

TAPE I

People v. Chuck Edward Johnson
FWV02293

The date is October 10, 1993. The day of the week is Sunday. The time is approximately 1424 hours. This is Officer Mike Donley of the Montclair Police Department. I'm conducting an interview in regards to a death which occurred at 93 . . .

JOHNSON: 93.

OFFICER DONLEY: 9393?

JOHNSON: Yeah.

DONLEY: Exeter in the City of Montclair. Present in the room is Officer Joe Bales. Ah, Chuck, what is your last name?

JOHNSON: Johnson.

DONLEY: Chuck Edward Johnson?

JOHNSON: That's right. The 2nd.

DONLEY: The 2nd. And what is your birthday?

JOHNSON: 9-25 of 1969.

DONLEY: Okay. Um, I've advised you about this being recorded, ah, and you have no problem with that, right?

JOHNSON: No, I have no problems, either.

DONLEY: Okay. Now, you've talked to Officer Bales and I'm sure you've told him, ah, given him your statement. But it's my responsibility to go over and, and to ask you about some things and to be able to clarify, ah, certain aspects, um . . . Do you understand that you are not under arrest?

JOHNSON: Yes, I understand.

DONLEY: Do you understand that you have no obligation to talk to us?

JOHNSON: ...the right to remain silent?

DONLEY: No. I'm not reading you your rights. I'm telling you that you have no obligation to talk to us and you are free to get up and walk out this front door. You contacted us. Right?

1 JOHNSON: Yes, I did.

2 DONLEY: Okay. And you had no problem with that?

3 JOHNSON: No, I didn't.

4 DONLEY: And you understand that you are free to go at
5 any time?

6 JOHNSON: I understand.

7 DONLEY: Okay. Alright, why don't you start out by
8 telling me what your relationship with
 Brittany was as far as, you know, was it
 good? Was it bad? Is it . . .

9 JOHNSON: (INAUDIBLE). I have kids. I've always been
10 real good with kids. Um, I got two sons
 myself. (INAUDIBLE). It's easier to make
 them laugh.

11 DONLEY: Okay. How long ago did you move in on
12 Exeter?

13 JOHNSON: Exactly, um, let's see, a rough seven weeks.
14 Give or take a few days.

15 DONLEY: Okay. And you were renting a room there?

16 JOHNSON: Yes.

17 DONLEY: Okay. How do you know the people that you
 are renting from?

18 JOHNSON: Um, one of the roommates is Steve Lopez,
19 which is my boss at Thrifty's, where I work.

20 DONLEY: Okay.

21 JOHNSON: And, ah, Darin and Jenny are friends of
 Steve's from way back in high school.

22 DONLEY: And, and you needed a room and they had a
23 room that was vacant and you decided to rent
 it. Is that right?

24 JOHNSON: Yeah, it was, it was (INAUDIBLE).

25 DONLEY: Okay. How much do you pay for rent on that?

26 JOHNSON: Currently I pay \$207.00.

27 DONLEY: Okay, how much do you pay now?

28

1 JOHNSON: (INAUDIBLE) but, um, there was talk last
2 night that it may go up because, ah, I guess,
3 DONLEY: Okay. Let's start out by talking about tomor
4 . . . , or yesterday. Um, did you work
5 JOHNSON: No.
6 DONLEY: Or were you at home on Exeter all day?
7 JOHNSON: I was, I was running errands. Um, I called
8 the courthouse and the DMV and I was thinking
9 of another day, like if it was Saturday
10 afternoon or Monday, and I ran down there for
11 DONLEY: nothing. And I gave a friend a ride to
12 JOHNSON: Fontana because she had to babysit . . .
13 DONLEY: Uh-hummm.
14 JOHNSON: And I had car trouble. I have, I put too
15 DONLEY: much oil in my Volkswagen.
16 DONLEY: Uh-hummm.
17 JOHNSON: Too much pressure and it blew a gasket.
18 DONLEY: Uh-hummm.
19 JOHNSON: So, I fiddled with that, um, came home, um,
20 after running out of gas, it was a hell of a
21 day. Um, contacted my wife. We had a little
22 DONLEY: bit of a talk, an argument.
23 JOHNSON: Uh-hummm. So, what time did you finally
24 settle down and go home?
25 JOHNSON: It was before dark, started out 5:30, 6:00,
26 guesstimated.
27 DONLEY: And what did you do?
28 JOHNSON: Well, I, I felt bad for arguing with my wife
 earlier . . .
 DONLEY: Uh-hummm.
 JOHNSON: So, I thought I'd clean up my car and take
 her to the drive-in movies. Cause she hardly
 gets out. She's taking care of both my boys,
 our boys.
 DONLEY: Uh-hummm.

1 JOHNSON: Um, presently we're not legally separated but
2 we're apart from each other. That was what I
 was doing. Then there's a problem with, ah,
 finances among the roommates at the house.

3 DONLEY: What time, what time did you, ah, did you
4 take her to the movies?

5 JOHNSON: No, I did not. It was supposed to be
 tonight.

6 DONLEY: Oh.

7 JOHNSON: Um, I washed my car last night, ah, right
8 after, I got finished about eight o'clock . . .

9 DONLEY: Uh-huh.

10 JOHNSON: Went inside, watched a couple movies on the
11 VCR. Um, went through some paperwork . . .

12 DONLEY: You went to your room?

13 JOHNSON: No, well, I went to my room to get the
14 paperwork but I took it to the kitchen
 instead.

15 DONLEY: Okay.

16 JOHNSON: And me and Jenny had talked about, um, she
17 was giving me her advice about arguments and
 fighting.

18 DONLEY: Uh-hummm.

19 JOHNSON: We talked about an hour and a half, hour and
20 forty minutes.

21 DONLEY: About what time was that?

22 JOHNSON: About ten o'clock.

23 DONLEY: Last night?

24 JOHNSON: Yes.

25 DONLEY: One hour last night at ten.

26 JOHNSON: And one of Jenny's friends. I forgot her
27 name had come over, um, to visit, say hi.
28 Um, we all sat down in the back yard.

 That was at ten?

 That was around midnight.

1 DONLEY: Okay.

2 JOHNSON: We took, me and Jenny started talking around
3 ten o'clock. We talked about an hour and a
4 half. Her friend came over, well, her friend
5 got lost. I had to go chase her down and she
6 followed me back, so she would know where we
7 lived. And me and, um, Darin talked in the
8 back yard for about an hour . . .

9 DONLEY: That was at midnight?

10 JOHNSON: Ah, right after midnight.

11 DONLEY: So, you talked 'til about one o'clock?
12 Roughly?

13 JOHNSON: Yes. Yeah.

14 DONLEY: So, what did you talk about?

15 JOHNSON: Um, the problems around the house.

16 DONLEY: What problems were that?

17 JOHNSON: Um, agreeing, disagreeing, misunderstanding
18 problems, the rent might have to be a little
19 bit raised. Ah, one, communicating, kind of
20 understanding. Darin, Darin's a good guy. I
21 don't get to see him very often but when we
22 do, we like to talk. I like to talk to him.

23 DONLEY: What, what is your relationship with Darin?
24 Good? Bad?

25 JOHNSON: Hmmm? I work part-time with him on
26 construction . . .

27 DONLEY: Uh-hummm.

28 JOHNSON: Um, I like Darin a lot. He reminds me of my
father which I have a lot of respect for.
Darin's a good guy. He makes me feel right
at home.

