the way it was?

SIMS: Yes.

CO: Okay. How did you get involved in this thing? In reading the report, in reading part of it, it sounds like you were a bit afraid of Mr. Williams.

SIMS: Yes, Mr. Williams was the, was the person that led the neighborhood, that everybody looked up to and scared of. He was (inaudible)

CO: **It appears that in this instance Mr. Williams had a .22 caliber revolver?**

SIMS: **No, he had a shotgun, a sawed-off shotgun.**

CO: **Okay, it says in the report, it says "They stopped at another location where Williams obtained a .22 caliber revolver and Williams then gave that to Darryl".**

SIMS: **Yes, he did.**

CO: Okay. Where did the shotgun come from?

SIMS: At one point, Williams, I mean, yeah, Williams asked Cowert to take him to get his car. At that point I think is when he got the shotgun. I didn't see the shotgun until we got to the store. I didn't know that he had the shotgun until (inaudible).

CO: You were in two separate cars?
SIMS: Yes, we was.

CO: Okay, and you were with who? You were with Mr. Cowert?
SIMS: I was with Mr. Cowert.

CO: Okay, and Mr. Williams and the other gentleman who was Darryl?
SIMS: Darryl, yes.

CO: They were in a different car?
SIMS: Yes. At first we was all in the same car.

CO: Okay, so then you, they went in the store. They shotgunned this man to death, and you left then. What happened after you left?

SIMS: **We went in the store through the orders of Stanley. First we had went into another store, and I tried to use the excuse I could to get out of the robbery because I didn't want to rob the store in the first place. The second store we went to, which was the 7-11, we parked on the side of the street which was the first time I seen Stanley with the shotgun. He took it out to put up under his overcoat, and he came over. I had asked Mr. Cowert to tell Stanley that I didn't want to go in the store because he was more familiar with him. And at this time Mr. Williams made a statement that we was all going in the store. And we pulled in the parking lot of the 7-11, and Mr. Owens (phonetic) was outside sweeping. And Mr. Williams and Mr. Cowert told him to go in the store, and they walked him to the back. I stood by the front door and Darryl was getting money of the cash register. I heard a shot, and I turned around to go out the front door, and I looked behind, and Alfred was coming from the back room, and I asked him what happened, and he told me that Stanley has shot the clerk. I went out the door, and we got in the car, and they got in the car, and Stanley was driving his car. He pulled up on the side of us and told us that he needs to go to, excuse me, to the gas station and get some gas. We got on the freeway. We got off the freeway, pulled up in the gas station, and I asked him what**

happened, and he said that he had shot the clerk. And I asked him why, and he said because he didn't want to leave no witnesses. At that time I told Alfred to take me home because they wanted to rob something else.

CO: To your knowledge did they ever go out and rob something else?

SIMS: I don't know. [Emphasis added].

D.
EXCERPTS FROM TONY SIMS' TESTIMONY AT HIS
SUBSEQUENT PAROLE CONSIDERATION HEARING
JULY 24, 2002 (P. Exh. 4)

Tony Sims had a subsequent parole consideration hearing on July 24, 2002. The following are excerpts from that tape recorded hearing: [Commissioner Angele (CA), Deputy Commissioner Rodriguez (DCR)]

CA: Will the inmate be speaking with us today?

SIMS: Yes, yes.

CA: All right. **Then Mr. Sims, would you please raise your right hand to be sworn. Do you solemnly swear or affirm that the testimony you give in today's hearing will be the truth, the whole truth and nothing but the truth?**

SIMS: **Yes, I do.**

CA: Mr. Sims, you are serving a prison term, convicted by court trial, and a conviction with which withstood an appeal, for the murder of one Albert Owens at the 7-11 Market. Is that correct?

SIMS: Yes.

CA: Okay. You and, ultimately, three other individuals, wound up committing this robbery. Apparently, a Mr. Coward, C-O-W-A-R-D, came over to your house and asked you if you knew anybody, of any place to rob. You said no. And you guys, you got to talking and wound up picking up two other guys. That's Mr. Williams and a guy by the name of Darryl. Correct?

SIMS: Yes.

CA: **You wound up going in two separate cars. Okay. You were with Mr. Coward and Williams was with Darryl. You made a couple of stops at a couple of places, decided not to rob them for some reason.**

SIMS: Yes.

CA: Going to the last place, which was the 7-11 Market, and the clerk was a Mr. Albert Owens. Apparently, Mr. Williams took the clerk back to the back room and made him lie down on the floor. And when he complied, apparently, Mr. Williams had a shotgun and shot the victim. Is that correct?

SIMS: Yes, sir.

SIMS: I wasn't in the room when he shot him, but I heard three shots. Yes, Sir.

CA: Where were you when the shots were fired, Mr. Sims?

SIMS: I was in the front of the store and by the door.

CA: Okay. But you were armed?

SIMS: No, I wasn't.