DONLEY: Okay, so you talked 'til about one o'clock in
the morning and what happened? By the way,
what did you , did you have anything to eat
last night at all? I mean, for dinner?

JOHNSON: Well, I stopped at Del Taco, um . . .

DONLEY: About what time?

JOHNSON: Well, I went to the car wash and washed my
car . . .

1 DONLEY: (INAUDIBLE).
2 JOHNSON: A little after eight.
3 DONLEY: What did you eat?
4 JOHNSON: I ate, uh, chicken, a chicken grande, a big
5 chicken burrito.
6 DONLEY: And what did you have to drink?
7 JOHNSON: A Pepsi.
8 DONLEY: Okay. Ah, and you smoke, right?
9 JOHNSON: I smoke cigarettes.
10 DONLEY: How much do you smoke?
11 JOHNSON: Ummm, a pack, a pack lasts me a day and a
12 half.
13 DONLEY: So, you got home, between the time you went
14 to Del Taco and the time you, you finished
15 talking to Darin, what, did you have anything
16 to eat then?
17 JOHNSON: Well, I had to take my wife some of her stuff
18 that she stayed the night. She gave me a
19 donut.
20 DONLEY: Okay. About what time was that? After one?
21 JOHNSON: Ah, pretty close to two o'clock when I saw
22 her.
23 DONLEY: In the morning?
24 JOHNSON: Yeah because I had to drop off some of her
25 clothes.
26 DONLEY: Okay. So, you went to your wife's house at
27 628 North San Antonio?
28 JOHNSON: Yes.
DONLEY: At, at approximately two o'clock or one
o'clock? Between one and two?
JOHNSON: Between one-thirty and two.
DONLEY: Okay.
JOHNSON: Because my in-laws don't like me around there
so much. I just kind of avoid . . .

1 DONLEY: Do they live there?
2 JOHNSON: Yes, they do.
3 DONLEY: Okay. So, they know you're there, you were
4 there?
5 JOHNSON: No.
6 DONLEY: You kind of sneak around a little bit?
7 JOHNSON: It keeps the heat off my wife.
8 DONLEY: Okay. Alright. So, now we're, we're right
9 around one-thirty, two o'clock. What
10 happened after that?
11 JOHNSON: I went back and as I drove up . . .
12 DONLEY: Went back where?
13 JOHNSON: Back to my home at 9393 Exeter.
14 DONLEY: Exeter?
15 JOHNSON: And I saw a friend of mine that I knew from a
16 bar, called Palomino Bar . . .
17 DONLEY: Uh-hummm.
18 JOHNSON: He was . . .
19 DONLEY: Palomino a gay bar?
20 JOHNSON: No, sir.
21 DONLEY: Okay.
22 JOHNSON: Um, but I, my, ah, George I think he's, he
23 jumps on both sides of the fence. Ah . . .
24 DONLEY: What's his name?
25 JOHNSON: George. Everybody calls him Geo cause he
26 drives a Geo.
27 DONLEY: Geo is also short for George.
28 JOHNSON: Well, okay.
DONLEY: (INAUDIBLE).
JOHNSON: Um, I'm, I'm, ah, positive that's where it
is. The Palomino Bar on Mountain in
Ontario. I don't know . . .

1 DONLEY: He was at the Exeter house?

2 JOHNSON: He, he, I couldn't tell if he was walking up
3 to the door or walking away from the door.

4 DONLEY: Okay.

5 JOHNSON: Um, he asked to me go, why don't you go to
the bar anymore? He was feeling no pain.

6 DONLEY: He was drunk?

7 JOHNSON: Well, pretty close. Yeah, he was drunk.

8 DONLEY: Okay.

9 JOHNSON: He said, "Let's drink a beer" and everybody
10 was asleep so, I didn't really want to say,
11 "No, go, go, go" I just wanted to drink the
beer and play it out.

12 DONLEY: Where'd you drink the beer at?

13 JOHNSON: At my house. At 9393 Exeter.

14 DONLEY: You don't have to give me the address. I
just need to know if it was in the kitchen,
15 the front yard? Where, where . . .

16 JOHNSON: In my bedroom.

17 DONLEY: In your bedroom.

18 JOHNSON: We played a little bit of cards and, ah, we
played Spades and then he started feeling
19 drowsy so I said, "Why don't I take you
home? Where are you staying at?" And I
20 wasn't sure, the way, he quoted it. It's
either sister-in-laws, or his sister, I don't
21 know. I don't really understand him when he,
when he, cause he acts feminine, but when
he's drunk, he slurs his words. I really
22 didn't care. I was tired. Um, I had, I had
a bad day all that day.

23 DONLEY: Okay. So, about what time was it where he
24 said he was so tired he wanted you to take
him home?

25 JOHNSON: (INAUDIBLE) a little after three.
26 Three-fifteen.

27 DONLEY: Is that your Volkswagen?

28 JOHNSON: Yes.

1 DONLEY: Blue Volkswagen?
2 JOHNSON: Ah, yeah. '69 Volkswagen.
3 DONLEY: Okay, so you took him home. What city?
4 Ontario?
5 JOHNSON: Well, I'm really not sure. It's on Mission
6 by the drive-in there. The corner . .
7 DONLEY: This drive-in? Mission and Ramona?
8 JOHNSON: Yeah.
9 DONLEY: Okay. So he (INAUDIBLE) across the street?
10 Okay.
11 JOHNSON: "You want to be dropped off there?"
12 DONLEY: Uh-hummm.
13 JOHNSON: And then across way I dropped him off.
14 DONLEY: Did you drop him off? Did you go inside?
15 JOHNSON: No, I dropped him off on the corner right
16 there. He had to walk down.
17 DONLEY: So, you dropped him off on the corner of
18 Mission and Ramona?
19 JOHNSON: Yeah. Soft shouldered dirt.
20 DONLEY: During the time that you and George were
21 together, did you engage in any type of
22 sexual contact?
23 JOHNSON: No.
24 DONLEY: Are you homosexual?
25 JOHNSON: No.
26 DONLEY: Alright.
27 JOHNSON: I'm married.
28 DONLEY: Well, you know, you said George plays both
sides of the fence. You never know until you
ask. Um, alright . . .
JOHNSON: I do to, ah, adult book stores. Um, that's
me.
DONLEY: That's, well, it doesn't matter to me.

1 JOHNSON: Doesn't mean I'm gay.

2 DONLEY: Okay. Alright. So, we're talking 3:15 in
3 the morning. It gets you back over there
 about what time?

4 JOHNSON: Ummm, about fifteen, twenty minutes.

5 DONLEY: Okay. So, now we're talking 3:30, 3:40?

6 JOHNSON: Quarter to four.

7 DONLEY: Quarter to four?

8 JOHNSON: Yeah.

9 DONLEY: Okay. So, that's three forty-five. You're
10 back on Exeter . . . Then what happened?

11 JOHNSON: Well, I came out here and I poured my beer
 out, cause I didn't drink the whole beer.

12 DONLEY: Uh-hummm.

13 JOHNSON: Um, they save cans, so , I threw it in the
14 garage.

15 DONLEY: Um-hummm.

16 JOHNSON: I was thinking about taking a shower
 (INAUDIBLE) . . . my bedroom.

17 DONLEY: Did you take a shower or did you not?

18 JOHNSON: I did not. Um, turned on the radio and lay
19 on . . . My son stayed with me previously so
 I had his clothes on the bed. . . . Threw
20 everything on the floor and just laid in
 bed. Well, I changed into my shorts that I
21 sleep in at night.