CA: You were not armed. Or two of you guys were armed, if I'm not mistaken.

SIMS: Darryl and Mr. Williams.

CA: Okay. Williams had a shotgun and Darryl had a --

SIMS: Darryl had a .22 revolver.

CA: Okay. Was there any talk? Did you know they were armed before you went into the store?

SIMS: The first time I had seen the shotgun that Stanley had was when he told us to pull on the -- on the side street to go in the 7-11 and I told Alfred to tell him that I didn't want to participate in a robbery. At that time, they was parked on the right side of the street and we was parked on the left side. And I seen him go to the back of the -- back of the station wagon and pull out the shotgun and put it in his coat. That was the first time I'd seen the shotgun.

CA: Okay. Why did you proceed then?

SIMS: Why did I proceed?

CA: Yeah.

SIMS: Because at that time I was scared of Mr. Williams and was scared of what he would have done. As a matter of fact, what I know he would have done to me.

CA: Now, they apparently wanted to do some other robberies after this?

SIMS: Yes, they did.

CA: And you didn't want to participate?

SIMS: No, I did not. I told them to take me home after I had found out what happened. I had -- when we left the store and we got on the freeway, Mr. Williams pulled on the side of me and Alfred and told us to pull over so he could get some gas and cigarettes. When we got to the gas station, I got out of the car and **I asked Mr. Williams what had happened. And he said that he had shot the guy. And I asked him, why did he do that and he said, because he didn't want to leave any witnesses.** So I told Mr. -- Alfred to take me home. They was talking about going to rob some place else. I said, no, take me home.

DCR: Yeah, I do have a question. Mr. Sims, you stated that the reason you went through with this robbery, because you feared which gentleman?

SIMS: Mr. Williams.

DCR: Mr. Williams. You said he was pretty bad and --

SIMS: Yes. I feared him at that particular time. Yes I did. [Emphasis added].

IX.

POST-ARREST ADMISSION BY STANLEY WILLIAMS

In addition to the firearms evidence, the admissions, the testimony of participant Alfred Coward, the other trial testimony, and the consistent and sworn testimony of Tony Sims, Stanley Williams also implicated himself in the murders by making incriminating statements to Deputy Fueglin and Deputy Jones of the Los Angeles County Sheriff's Department.

On March 15, 1979, Sergeant Hetzel and Deputy Fueglin of the Los Angeles County Sheriff's Department interviewed Stanley Williams in an interview room at Firestone Station. After completing the interview, Williams, Deputy Fueglin and Deputy Jones had the following conversation:

WILLIAMS: How many shots were fired at the motel? Five?

FUEGLIN: What did you say?

WILLIAMS: How many shots were fired at the motel? Five?

FUEGLIN: How many shots do you think were fired at the motel?

WILLIAMS: I don't know.

JONES: You just told us 'five' twice.

WILLIAMS: I didn't say no numbers, man, you are crazy.

As the evidence at the subsequent trial made clear, five shots were fired at the Brookhaven Motel (two were fired at Yen-I Yang, two were fired at Tsai-Shai Yang, and one was fired at Yee-Chen Lin). In the above-referenced dialogue, Williams, in a moment of mistaken candor, provided detectives with information only the killer would know. Moreover, he repeated that knowledge twice. When confronted with this apparent knowledge, Williams, again acting as the guilty party, retracted the statements and denied saying what he had just been heard to say. These statements and Williams' immediate retraction of them, are admissions to the Brookhaven murders. Williams knew five shots were fired because it was Williams who pulled the trigger each of those five times.

X.

STANLEY WILLIAMS' DEFENSE AT TRIAL

In contrast to the overwhelming evidence presented to the jury which established Williams' guilt, the defense consisted of Williams' step-father, two inmates that were housed in jail with Williams, and Williams' girlfriend. The testimony of these various individuals was soundly rejected by the jury.

A.

FRED HOLIWELL

Mr. Holiwell, the step-father of Stanley Williams, testified that he saw Williams at the Showcase club at Sunday, March 11, 1979. However, Mr. Holiwell was not at all sure as to the time he saw Williams. Holiwell, when initially interviewed by the police, said he saw Williams between 3:00 a.m. and 4:00 a.m. and that Williams then left. (TT 2621). However, under questioning by the defense, Holiwell said it could have been "around 5:00 or 5:15" in the morning, but he didn't "take note of the exact time" that he saw him. (TT 2614). Then, Holiwell said he didn't know when Williams left, explaining "I was in the back of my camper. So, how could I really see if he left?" (TT 2622). Holiwell then admitted that he initially told the deputies that "he did not know how the defendant left." (TT 2622). Then, Holiwell even admitted that he never said he "definitely" saw Williams. Instead, he said he thought he saw him (TT 2622) but was "not sure." (TT 2625).