22 DONLEY: Okay. Did you listen to the radio? How long
 did you listen to the radio for?

23 JOHNSON: I leave it on.

24 DONLEY: You leave it on at night?

25 JOHNSON: Yeah.

26 DONLEY: Okay. So, it was dark in your room? TV
 wasn't on?

27 JOHNSON: No.

28

1 DONLEY: The lights on?

2 JOHNSON: Well, I have, I have one lightbulb I leave
on.

3 DONLEY: All the time?

4 JOHNSON: I, I get (INAUDIBLE) sometimes.

5 DONLEY: All the time, it was on? You could see?

6 JOHNSON: Well, it's on top of my blue night stand
there.

7

8 DONLEY: You could see inside the room, right?

9 JOHNSON: Yeah.

10 DONLEY: Okay.

11 JOHNSON: What do you mean, "I could see inside" . . .

12 DONLEY: Well, if you had the light on, you can see.

13 JOHNSON: Yes.

14 DONLEY: With the light out, you can't see. I just
wanted to know if you could see.

15 JOHNSON: Right.

16 DONLEY: Alright. That's 3:45 in the morning, 4:00 or
so, then what happens? You went to bed?

17 JOHNSON: Um, I heard, I'm a light sleeper, Darin, I
guess, yelled at Brittany.

18

19 DONLEY: What time?

20 JOHNSON: About 7:30.

21 DONLEY: So, you slept from 3:45 or 4:00 until you
heard Darin yell at Brittany?

22 JOHNSON: Yeah.

23 DONLEY: 'Kay, Darin, hang on a second.

24 JOHNSON: Cause I guess she walked into the room
without knocking.

25

26 DONLEY: He what, I'm sorry?

27 JOHNSON: I guess, well, what I heard was, "Brittany,
knock before you come in." You know.

28

1 DONLEY: Okay. . . . Brittany approximately at what
time?

2 JOHNSON: 7:30, quarter to eight. Um, I'm not
3 (INAUDIBLE).

4 DONLEY: That was this morning?

5 JOHNSON: Yes.

6 DONLEY: Okay. And he yelled at her, "Don't come in
without knocking"?

7 JOHNSON: Yeah. Or something about that, I guess, um,
8 I got up, went to the restroom, got some cold
9 water, and I saw Brittany. She wanted some
orange, some juice.

10 DONLEY: Hang on a second. Even though this is on
tape, I still take notes. Okay. So, you
11 went to the bathroom and what happened?

12 JOHNSON: Um, I woke up, I got me some water and as I
turned around, Brittany was standing there
13 and she wanted some juice.

14 DONLEY: Okay.

15 JOHNSON: So, I poured us both, her a cup and me a
glass of juice. And, ah, Jenny, her mother,
16 and Brittany were always, you know, stubborn,
they fight back and forth, um . . .

17 DONLEY: Uh-hummm.

18 JOHNSON: And Jenny and Darin are hard workers and the
stress around, the confusion of money . . .

19 DONLEY: Um-hummm.

20 JOHNSON: And all of us, I figured I would just do them
21 a favor, cause Darin works like two or three
jobs . . .

22 DONLEY: Uh-hummm.

23 JOHNSON: Um, so I thought I'll watch her for them and
24 let them sleep in a little bit. Um, because
they're good to me and I just tried to return
25 a favor. She was getting a little loud and I
knew . . .

26 DONLEY: Brittany was? Getting loud?

27

28

1 JOHNSON: Yeah. I had to keep telling her, "Shhh".
2 Um, she sleeps with a nightgown on and no
3 panties. So, I went in her drawer, gave her
4 some shorts cuz I couldn't find her any
5 panties and, uh, no socks.

6 DONLEY: Okay. You went into her room?

7 JOHNSON: No, no. The dresser is in the front room
8 closet, behind the front door.

9 DONLEY: Okay. So, you went to dresser and . . .

10 JOHNSON: Got her some shorts.

11 DONLEY: And got shorts. Okay?

12 JOHNSON: Um, and I asked her what was she going to
13 do. And I turned on the TV and let her watch
14 cartoons.

15 DONLEY: Uh-hummm.

16 JOHNSON: And I wanted to shine up my chrome and clean
17 my windows on my car.

18 DONLEY: Okay. Wait a second. Brittany go with you?

19 JOHNSON: She was in and out. It was to the point
20 where I would say, "Either you're gonna come
21 in or you're gonna come out. If you're going
22 to come out, you're going to sit in the car."

23 DONLEY: Did she get in the car?

24 JOHNSON: Yeah. She got in and out, in and out.

25 DONLEY: So, what did you do out at the car?

26 JOHNSON: Um, I had to fix my front hood because of
27 damage. Um, clean my windows, shine up my
28 chrome. Uh, Brittany helped me by handing me
paper towels.

DONLEY: Okay.

JOHNSON: Um, after that she started getting a little
wild so I said, "Listen, if I go into the
house, I'm going to wake up your dad and
you're going to be grounded." So I set her
down, turned on cartoons and, I don't know
what time it was, but Tom Slick cartoons had
just come on. And I went outside to clean up
the paper towels, you know, throw them away,
and shut the garage door . . .

1 DONLEY: About, about what time would you say Tom
Slick was on?

2 JOHNSON: I have no idea. Ah, eight, eight-thirty.

3 DONLEY: Okay.

4 JOHNSON: Um, I also had to fix the fuse on the car.
5 So, I went, shut the garage door, uh, picked
up the paper,

6 DONLEY: You picked up the paper?

7 JOHNSON: Well, I did but I was smoking a cigarette,
8 Darin and Jenny don't like smoking in the
house.

9 DONLEY: What did you do with the paper?

10 JOHNSON: I left it on the porch.

11 DONLEY: Okay.

12 JOHNSON: That's more or less to get it out of the wet
13 grass.

14 DONLEY: Okay. Did you just, did you just shine your
car? Did you get in it and start it or . . .

15 JOHNSON: Yeah, I started it and turned it around cause
16 the oil pressure problem. I wanted to make
sure that the timing was (INAUDIBLE).

17 DONLEY: So, you actually got in the car and what?
18 Drove it down the street or just . . .

19 JOHNSON: No, just backed it out of the driveway and
backed in.

20 DONLEY: Okay. Did Brittany get in the car with you
at all? During that time?

21 JOHNSON: While it was moving?

22 DONLEY: Yeah.

23 JOHNSON: Um, well, I started but I didn't leave the
24 driveway with her in it.

25 DONLEY: Okay. Alright, so now we're talking eight,
26 eight-thirty in the morning. Then what
happened?

27 JOHNSON: Um, I finished my cigarette, went in the
28 house, locked the front door, and went back
to bed. Then the-ready?

1 DONLEY: Okay.

2 JOHNSON: When the phone rang, um, I picked it up, I
3 don't know how many times it rang. I heard
4 only one. And I said, "Hello".