B.
EUGENE RILEY

Eugene Riley was a county jail inmate who, prior to trial, had been housed with and had spoken with Williams. (TT 2640). He claimed he saw Williams at the Showcase at “about 5:30” in the morning on Sunday, March 11, 1979. (TT 2642). After watching Williams smoke a sherm (PCP cigarette), he drove Williams to the home of James Garrett. (TT 2644). The next time he claimed to have seen Williams was in 1981, when they were both housed together in jail. (TT 2645). At that time, Williams and Riley spoke about Riley testifying as a witness for Williams. (TT 2646). However, prior to that conversation, Riley admitted he had never previously talked about the night of March 11, 1979, and he had never heard of the Brookhaven murders. (TT 2658). As such, Riley was unable to explain how he was able to recall these events. The only logical explanation, and surely the explanation drawn by the jury, was that Williams spoke with Riley in jail and told him what to say on the stand.

C.
JOSEPH MCFARLAND

Joseph McFarland, who had previously been convicted of seven felonies (Penal Code § 664/211) was also a county jail inmate who, prior to trial, had been housed with and had spoken with both Stanley Williams and Eugene Riley. (TT 2677, 2693, 2725, 2729). McFarland testified that George Oglesby was a “jailhouse rat” (TT 2683) and that some inmates gave Oglesby fake information, knowing he would take it to the deputies. (TT 2684). However, McFarland admitted he did not know what Williams had told Oglesby. (TT 2742). McFarland also testified that Williams did pass an escape note to Oglesby. (TT 2693-2694, 2697). Lastly, McFarland testified that Williams told him (McFarland) about the notes and that he (Williams) wanted McFarland to testify about them. (TT 2699).

D.
BEVERLY MCGOWAN

Beverly McGowan testified that on February 27, 1979, Williams came over to her house for dinner and then he spent the night. (TT 2750). She claimed that although they saw each other regularly, she never saw Williams again after the morning of February 28, 1979. (TT 2752, 2755).

McGowan admitted that since Williams was arrested, she had visited him regularly in jail and that he had asked her to help him with his case. (TT 2752-2754, 2757, 2763).

XI.
FOUNDER OF THE CRIPS STREET GANG

In 1971, Stanley Williams, along with Raymond Lee Washington, founded one of the most violent and predatory street gangs ever known, the Crips. As a result of Williams’ actions, this gang is now active throughout the United States, as well as other countries across

the globe. This gang is responsible for the regular commission of crimes such as murder, rape, robbery, and drug sales. The gang has taken over large areas of many of our communities. As a result, hard-working, law abiding citizens are forced to live in daily fear that gang members might take their lives.

In 2004 alone, in the City of Los Angeles alone, gang-related crimes accounted for 291 homicides, 717 attempted homicides, 2616 felony assaults, 61 attacks on police officers, 2308 robberies, 44 kidnappings, 36 rapes, 754 acts of witness intimidation, 20 acts of extortion, and 188 carjackings. (P. Exh. 5). Of course, these statistics only cover those crimes in which the victim was brave enough to contact the police. Many more victims, acting under the fear of gang retaliation, never even contact the authorities. Instead, they simply continue living in submissive fear of the gang members that control their communities.

Although Stanley Williams is not directly responsible for every gang crime committed today, he was an integral founding member of a gang that has contributed, and continues to contribute, to the gang problem with devastating force. This plague on our society continues to spread, and continues to take lives on a daily basis. Williams unleashed this violence in no less a manner than if he had released a deadly virus into our communities.

XII. **PRISON BEHAVIOR-DISCIPLINE**

After being convicted of the four murders and sentenced to death in 1981, Stanley Williams was sent to San Quentin State Prison. Upon arriving at San Quentin, Williams quickly demonstrated violent behavior consistent with a hardened murderer. Although this is not an exhaustive list of Williams' violent acts while in prison, it is illustrative of his behavior at San Quentin:

- On June 30, 1981, just two months after being sentenced, Williams was involved in a violent fight with another inmate. Williams was observed kneeling over the other inmate and striking him in the head with his closed fists. When Williams was ordered to cease fighting, he ignored the order. Only after repeated orders to stop, did Williams stop his violence. (P. Exh. 6).
- On January 26, 1982, Williams was ordered to lineup for his return to his cell. Williams refused the order and became hostile. The guard then explained the line-up procedure to Williams. Williams responded by saying "you'll get yours boy, I can do anything now because I know what the gunmen will do...one of these days I'll trick you boy." (P. Exh. 7).
- On January 28, 1982, Williams had two separate instances where he threw chemical substances at guards. In one of these instances, Williams threw a chemical substance in the eyes and on the face of a guard. As a result of that assault, the guard suffered from chemical burns to these areas and had to be taken to the hospital where he received emergency care. (P. Exh. 8).