5 DONLEY: Your phone or the phone that was out . . .

6 JOHNSON: My phone in my bedroom.

7 DONLEY: Okay.

8 JOHNSON: Um, I said, "Hello". And Darin said,
9 "Chuck?" I said, "Yeah." "Is my daughter in
10 your room?" I'm like, "No." Um, didn't
11 sound like nothing, I didn't think nothing of
12 it. And real quick and short after that I
13 heard Darin in the back yard and Jenny out
14 somewhere yelling, "Brittany, Brittany." And
15 I didn't (INAUDIBLE) but I looked through, I
16 got a shade, and I asked her, "What's wrong?
17 What's going on? She says, "We can't find
18 Brittany." I said, "She was just in the
19 front room twenty minutes ago." Cause I was
20 just laying in bed for twenty minutes when I
21 heard the phone ring. And, ah, she says,
22 "Well, we can't find her. Steve just took
23 off to look for her." So, I got up and, ah,
24 threw clothes on. Cause my shorts are ripped
25 out, you know. (INAUDIBLE) walk around in.
26 Get the first clothes, my work, old dirty
27 work clothes, ran out there and just with
28 everybody else, I was like, "Where's
Brittany?" Got a picture of her and ran
across the street. Because there was a lady
across the street watering the grass at the
time me and Brittany were out there at the
car.

20 DONLEY: Okay.

21 JOHNSON: And . . .

22 DONLEY: When you went back to your room when Brittany
23 was out watching the television, Tom Slick .
24 . . .

25 JOHNSON: When I came in . . .

26 DONLEY: Did you, did you lock the bedroom, your
27 bedroom door?

28 JOHNSON: Yes. I always lock it when I leave and when
I . . .

1 DONLEY: By locking it, you know, that little thing
that you can only lock from inside?

2 JOHNSON: Yeah. Takes a key to open up from the hall.
3 Takes a key from the hallway to get in and
it's like a push button from inside.

4 DONLEY: (INAUDIBLE)

5 JOHNSON: Huh?

6 DONLEY: So, you locked both of those locks or just
7 the one?

8 JOHNSON: I didn't do the latch. I just locked the . .
.

9 DONLEY: Why, why did you put the locks on?

10 JOHNSON: Um, Brittany, she knocks when she comes in.
11 Um, but she knocks and walks in. Um, it's
the idea of the handle that was on it before
12 was busted. Um, Darin and Steve, they all
have locks, they brought it to my attention,
13 I thought, all right. Um, no real reason.

14 DONLEY: Okay. Um . . .

15 JOHNSON: Oh, Jenny, this ain't my reason, but Jenny
16 says in case there's a burglary, that just
gives them a second obstacle to go through.
I just, privacy reasons.

17 DONLEY: So, you're in your bedroom and Darin calls
18 you up and . . .

19 JOHNSON: No. The phone rang, it's all one phone in
the whole house.

20 DONLEY: Okay.

21 JOHNSON: And I guess we picked it up at the same
22 time. I guess unless they hung up, I don't
know. The phone rang and I picked it up and
23 it was Darin on the line.

24 DONLEY: (INAUDIBLE) okay. Ah, so it was Darin. And
25 he was asking you if you had seen Brittany.
And you said you hadn't seen Brittany except
26 for when she was left alone in the living
room.

27 JOHNSON: He asks me if Brittany was in the room and I
said no.

28 DONLEY: Yeah. Okay. Alright.

1 JOHNSON: A little facetious, I don't know.
2 DONLEY: Yeah. Okay. What do you think, they were
3 teasing you or something?
4 JOHNSON: No. I, I thought (INAUDIBLE).
5 DONLEY: Alright. So, you were locked in your
6 bedroom, Brittany was out watching TV, the
7 phone rings, they can't find her. Ah, then
8 you hear them in the back yard saying,
9 looking for Brittany or yelling for
10 Brittany. And you went out of your room,
11 right then?
12 JOHNSON: I changed my clothes, went out into the
13 kitchen to Jenny. I was like trying to calm
14 her down.
15 DONLEY: What was Jenny saying?
16 JOHNSON: Jenny was like, well, she was getting a
17 little, how do you say it, uh . . .
18 DONLEY: Agitated?
19 JOHNSON: Agitated, scared, and crying type, yell,
20 like, "Brittany, Brittany." Like, "calm
21 down, she's probably just, . . . kids do
22 that."
23 DONLEY: Um, and so what happened than after you got
24 done talking to Jenny? I noticed that there
25 was food in your bedroom. Where'd that come
26 from?
27 JOHNSON: Oh, Jenny made a big breakfast and she gave
28 me a plate and I went to go in my room and
eat it. I was running late for work.
DONLEY: So, Jenny was awake?
JOHNSON: No, that was the day before.
DONLEY: So, that's been there for a day and a half?
JOHNSON: Um, what's . . . today is Sunday?
DONLEY: Yeah.
JOHNSON: She made it . . .
DONLEY: Yesterday?
JOHNSON: Saturday morning.

1 DONLEY: Alright. So, after they knock on the door,
2 you put on your work clothes. You open the
3 door and then you go into the kitchen . . .

4 JOHNSON: Well, I just (INAUDIBLE).

5 DONLEY: Okay. You go into the kitchen, Jenny's in
6 the kitchen distraught. You talk to her.
7 Then what happened?

8 JOHNSON: I'm like, "Okay, okay, what's going on?" You
9 know, trying to catch up with a hostile
10 environment like that.

11 DONLEY: Uh-hummm.

12 JOHNSON: Um, I told her, "She's probably outside.
13 She's probably whatever, you know." Just
14 trying to talk about it. Um, she handed me a
15 picture. She says, "run up and down the
16 street and ask people if they've seen her."
17 And I said "Okay." (INAUDIBLE). So, I went
18 right across the street cause I knew that
19 lady was out there when I was out there
20 earlier. And she says, "No, I didn't even
21 know you were out there." And I went next
22 door and then I stopped a couple of cars that
23 were coming up the street.

24 DONLEY: Which next door did you go to?

25 JOHNSON: Um, the north.

26 DONLEY: Northside.

27 JOHNSON: Nobody answered.

28 DONLEY: Okay.

29 JOHNSON: Um, I stopped a couple cars going north on
30 Exeter.

31 DONLEY: Alright and then what happened?

32 JOHNSON: Then I went and looked for my wallet and keys
33 cause I was going to get in my car and go
34 around the block a couple of times too.

35 DONLEY: Where was your wallet and keys at?

36 JOHNSON: Well, my room's a mess. Always a mess.
37 They're never really in a specific place.

38 DONLEY: But they were in your room?

1 JOHNSON: My wallet was but I guess, my keys, I left
2 DONLEY: Okay. Then what happened?
3 JOHNSON: Um, I changed into these pants because the
4 other pants, I was holding up with my hand, I
5 DONLEY: Uh-hummm.
6 JOHNSON: Easiest shoe I could get and started out and
7 by that time, ah, ah, the police officer
8 DONLEY: Did Jenny knock on your door?
9 JOHNSON: No.
10 DONLEY: Well . . .
11 JOHNSON: I mean, knock on my door before I came out
12 the first time?
13 DONLEY: Uh-hummm.
14 JOHNSON: No.
15 DONLEY: No? So, nobody knocked on your door this
16 JOHNSON: Uh-uh.
17 DONLEY: Not Brittany? Nobody?
18 JOHNSON: Uh uh.
19 DONLEY: Okay. So, the cops get there. Then what
20 happens?
21 JOHNSON: Um, I just want to say, "Come on in. This is
22 the mother . . . " Cause I'm the one that
23 DONLEY: Did you talk or . . .
24 JOHNSON: Well, I started to but Jenny, she just took
25 the phone away from me. I just said, "Here's
26 the mother." Um, at that time, you know,
27 Jenny and Darin like, I said, "Here's the
28 mother and the father's over there," and I
 just stood back . . .

1 DONLEY: Uh-hummm.

1 JOHNSON: I didn't, I didn't know what to do. I didn't
2 know what I could do. I just thought maybe,
3 I don't know, it was a like this (INAUDIBLE)
4 moment."

5 DONLEY: Okay. Let me clarify something here.

6 JOHNSON: Uh-hummm.

7 DONLEY: Jenny was, Jenny was out watching television
8 and you went inside your room and you locked
9 the door. The next thing you know, Darin is
10 contacting you, saying, "Hey, you know,
11 where's Jenny?"

12 JOHNSON: Brittany. "Where's Brittany?"

13 DONLEY: How did Brittany get from the living room
14 into your closet?

15 JOHNSON: I don't know. When I first, when, I wasn't
16 sure which officer took, said it, but he said
17 that it was coming from, I don't know how he
18 said it, I think the southwest room or
19 something? Or left, right room (INAUDIBLE),
20 rear. And I thought about it and that's my
21 room. And I thought, well, maybe there was
22 some misunderstanding. So, I kind of like
23 (INAUDIBLE). Um, then I just like, whatever
24 I could do, I was just there. In the kitchen
25 mostly.

26 DONLEY: Okay.

27 JOHNSON: And then looking for my keys and (INAUDIBLE)
28 for my wallet but I forgot it was already in
my back pocket. Because I just, I figured
they were going to ask for my ID.

DONLEY: Um hummm. Okay. Ah, it's important that you
give us the information correctly because we
have been able to dig up some information
from neighbors and, ah, Darin and Jenny and
some evidence was located in your room. It's
important that you tell us the truth because
maybe there is a good explanation to this.
Maybe there's an explanation that maybe an
accident happened. Maybe, ah, something
happened that you had no control of . . .

1 JOHNSON: (INAUDIBLE).
2 DONLEY: Listen. Listen to me. But it's important
3 you tell me the truth because what you're
4 gonna tell me is going to be your statement.
5 And I need you to tell me what happened
6 because what you have told me is not what
7 happened. I need you . . .
8 JOHNSON: In your opinion. I have not lied.
9 DONLEY: Well, it's not just my opinion. I am telling
10 you that what you have told us is not
11 correct. I know for a fact that it is not
12 correct. Because there was evidence of, of
13 certain things that happened and statements
14 that indicated that it didn't happen the way
15 you're telling us. Now, I have to tell you
16 again that you, you would, you would be
17 better off, as far as on your own conscience,
18 and whatever else . . .
19 JOHNSON: I have nothing on my conscience.
20 DONLEY: Telling me what happened so that we can clear
21 this up the easiest and simple way without
22 having to go any further. Now, why don't you
23 back up and why don't you tell me all the
24 little bits and pieces that you didn't tell
25 me.
26 JOHNSON: Like what? For example?
27 DONLEY: Now, you . . .
28 JOHNSON: I ain't got the foggiest idea what you're
talking about.
DONLEY: Okay.
JOHNSON: I've told you everything in my opinion and my
knowledge to be fact, truth to me.
DONLEY: Well, okay, you, you figure it out. Jenny
got into your bedroom with the door locked?
How do you explain that?
JOHNSON: Jenny?
DONLEY: Ah, Brittany, Brittany. Got into your
bedroom with your door locked. Now, how do
you explain that?

1 JOHNSON: Well, when I sat her with the cartoons my
2 door was not locked. But that, I'm not, I'm
3 not making that accusation that . . . I don't
4 know. I really don't know. If, if everybody
5 thinks or has an idea or thought that maybe I
6 did something to the girl, I'm, I beg your
7 pardon. Hurt a kid? (INAUDIBLE) I don't
8 understand (INAUDIBLE).

5 DONLEY: When the cops are going through, when the
6 cops are going through the residence, one of
7 our officers saw you over by the closet.
8 Also saw what you were doing there. Why
9 don't you tell me about when you were there
10 and what you were doing at that point.

8 JOHNSON: What closet?

9 DONLEY: Hmmm? At your closet. Where the dead little
10 three-year-old was at.

11 JOHNSON: I,

12 TAPE I ENDS.

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TAPE I SIDE 2

This is side number two. The time is now 14:55 in the morning, Sunday, October 10th. Ah, the room is still occupied by the same people. Officer Joe Bales. I'm ah, Mike Donley and ah, Chuck Johnson, Jr. We have a dead little girl.

JOHNSON: Second. Chuck second.

DONLEY: Second. The second. We need to explain how that happened. And it didn't happen the way you're tellin' us. She was not left out in the living room like you said.

JOHNSON: I left her in livingroom. I laid her down on the couch against the wall, against her, same wall as her bedroom. And I turned cartoons on channel 11 or 13 and proc, proceeded finish up my car. I, it's the truth and I never took her in my room. I never saw her in my room, and that is the God, honest God truth. You, (mumble) understand --

DONLEY: (INAUDIBLE).

JOHNSON: I saw this coming. Um, I understand that I'm not lying.

DONLEY: Okay.

JOHNSON: Ah, if I did something wrong --

DONLEY: (SPEAKING OVER JOHNSON). You, you previous, you previously told, told us that the last thing you did bef, you, you'd already finished up outside. You had your cigarette and came inside and then you put her in, television, then you went in your room. Now you're telling me that you went back out after you put her by the television? Is that what you're saying?

JOHNSON: Um, misunder, there's got to be a misunderstanding. I didn't, I, that, the truth is (SHORT PAUSE) misun, you, you must'a misunderstood me.

DONLEY: Okay.

JOHNSON: Okay?

DONLEY: Then, then you straighten me out.

JOHNSON: I put her in the front room to watch cartoons.

DONLEY: Uh-humm.

JOHNSON: I didn't know what cartoons, put her in there --

DONLEY: Well you told me Tom Slick a little while ago.

JOHNSON: Okay that's, cause I remember, (INAUDIBLE) that's what was on.

DONLEY: Okay.

JOHNSON: And I told her, be quiet, cause if you wake up your mom that you're gonna be sent to your room and, you know, you're probably gonna be grounded again.

DONLEY: Uh-humm.

JOHNSON: So be a good girl.

DONLEY: Uh-humm.

JOHNSON: And went out through the garage door --

DONLEY: Uh-humm.

JOHNSON: through the ah, second, main room.

DONLEY: Uh-humm.

JOHNSON: I went out to my car and cleaned up --

DONLEY: Uh-humm.

JOHNSON: And fixed a fuse. Well I didn't fix it I put anti-freeze in there to see if (INAUDIBLE).

DONLEY: And then came back and Brittany was still watching the same old cartoons.

JOHNSON: (INAUDIBLE) garage door. You know . . . (PAUSE, SOUND OF SOFT SOBBING).

BALES: (INAUDIBLE) Chuck, just tell the truth now.

DONLEY: The prob, the, the problem is --

JOHNSON: I didn't. I, all's I did was smoke a cigarette, newspaper out there and locked the door. I, it's a habit for me, and I went straight to my room.

DONLEY: Uh-humm.

JOHNSON: I fe, nobody's movin', I didn't think nothing of it. I didn't think she was asleep.

DONLEY: Do you have a conscience?

JOHNSON: Yeah I do have a conscience, I got a, if I did something wrong. I do have a conscience. Yes I do. I know right from wrong.

~~BALES~~
~~DONLEY:~~ Didn't you just tell us you put that lock on (INAUDIBLE) and here's a (INAUDIBLE) day, you don't even use it. It doesn't make sense to us Chuck.