- On January 29, 1982, Williams again attacked a guard by throwing a chemical substance on him. (P. Exh. 9).
- On February 16, 1984, a guard saw Williams bending over another inmate and striking him with his closed fists. In an effort to stop the attack, the guard blew his whistle and drew his weapon. Williams, however, continued to fight. Only after a guard fired a warning shot, did Williams stop fighting. (P. Exh. 10).
- On June 8, 1984, Williams was observed participating in inappropriate behavior with a female visitor. When the guard advised the female of the prison policies, Williams became verbally hostile and stated, “you are looking around too much and that’s not your job. I have dusted many officers on the street, one more would not make any difference.” (P. Exh. 11).
- On July 4, 1986, Williams stepped between a guard and another inmate and began to beat up the inmate. The guard ordered Williams to stop but Williams continued with the assault. Eventually, after gun officers responded, Williams stopped the attack. (P. Exh. 12).
- On October 10, 1988, Williams was involved in a fight that led to him being stabbed. Prison officials subsequently learned that this stabbing was done in retaliation for a September 22, 1988, stabbing of another inmate ordered by Crips leader Stanley Williams. (P. Exh. 13).
- On October 19, 1988, Williams was placed in Administrative Segregation based on his association with the Crips street gang. (P. Exh. 13).
- On December 24, 1991, Williams was involved in another fight with an inmate. Once again, despite being ordered to stop, Williams continued with the assault. Eventually, gun officers responded by firing a round near Williams. After the shot was fired, guards gained control over Williams. (P. Exh. 14).
- On July 6, 1993, a large fight broke out in the shower area. Williams was one of the combatants. A guard ordered the inmates to stop, but the fight continued. After a warning shot was fired, the fighting stopped. Subsequently, a stabbing instrument (“shank”) made of sharpened plastic was recovered from where the fight had occurred. (P. Exh. 15).

XIII.

PROCEDURAL HISTORY AND APPELLATE REVIEW

To date, Stanley Williams’ case has received extensive legal scrutiny in both state and federal court. Since his conviction in 1981, Williams has pursued multiple appeals and habeas

corpus petitions. In each and every instance, in both state and federal court, his conviction has been affirmed as appropriate and just.

- On April 18, 1980, the trial court granted Williams' motion to substitute his hand-picked attorney, Joseph Ingber, as attorney of record in place of Gerald Lenoir.
- On January 21, 1981, the jury trial commenced and on March 13, 1981, the jury returned guilty verdicts of four counts of first-degree murder and two counts of robbery. The jury also found the special circumstance allegations of robbery-murder and multiple murder to be true. Lastly, the jury found true the special allegations that defendant Williams personally used a shotgun and that a principal was armed with a firearm.
- On March 17, 1981, both parties having rested without presenting evidence at the penalty phase, argument was presented on behalf of the People and defendant Williams as to whether the penalty should be death or life imprisonment without possibility of parole. Following arguments and instructions of law by the Court on this issue, the jury, on March 18, 1981, returned a verdict of death as to each of the charged first-degree murders.
- On April 15, 1981, defendant Williams' motions for a new trial and for modification of the verdict and findings imposing the death penalty were heard by the Court and denied. The trial court then sentenced Williams to death on counts 1, 2, 3 and 7.
- On April 11, 1988, on automatic appeal to the California Supreme Court, in the cases of *People v. Stanley Williams*, Crim. No. 21977, and *In re Stanley Williams*, Crim. No. 23806, consolidated under Case No. S004365, and published at (1988) 44 Cal.3d 1127, the imposition of the death penalty was affirmed and defendant Williams' first habeas petition was denied following an evidentiary hearing.
- On January 18, 1989, the California Supreme Court denied defendant Williams' second state habeas petition in Case No. S008526.
- On that same date, January 18, 1988, defendant Williams filed his first federal habeas petition in the United States District Court in Case No. CV89-00327-SVW. The district court held that petition in abeyance while defendant Williams returned to the California Supreme Court with his unexhausted claims.
- On April 11, 1994, following another evidentiary hearing, the California Supreme Court denied defendant Williams' third state habeas petition in Case No. S011868, published at (1994) 7 Cal.4th 572.

- On June 21, 1995, the California Supreme Court denied defendant Williams' fourth state habeas petition in Case No. S039285.
- On December 21, 1988, defendant Williams returned to federal court and, following an evidentiary hearing, the United States District Court denied defendant Williams' amended habeas petition in Case No. CV89-00327-SVW, and published its order at (1998) 41 F.Supp.2d 1043.
- On December 17, 1999, defendant Williams' subsequent Rule 60(b) motion to reopen the judgment was denied, and the order was published at (1999) 1999 WL 1320903.
- On September 10, 2002, the United States Court of Appeals for the Ninth Circuit denied defendant Williams' direct appeal and Rule 60(b) motion in Case Nos. 99-99018 and 00-99001, published at (2002) 306 F.3d 665.
- On September 9, 2004, the Ninth Circuit Court of Appeals amended the opinion and denied defendant Williams' petition for rehearing and suggestion for rehearing en banc, published at (2004) 384 F.3d 567.
- On February 2, 2005, the Ninth Circuit Court of Appeals denied defendant Williams' subsequent petition for rehearing and suggestion for rehearing en banc, published at (2005) 396 F.3d 1059.
- Finally, on October 11, 2005, the United States Supreme Court denied defendant Williams' petition for writ of certiorari in Case No. 04-10500.