JOHNSON: When I leave the house I lock it. And when I go to bed I lock it.

~~BALES~~
~~DONLEY:~~ You went back to bed.

JOHNSON: Yeah, and I di, and I locked the door and I went to bed.

~~BALES~~
~~DONLEY:~~ I'm talking about after you already put her out in the cartoons.

JOHNSON: My door was open because I didn't leave the house, I had, it was right, there's no need to lock it if I'm coming back and forth.

~~BALES~~
~~DONLEY:~~ Yeah but you said she knocks and comes right on in. That's what you just told us --

JOHNSON: Yeah she does. That's the reason I got the lock. That and the fact that everyone else had one. It's not a big issue

DONLEY: No it is, it is a big issue because you said it was --

JOHNSON: (SPEAKING ALONG WITH DONLEY ABOVE) I Know it's a big issue.

DONLEY: locked and she was out watching television. Next thing we know she's missing. Well she got in your bedroom ah, a different way. How did Brittany die? You tell me.

JOHNSON: I don't know.

DONLEY: Was it an accident?

JOHNSON: I swear to God I do not know. I swear to God I don't.

DONLEY: Was it an accident?

JOHNSON: What was?

DONLEY: But li, listen. I'm not stupid, alright. I've done, I've done enough --

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY ABOVE) I'm not insulting you're intelligent.

DONLEY: of these, I've done enough of these --

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY ABOVE) I know, you're, I know.

DONLEY: That I know what, what happens and what doesn't happen. I know that sometimes people try and cover their tracks so that, so that, ah, they don't get themselves in trouble, but believe me, it always comes out because the evidence shows that statements from the people that saw you show, um. All these things come together and it ends up in the end coming back to bite you in the ass.

JOHNSON: So, what do you want me to say? I murdered the little--

DONLEY: I --

JOHNSON: girl, and lie?

DONLEY: Look, I want you to --

JOHNSON: Well that's, I'll be lyin'.

DONLEY: I want you to, no. I want you to. --

JOHNSON: I --

DONLEY: tell me what happened. What you've told me is not true. I don't want you to say you murdered her if you didn't murder her --

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY BELOW) I wouldn't, I wouldn't lie.

DONLEY: I don't want you to say anything if it was an accident, it was an accident. Whatever. But I want to know what happened because the facts that you told me and the facts that are there do ^{not} match up --

JOHNSON: Neither one of 'em?

DONLEY: Not, well some of them do.

JOHNSON: (BARELY AUDIBLE) Yeah.

DONLEY: You know, I have no question

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY BELOW) That some of them don't --

DONLEY: that you went out, you went out and worked on your Volkswagen.

JOHNSON: (INAUDIBLE).

DONLEY: I have no, no question that, that she was out there with you.

JOHNSON: But toward the end things start changing, is what you're saying.

DONLEY: I am telling you that the, her being buried in your closet with stuff on top of her and a heavy toolbox there during the time when you said she was out watching TV and you were inside that room. She just doesn't go through osmosis. She had to get in that --

JOHNSON: That tool box on top of her?

DONLEY: No, I didn't say that. Your toolbox next to her and clothes on top of her hiding her.

JOHNSON: So you're saying I'm some kind of psychotic.

DONLEY: Uh, I, I'm not, I'm not saying that, okay? I'm tellin' you --

JOHNSON: Yeah, uh, uh --

DONLEY: that what you have told me is not true.

JOHNSON: Okay.

DONLEY: And whether you're, you're to, you're intentionally ~~try~~ trying to deceive us --

JOHNSON: (INAUDIBLE).

DONLEY: and you're forgetting facts, or whether you're trying to cover up something that may, may or may not have been an accident. Um.

BALES: Did, did you dress her?

JOHNSON: Did I dress her? No. I handed her shorts to her to put on herself.

DONLEY: W, why did you do that anyway?

JOHNSON: Oh, cause she, she's in a nightgown and she doesn't wear her panties. She never does. You can ask her mother about that, and it's just a pet peeve of mine. She's goin' around no, no underwear on. It's just, just a pet peeve. I'd put socks it, um, I was looking for socks and shoes but I couldn't find no, no socks and shoes.

DONLEY: You need to fill in the holes. There are things on the body. There are, is evidence in your room. Things.

JOHNSON: Evidence (INAUDIBLE).

DONLEY: Things that need --

JOHNSON: I have a right to know what kind of ev, evidence, right?

DONLEY: Well I, I'm not gonna tell you what kind of evidence. No, you don't have a right.

JOHNSON: Cause it's under investigation?

DONLEY: (INAUDIBLE SPEAKING WITH JOHNSON ABOVE). No.

JOHNSON: I said, I'm trying to be square. I, I'm not try, I am being square with you.

DONLEY: But there are --

JOHNSON: I ^wouldn't --

DONLEY: parts you're not telling us, that you need to tell us so that we can, we can put the issue of, of Brittany to rest. She --

~~JOHNSON:~~ ^{BALES} You said you really, really didn't go to sleep. And --

DONLEY: You owe it to her --

BALES: Then how come she's in your closet, man?

DONLEY: to tell us.

JOHNSON: I wouldn't hurt a hair on any kid's head --

DONLEY: No, not intentionally.

BALES: (SPEAKING SAME TIME AS DONLEY) Not intentionally.

JOHNSON: (INAUDIBLE).

DONLEY: I'm tellin' ya' that sometimes accidents happen.

JOHNSON: She was under, I drank, I was under the influence or something?

DONLEY: No, no --

JOHNSON: Lost it?

DONLEY: I'm, don't put words in my mouth.

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY BELOW) No, I'm just making --

DONLEY: I'm just saying to you that the facts that you have told us are not right. I'm not even gonna say maybe aren't right. I know for a fact that those facts are not correct. You need to fill in the blanks so that we can, we can figure out what happened here. Like I said, if it was an accident, tell us it was an accident. If you did it on purpose, ~~face~~ *fess* up like a man and tell us. Ah --

JOHNSON: I would n --

DONLEY: I know you wouldn't do it on purpose, you don't seem like the kind of guy that would. Alright? I'll give you the credit, but I'm telling you that there are facts of this case that don't match up. Chuck, you need to not lie to us on this.

JOHNSON: Alright, alright.

DONLEY: This is too important.

JOHNSON: Why would I hurt (INAUDIBLE), I don't understand.

DONLEY: I don't think, I, I. Like I said if, if an accident happened, an accident happened.

JOHNSON: You say there's evidence (INAUDIBLE) --

DONLEY: There is evidence. There's lots of evidence.

BALES: Where do you think we've been?

DONLEY: That's what we've been doin'.

JOHNSON: Evidence on m, on me, I'm, well that's --

DONLEY: That's where we've been. We've been collecting it and collecting at the hospital. I looked over the dead little three year old's body.

JOHNSON: That's what you're paid to do, I understand.

DONLEY: Yup. I went over to Exeter, I went through your bedroom. You gave us permission, we went through there.

JOHNSON: (INAUDIBLE).

DONLEY: Okay? There's stuff in there that doesn't add up and, and from the statements that I got from you and the statements I got from the, the original police officers and the doctor and the neighbors. There were (SOUND OF KNOCKING) things that went on that you didn't tell us about because there were people that

JOHNSON: Well now I --

DONLEY: saw you do it.

JOHNSON: I'm taking it lightly. Things took place, like, for example, molestation or something?

DONLEY: No. I'm not saying --

JOHNSON: Okay, because --

DONLEY: necessarily molestation, okay?

JOHNSON: Okay.

DONLEY: I am telling you that something happened to that little kid. She didn't die of crib death.

JOHNSON: Alright.

DONLEY: (SPEAKING AT SAME TIME AS JOHNSON ABOVE) Alright? She didn't die from suffocating herself.

JOHNSON: Why --

DONLEY: Figure it out. She didn't do it herself. Three years old, she, she didn't do it herself. She had no means --

JOHNSON: If --

DONLEY: to do it Chuck.

JOHNSON: If something like that happened don't, I think I have enough common knowledge, do something about it, trying to help her.

DONLEY: Well sometimes it goes too far and you can't help it.

JOHNSON: I don't understand that.

DONLEY: Okay. Sometimes it goes to a point to where an accident happens or something on purpose happens and you can't help the person. I mean, it's too late.

JOHNSON: I got kids of my ^{own} ~~ow~~, (INAUDIBLE).

DONLEY: I understand you have kids. She was not your kid. She was somebody else's kid --

JOHNSON: But she still a harm --

DONLEY: and she's dead now. And I have to be able to and Officer Bales has to be able to go home tonight and be able to sleep knowing that a, the truth came out instead of somebody who's jackin' us around.

JOHNSON: Listen, the guilt trips don't work, alright?

DONLEY: Okay. Is jackin' us around --

BALES: No trips, it's common sense.

DONLEY: Yeah, it's common sense.

JOHNSON: (INAUDIBLE).

DONLEY: Alright? Tryin' to, tryin' to feed us a line that's not true. I don't like being lied to, Alright? I've been fair to you all the way up to this point --

JOHNSON: Yeah, yeah.

DONLEY: I've been honest with you. I told you that, that, you know, I asked you if you'd come to the police station. I told you where we were gonna go. I could have said, well I'm just gonna go and do something else and come back and try and slam a bunch of evidence on you that wasn't that was not, ah, that you didn't know about. We've been honest with ya'. We gotta know what happened to her so that we can, we can sort this thing out and, and call it a day.

BALES: Chuck it will be sorted out, bud.

DONLEY: Eventually. It's already sorted out, but we want to hear it from you.

BALES: You had already said you were awake. She was in your closet.

JOHNSON: I didn't know she was in my closet.

BALES: But, you were awake. The last place you saw her. She had to come in your room when you were awake. You said you were awake, that you were only gone for twenty minutes.

JOHNSON: I laid down and the phone rang.

DONLEY: Let me, let me put, let me ask you this question. Let's see if, if you're gonna, if you're going to, to fess up to this. Did you put her in the closet?

JOHNSON: No I did not. I, I'll take a polygraph test and everything. Y-y, anything. I did not put her in that closet, okay?

DONLEY: Did she go in that closet on --

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY ABOVE) I did not open that closet.

DONLEY: her own?

JOHNSON: I do not know. Honest to God. I, I'm being hon, that's the truth, alright? Listen, I got two kids. I love my family.

DONLEY: Yeah.

JOHNSON: I found her there when, after the cops (INAUDIBLE) get there. I freaked out.

DONLEY: What, you found her there?

JOHNSON: I found her there and I freaked out. Thought "Oh, fuck. I can't let 'em find (INAUDIBLE)." I didn't hur, I didn't do nothing to her. I ~~did~~ ^{didn't} honest to God.

DONLEY: Tell me about --

JOHNSON: Okay, here's the truth.

DONLEY: how she got there.

JOHNSON: Here's the truth. When I was lookin' for my wallet and keys, I saw her. And she's blue and I freaked, okay?

DONLEY: Uh-humm.

JOHNSON: But I did not hurt her, I did not do anything. I would not hit a kid.

DONLEY: I didn't say you had hit.

JOHNSON: Hurt a kid. I would not.

DONLEY: Okay hurt.

JOHNSON: But I don't want to go to jail. I --

DONLEY: Listen, alright? How did --

JOHNSON: Okay I get it.

DONLEY: she get in the closet?

JOHNSON: I don't know. Honest to God. I swear to God, I do not know. I'll take a polygraph test, everything. I did not, I do not know.

DONLEY: Okay. How did she get the stuff piled on top of her? When people are suffocating --

JOHNSON: Okay. All's I did was I saw her, I saw her, a, a foot and I go, "Oh my God." And, and the whole time she's missing I'm thinking, damn, what, my kids do this to me. I thought Oh my God, I can't.

DONLEY: (INAUDIBLE) Chuck, ^{you're} still not ~~going to jail~~ [^]

JOHNSON: I ^K know.

DONLEY: giving us the right information.

JOHNSON: I did not put her in that closet. I saw and I thought, oh fuck, I can't let them find her in here. I gotta do something ^{but} that they can't put her in my room because I (INAUDIBLE) with her. I, I've never committed a crime purposely, intentionally in my life. I've hit somebody but it's, that, that's different. I was --

DONLEY: Tell, tell us -

JOHNSON: I, I saw her and I covered her, I tried to cover her more.

DONLEY: (SPEAKING AT SAME TIME AS JOHNSON ABOVE) what happened with her.
(ALONE) There are other things in there that lead back --

JOHNSON: No, I, I, honest to God I do not know what you're talkin' about. Honest to God. What ah, --

DONLEY: You keep your windows closed all the time?

JOHNSON: No, I keep 'em open, ah, because Jenny and them do not like the smoke in the rooms, so and the fan circulates --

DONLEY: And you keep the, the blinds open, right?

JOHNSON: I keep 'em open during the day sometimes, at night they go down.

DONLEY: They were open this morning, right?

JOHNSON: This morning?

DONLEY: Just la, slightly.

JOHNSON: (SPEAKING AT SAME TIME AS DONLEY ABOVE) N-no they weren't.

DONLEY: Half inch.

JOHNSON: Sometimes they go to the bottom, sometimes they don't.

DONLEY: And the next, the neighbor that lives on the East is about fifteen feet away, right?

JOHNSON: Okay, behind --

DONLEY: Uh-humm. And Darin and Jenny were making enough noise to make a neighbor come out, right? And, and look across,

JOHNSON: Ah-huh. (mumble).

DONLEY: More stuff goin' on, right?

JOHNSON: Okay, n-no. Okay, so you're sayin'. I don't really, you lost me. You really lost me. Honest to God you lo --

DONLEY: Uh-humm.

JOHNSON: All's I did, I saw her in my room and I freaked out. Honest to God, I would, didn't do anything. If I'm gonna go to jail for

that, that's the truth, swear to God. Honest to God. I wish you guys would believe that's the truth.

BALES: Well you, you're on the right road Chuck, but you're gonna have to back up.

JOHNSON: No really I did, I didn't hurt her I just saw her there.

DONLEY: You may not have hurt her --

JOHNSON: Honest, honest to God I, I moved to, toolbox, I believe when I threw a couple of towels at her because I didn't want nobody to find her in my room.

DONLEY: Okay whe --

JOHNSON: Honest to God.

DONLEY: where was she laying in your room? In the closet or on the floor?

JOHNSON: She was in the closet when I, when, when I spotted her.

DONLEY: (INAUDIBLE) back in there? And there was nothing on top of her? That right?

JOHNSON: No, I saw, all's I saw was a foot and a hand and then I, then --

DONLEY: How did you know she was dead?