As this historical accounting proves, Williams has benefited from a detailed and exhaustive review of all of his legal claims and each court has affirmed the guilty verdicts and affirmed the death sentence. In doing so, our courts, both state and federal, have given appropriate and serious consideration to Williams, consideration which Williams so violently denied each of his victims.

XIV. **JURY PANEL**

In his petition for clemency, Williams makes the allegation that the prosecutor "removed the only blacks from Stanley Williams' jury. (Petition for Executive Clemency, Dated November 8, 2005, 10). This statement, apparently made to suggest there was a racial element to the trial, is factually incorrect. In fact, the documented evidence demonstrates conclusively that there was a black juror on the case, and that that juror not only voted for guilt, but also voted for death.

Attached as an exhibit is a certified copy of the court minute order listing the names and seat numbers of the respective jurors. (P. Exh. 16). Also attached as an exhibit is a certified

copy of the death certificate of Juror #12, William James McLurkin. (P. Exh. 17). In that death certificate, the race of Mr. McLurkin is clearly listed as “Black.” In addition, Juror #1, Larry Sabala, has provided a sworn affidavit which confirms that one of the jurors was black. According to Mr. Sabala, “one of the jurors who served with me was a black man. It was obvious to everyone that he was a black man.” (P. Exh. 18).

XV.

WILLIAMS HAS NEVER TAKEN RESPONSIBILITY, HAS NEVER APOLOGIZED, HAS NEVER SHOWN ANY REMORSE, AND HAS NEVER AGREED TO BE DEBRIEFED BY PRISON AUTHORITIES

The supporters of Stanley Williams like to claim that he has apologized for his crimes. Nothing could be further from the truth. Stanley Williams has never apologized for taking the lives of Albert Owens, Yen-I Yang, Tsai-Shai, or Yee-Chen Lin.

Stanley Williams, who in his petition for clemency, relies on the “right to strive, to seek, and find purpose, to have hope,” violently deprived the victims of those very same rights. Stanley Williams was their executioner, and for that he has never sought redemption, nor expressed remorse.

Moreover, Williams remains loyal to the gang member street code of ethics. He has refused, despite his hollow claims of atonement, to be debriefed by the prison authorities. Such a debriefing could provide the prison authorities with important information to aid them in establishing institutional security. It would also provide tremendous insight into how the gang members operate within the prison walls and how they are able to continue their criminal activities on our city streets while locked up behind those walls. Lastly, it would show that Williams has finally renounced his criminal life, and in some small way, has begun to accept responsibility for his actions.

Despite the value of such a debriefing, Williams, falling back on his ever-present gang mentality, claims that he would not submit to a debriefing because to do so would be to act as a “snitch” and as any gang member would concede, in the gang world there is nothing lower in the hierarchal order than a snitch.

The following excerpted transcript is taken from a 2004 interview conducted by Ed Bradley, which aired on the *60 Minutes* television program. (P. Exh. 19). In this interview, Mr. Bradley questioned San Quentin prison official Vernell Crittendon about the value of debriefing. Mr. Bradley also asked Stanley Williams about his refusal to be debriefed.

BRADLEY: What’s more, Vernell Crittendon says that if Stanley Williams were totally rehabilitated, he would not only admit to the murders, he would also agree to be debriefed by prison officials, giving them information about the Crips and the way they operate, something Williams has so far refused to do.

So you think that today, by sitting down and talking to prison authorities, he could help defuse the situation on the streets?

CRITTENDON: **By him being himself involved in debriefing, it opens the door for others that are in the Crip gang to come forward, and they will tell their stories. But when they see their original godfather who stands tall in the face of, as they say, in the face of death, and he refuses to tell anything, then that makes that 16-year-old that's out there with that weapon feel just as committed.**

BRADLEY: But what information could he have that would be of—of any value to law enforcement authorities who are investigating present-day gang activity, when he's been so—he's been locked up for over 20 years?

CRITTENDON: There is a great deal of contact that goes on between the outside community and the inmates within these walls. He can explain to us how they gain their money, how they set up their trafficking, he can explain on how they have set up for the—the collection of weapons.

BRADLEY: Stanley Williams told me he doesn't have anything to give. He has no current information about the Crips. And, even if he did, he says it would violate his code of honor to be debriefed.

WILLIAMS: **I have to say that the word “debriefing” is a euphemistic term for snitching. And my—my convictions won't allow that.** [Emphasis added].

XVI.

REVIEW OF LETTERS OPPOSING CLEMENCY

Committed, dedicated professionals, who are well aware of the facts and circumstances surrounding the 7-Eleven and Brookhaven Motel robbery-murders and the life of Stanley Williams, strongly urge that clemency be denied in this matter.

- Steve Cooley, District Attorney for the County of Los Angeles, writes:

In addition to committing the above described crimes, Stanley Williams has left his mark forever on our society by co-founding one of the most vicious, brutal gangs in existence, the Crips. Since Williams co-founded the Crips, Crip gang warfare has been responsible for literally thousands of murders in Los Angeles County alone. This warfare resulted in the murder of many innocent men, women and children. For example in 1994 my office prosecuted Stanley

Williams' son, Stanley "Little Tookie" William, Jr., a "Neighborhood Crip" for shooting a twenty year old girl to death in an alley off of Sunset Boulevard in Hollywood in a gang retaliation shooting. "Little Tookie" was convicted by a jury of murder.

Stanley Williams was sentenced to death in 1981 following his conviction by jury. The appeal process has taken twenty four years to complete. The Los Angeles County Superior Court has set an execution date of December 13, 2005. Governor, I respectfully request that you deny Williams' petition for clemency. It is time that the penalty imposed so many years ago now be carried out. (P. Exh. 20).

- David LaBahn, Executive Director of the California District Attorneys Association, writes:

Governor, after carefully reviewing the facts in this case, the California District Attorneys Association urges you not to grant clemency to Mr. Williams. The damage he has caused is far reaching and extremely detrimental. The effects of the crimes he has committed may never be fully realized. Mr. Williams was convicted by a jury of his peers and several appellate judges have consistently expressed their opinion in the matter of his guilt and his sentence. After twenty-five years, the time has come to see that justice is carried out. (P. Exh. 21).

- David M. Singer, Chief of the Whittier Police Department and President of the Los Angeles County Police Chiefs Association, writes:

The Los Angeles County Chiefs of Police Association strongly opposes clemency for Williams. Governor, our association is asking that Stanley Williams NOT be granted clemency. Williams has been on death row almost twenty-five years during which time the citizens of Los Angeles County have patiently waited while the appellate process has run its course. The time has come for the judgment rendered by the jury so many years ago be carried out. (P. Exh. 22).

- Lee Baca, Los Angeles County Sheriff, writes:

The Los Angeles County Sheriff's Department strongly opposes clemency for Stanley Williams. Governor, we are asking that Stanley Williams **NOT** be granted clemency. . . The date of Williams' scheduled execution is rapidly approaching and we plead that you carry out the decision rendered by the jury so many years ago. (P. Exh. 23).

- William J. Bratton, Chief of the Los Angeles Police Department, writes:

While Williams' supporters talk of his reform and rehabilitation, one must not lose sight of the fact that Williams' actions still impact the victims' families and

the nation as a whole. The Crips street gang continues to commit murders and other violent crimes. Clemency for Williams would deny justice for the victims' families.

I strongly oppose clemency for Williams. The crimes Williams committed were truly horrific. The time has come to follow through with the judgment rendered by the criminal justice system not only many years ago but also recently affirmed. (P. Exh. 24).

- Captain Raymond H. Peavy, commanding officer of the Los Angeles County Sheriff's Homicide Bureau, writes:

Our statistics relating to gang related homicides have increased 21.37% from last year. It is time that we become proactive in this fight against violence and let it begin with the execution of Stanley Williams, so those that fear no consequences understand the reality of life.

The Los Angeles County Sheriff's Department, Homicide Bureau strongly opposes clemency for Stanley Williams. Governor, we are asking that Stanley "Tookie" Williams NOT be granted clemency. (P. Exh. 25).

- Wesley D. McBride, on behalf of over 1,600 law enforcement professionals as President of the California Gang Investigator's Association, writes:

Mr. Williams has never agreed to be debriefed on the gang by authorities, which he feels is tantamount to becoming a "snitch" in gang parlance. This view casts serious doubt on his so called redemption and his disavowal of the gang lifestyle. It would seem that his gang mentality is still functioning and part of his persona.

The California gang Investigator's Association strongly opposes clemency for Stanley "Tookie" Williams. Our association respectfully requests that you deny Stanley Williams' request for clemency. (P. Exh. 26).

- Roy L. Burns, on behalf of more than 7,000 Los Angeles County Deputy Sheriffs and District Attorney Investigators as President of the Association for Los Angeles Deputy Sheriffs, writes:

Williams was fairly tried, properly convicted and appropriately sentenced to death in 1981. He has exhausted every remedy available to him at both the state and federal level over the last 24 years.

The members and directors of the Association for Los Angeles Deputy Sheriffs – ALADS – the largest deputy sheriff's association in the nation, strongly opposes clemency for Mr. Williams. We are asking that Stanley Williams NOT be granted clemency. (P. Exh. 27).

XVII. **CONCLUSION**

Stanley Williams does not deserve the mercy of clemency. The evidence clearly establishes that Stanley Williams shot-gunned Albert Owens, Yen-I Yang, Tsai-Shai Yang, and Yee-Chen Lin to death. These murders were truly horrific.

What man orders another human being to lie face down on the floor and then proceeds to shoot him two times in the back at close range with a shotgun? What man later laughs when he tells his friends how the victim gurgled as he lay dying? Stanley Williams, the admitted co-founder of one of the most violent gangs in existence, is that man. What man, days after shot-gunning Albert Owens to death, forces his way into a motel and executes three members of a single family? Stanley Williams is that man.

One can only imagine Albert Owens' terror as he lay face down on the floor of the storage room at the 7-Eleven and heard the first shotgun blast that was fired into the security monitor. Was he hoping against hope he would not be shot to death? Was he thinking of his two young daughters and whether he would ever see them again, hold them again, tell them how much he loved them again?

Before crossing paths with Stanley Williams, Albert Owens had proudly served in the United States military. He had fathered two beautiful daughters. He had recently moved to Los Angeles to make a better life for him and his family. Stanley Williams took that dream away. He took it away from Albert, his daughters, and his entire family. (P. Exh. 28; P. Exh. 29).

Imagine the fear that engulfed Yen-I Yang, Tsai-Shai Yang, and their daughter, Yee-Chin Lin as they experienced their last moments alive. Imagine the terror and despair of Robert Yang, the son of Yen-I and Tsai-Shai Yang and the sister of Yee-Chin Lin. Robert testified at Williams' trial that he heard the sound of someone breaking into the motel, followed by screaming and gunshots. When Robert entered the motel office he saw all of his family dead or dying as a result of the shots fired by Stanley Williams.

Tsai-Shai Yang came to America in 1973 in search of a better life. Her husband, Yen-I, arrived a short time later. In July 1975, the Yangs purchased the Brookhaven Motel. Tsai-Shai and Yen-I ran the motel with their son Robert. At the time of their murders, in addition to Robert, the Yangs had five other children. They also had ten grandchildren.

Yee-Chin Lin was visiting from Taiwan when Stanley Williams murdered her. Yee-Chin was married with three children, a 10 year old daughter, a 13 year old son, and a 14 year old son. When Stanley Williams shot-gunned Yen-I Yang, Tsai-Shai Yang, and Yee-Chin Lin to death, he not only took their lives, he stole the hopes and aspirations of the entire Yang family. Little did Yee-Chin's children know that when they said good-bye to their mother as she left Taiwan for a short visit to America, she would never again return home.

In the petition filed in support of Williams' request for clemency, the claim is made that Stanley Williams is today a different man. Even if that were the case, the jury's determination

that Williams suffer the penalty of death for his crimes was appropriate and should be carried out. Additionally, Williams has never accepted responsibility for the murders of Albert Owens, Yen-I Yang, Tsai-Shai Yang, and Yee-Chen Lin, nor has he accepted responsibility for the devastation of their respective families. Williams claims he cannot accept responsibility for these murders because he is innocent. A thorough review of the evidence simply does not support Williams' claim of innocence.

Additionally, Williams has never accepted his responsibility for his plot to escape from the Los Angeles County Jail while awaiting trial. Does an innocent man, a man who is represented by an experienced attorney of his own choosing, plot to escape from custody prior to his trial? This plot to escape from custody involved the plan to kill two sheriff's deputies, witness Alfred "Blackie" Coward, and the other inmates on the bus. Moreover, this plot to escape from custody and commit additional murders was proven beyond any possible doubt by Williams' own words, including "[a]s for Blackie hes (sic) only he (sic) heart beat away from death."

What must not be forgotten is that Williams' escape plan also called for using dynamite to blow up the sheriff's transportation bus after he escaped from custody. Williams' motive to murder all of his fellow inmates on the bus was to prolong his time to escape. In other words, he hoped to prevent the authorities from quickly discovering who, if anyone, had escaped from custody. In an act so demonstrative of Williams' willingness to kill, he was going to commit mass murder by dynamite, simply to allow himself more time to escape. These are not the actions of a man of peace. Instead, these are the actions of a cold-blooded predator who puts no value on life, unless it is his own.

The petition for clemency filed on Williams' behalf further contends that he has turned his back on the gang lifestyle of his younger years. However, Williams' refusal to debrief proves otherwise. As Vernell Crittendon explained on *60 Minutes*, if Williams debriefed it would send a powerful message to those who look up to Williams and seek to emulate him.

Williams' refusal to debrief, and his characterization of the debriefing process as "snitching" clearly shows that Williams has not turned his back on the Crips gang, a gang he co-founded. No doubt Williams could provide substantial, in-depth insight into the history and structure of the Crips gang. Additionally, there can be little doubt that Williams could provide significant information relating to many unsolved crimes, including murders both inside and outside the prison walls. This information would help bring closure and some sense of justice to the families of many, many victims.

In the *Killing of Bonnie Garland*, Willard Gaylin, a psychiatrist, wrote that when a murder is committed there is an ". . . immediate revulsion at the nature of the crime." However, as Dr. Gaylin explained, the victim soon ". . . ceases to exist as an identifiable figure." As time passes ". . . the ongoing reality is the criminal" and ultimately the criminal ". . . usurps the compassion that is justly his victim's due."

Governor, do not allow Stanley Williams to usurp the compassion that is due Albert Owens. Do not allow Stanley Williams to usurp the compassion that is due Yen-I Yang. Do

not allow Stanley Williams to usurp the compassion that is due Tsai-Shai Yang. And do not allow Stanley Williams to usurp the compassion that is due Yee-Chen Lin. Williams has already taken their lives and devastated their families. Stanley Williams does not deserve your sympathy, leniency, or mercy.

The People respectfully request that the Williams' petition for clemency be denied and that the death sentence imposed by the jury almost twenty-five years ago, and affirmed by every reviewing court, now be carried out.

Dated: November 16, 2005

Respectfully submitted,
STEVE COOLEY
District Attorney

By: _____

JOHN MONAGHAN
Assistant Head Deputy District Attorney

By: _____

DAVID WALGREN
Deputy District Attorney

**PEOPLE'S RESPONSE TO PETITION FOR EXECUTIVE CLEMENCY FOR
STANLEY WILLIAMS**

INDEX AND DESCRIPTION OF EXHIBITS

| Exhibit Number (P. Exh. No.) | Description |
|---------------------------------|---|
| 1 | Transcript, Tony Sims' statement to Los Angeles County Sheriff's Department homicide investigators on March 23, 1979 |
| 2 | Testimony, Tony Sims, April 14, 1981, People v. Tony L. Sims, case no. A194636 |
| 3 | Transcript, Subsequent Parole Consideration Hearing, Tony Sims, July 17, 1997 (Selected pages) |
| 4 | Transcript, Subsequent Parole Consideration Hearing, Tony Sims, July 24, 2002 (Selected pages) |
| 5 | Los Angeles Police Department City Wide Gang Crime Summary |
| 6 | Inter-Departmental Communication California State Prison at San Quentin dated June 30, 1981 |
| 7 | Report by D.B. Beach dated January 26, 1982 |
| 8 | Inter-Departmental Communication California State Prison at San Quentin, January 28, 1982; Inter-Departmental Communication California State Prison at San Quentin, January 29, 1982; Classification memo, March 4, 1982; Department of Corrections Rules Violation Report |
| 9 | Department of Corrections Rules Violation Report January 29, 1982 |
| 10 | Inter-Departmental Communication California State Prison at San Quentin from Sergeant N.L. Davis, February 16, 1984; Inter-Departmental Communication California State Prison at San Quentin from D.M. Johnson, February 16, 1984; Inter-Departmental Communication California State Prison at San Quentin from M.I. Nelson, February 16, 1984; Department of Corrections Rules Violation Report January 28, 1982 |
| 11 | Department of Corrections Rules Violation Report June 8, 1984 |
| 12 | Department of Corrections Rules Violation Report July 4, 1986 |
| 13 | CDC-128-G, October 25, 1988 |
| 14 | Department of Corrections Rules Violation Report December 24, 1991 |
| 15 | Department of Corrections Rules Violation Report July 6, 1993 |
| 16 | Minute Order, People v. Williams, case no. A194636, February 5, 1991 |
| 17 | Certificate of Death, William McLurkin |
| 18 | Declaration of Larry Sabala |
| 19 | Transcript, 60 Minutes, May 23, 2004 (Selected pages) |
| 20 | Letter to Governor Arnold Schwarzenegger from Steve Cooley, November 14, 2005 |
| 21 | Letter to Governor Arnold Schwarzenegger from David LaBahn, November, 8, 2005 |

| Exhibit Number (P. Ex. No.) | Description |
|--------------------------------|---|
| 22 | Letter to Governor Arnold Schwarzenegger from David M. Singer, October 21, 2005 |
| 23 | Letter to Governor Arnold Schwarzenegger from Leroy D. Baca, November 9, 2005 |
| 24 | Letter to Governor Arnold Schwarzenegger from William J. Bratton, November 10, 2005 |
| 25 | Letter to Governor Arnold Schwarzenegger from Raymond H. Peavy, November 10, 2005 |
| 26 | Letter to Governor Arnold Schwarzenegger from Wesley D. McBride, November 4, 2005 |
| 27 | Letter to Governor Arnold Schwarzenegger from Roy L. Burns, November 10, 2005 |
| 28 | Letter to Governor Arnold Schwarzenegger from Wayne Owens, November 9, 2005 |
| 29 | Letter to Governor Arnold Schwarzenegger from Lara Owens, November 15, 2005 |