JOHNSON: I saw, I looked (INAUDIBLE) I saw her face, cause I was in there looking for my wallet and she's --

DONLEY: Why didn't you try and help her?

JOHNSON: I freaked out. It's not every day you find a kid, cops 'n --

DONLEY: Why didn't you pick her up and say, say "Jenny!" --

JOHNSON: I don't know.

DONLEY: or "Darin!" this is --

JOHNSON: I don't know.

DONLEY: goin' on --

JOHNSON: I don't know.

DONLEY: that's goin on?

JOHNSON: I don't know.

DONLEY: It's because you did something that you're --

JOHNSON: (INAUDIBLE SPEAKING AT SAME TIME AS DONLEY ABOVE). No, I didn't do nothing to her. I swear to God. I swear. What's it gonna take for you to believe (INAUDIBLE)?

DONLEY: The truth.

JOHNSON: I told you, it, it's all I saw of her was right there. Honest to G --

DONLEY: And you're telling me this --

JOHNSON: I, I, I was not --

DONLEY: you're tellin' --

JOHNSON: in my closet all morning except for (INAUDIBLE) flung open looking for my keys and shoes. I was looking for shoes cause, get in my car.

DONLEY: So you tell me how, how she died. How do you think she died? Ho, how does a kid suffocate themselves? You tell me.

JOHNSON: I didn't know she suffocated. I thought maybe, you know, I really didn't think about it. I really didn't think about it right then. I started thinkin' maybe she, she, she bumped her head. I don't know. I ~~don't~~ honest ^{don't} still know. Honest to God.

DONLEY: Okay. What's ^{her} your blood alcohol, or ^{her} your blood ah, gasses and blood ah, ah, narcotics in the blood gonna come back? Are they gonna come back normal?

JOHNSON: I don't know nothing like that, or. Why are, what (INAUDIBLE), are you saying?

DONLEY: I'm just asking you if you think they'll come back normal.

JOHNSON: Oh. I don't know what, what it is you just said.

DONLEY: Well, what I just said was, is, is there gonna be any alcohol or narcotics or drugs in ~~your~~ blood?
^{her}

JOHNSON: No, cause I don't do drugs. I drink beer. I don't drink hard liquor anymore. I did use in high school, I did drugs about a year ago, ah, speed and I don't use no more because it affected my, that's what started me and my wife splitting up. I do not do drugs I have not do drugs I'll tell you --

DONLEY: Okay --

JOHNSON: (INAUDIBLE).

DONLEY: So you went back to get your wallet and your keys and -

JOHNSON: (INAUDIBLE). It may not matter and it may sound like an excuse, but I was eighty bucks short in my wallet. I had a hundred dollars left after paying bills and everything, now, when I open my wallet when I got to my wife's house, on my way to my wife's house I'm gonna get (INAUDIBLE) cause I left mine at the exit to ^{her} your house. All I have a \$20 and a \$5.

DONLEY: What, what --

JOHNSON: I don't know what, I don't know what --

DONLEY: What on God's earth does that have --

JOHNSON: I don't know.

DONLEY: to ^{do} ~~die~~ with a --

JOHNSON: I really don't know.

DONLEY: little girl dyin'?

JOHNSON: I don't know. I don't know, but. I don't know, it just. I don't lose money like that. I --

DONLEY: You shake her?

JOHNSON: Did I shake?

DONLEY: Yeah.

JOHNSON: (INAUDIBLE).

DONLEY: Did you punish her at all?

JOHNSON: (INAUDIBLE) No. No. (mumble). I'm not s-s. Okay, I'm, I'm not stupid. I'm not some kind of pervert. I'm not someone psychotia, pshych, ah, nut.

Have you heard any of those words come out of my mouth?

JOHNSON: No, but, but, it's the, it's the idea though.

DONLEY: Don't you think that I have an obligation to figure out --

JOHNSON: Listen, I know --

DONLEY: how a three year old is killed?

JOHNSON: but, that's, I'm not (INAUDIBLE) anybody else.

DONLEY: She didn't die, she was killed. Do you think that somebody came in the house and did it and then put her in there.

JOHNSON: I didn't kill her, I swear to God, I swear to God I didn't kill her. I'll take a polygraph test, I'm, I'm asking (INAUDIBLE).

DONLEY: Well that's, that's probably the next step.

JOHNSON: ~~well, let's do it~~ (INAUDIBLE) because I'm tellin' the truth. I did not kill that little girl. Swear to God.

DONLEY: Okay, but you know how --

JOHNSON: I feel bad cause I hid --

DONLEY: You know how she died!

JOHNSON: No I do not. No I dð not. I swear to God I don't. I swear to God. I feel guilty when I was putting my shoes on. I couldn't handle it. That's why I called my mom. I, I, I didn't tell, I couldn't tell her I totally panicked. I, I couldn't. I (INAUDIBLE) I was like a little girl died. I didn't tell her that I knew anything about it, okay. Okay, you got me. I knew she was there towards the end.

DONLEY: Towards when?

JOHNSON: About ten (INAUDIBLE) I mean, about five, a good five minutes before the officer, before the two officers (INAUDIBLE).

DONLEY: You know she had only been dead for about fifteen minutes. Do you know that if you'd of done CPR you could'a probably saved that kids life?

JOHNSON: I know, I know. I don't know CPR. I'm sorry.

BALES: You didn't call --

DONLEY: You didn't call an ambulance though did you? Did you call an ambulance? Did you call the fire department, tell the fire department I got a little girl here dead?

JOHNSON: (Weeping). No.

DONLEY: Did you call and tell 'em that, that this --

JOHNSON: Alright.

DONLEY: that this girl was, was not breathing and was blue?

JOHNSON: Sorry. I made the wrong decision.

DONLEY: She was dead, you could'a helped her.

JOHNSON: I didn't ^{kill} ~~kill~~ her. I just, I, I didn't hurt her, I just hid her.

DONLEY: How did she get in your closet?

JOHNSON: I don't know, I swear to God I don't know. I don't know how many times I gotta' tell you, I do not know how she got in my closet --

DONLEY: You will tell me --

JOHNSON: I don't know how she got in my room.

DONLEY: until I, until you tell me the truth.

JOHNSON: Till I'm blue in the face and you're still gonna --

DONLEY: No, not until you're blue in the face, till you tell me the truth.

BALES: (INAUDIBLE) found in your closet.
(INAUDIBLE) blue in the face.

~~BALES~~ ^{BALES} ~~DONLEY~~: Yeah, and you didn't put ^{your} ~~you're~~ shoes on until they already ran out the door. So when did you see her.

JOHNSON: I op, I opened my closet --

DONLEY: Uh-humm.

JOHNSON: but I did not know she's in there. Honest to God. It sounds ironic and I know, but it's true. I did not put her in that closet. I did not know.

DONLEY: I'm, okay. You didn't put her in the closet, I'll give you that. But you knew damn well when she went in that closet.

JOHNSON: No, cause I didn't open my closet all morning. I had no reason to.

~~DONLEY~~ ^{BALES}: Should we bring that lady in?

JOHNSON: Yes. Bring the lady in. Bring anybody in. If, if I'm (INAUDIBLE) to my face, bring someone in. If there's someone out there bring 'em in. I did not put anybody in that closet.

DONLEY: No?

JOHNSON: And I'll call (INAUDIBLE).

DONLEY: But you know how they got in there. You know how she got in there.

JOHNSON: Yeah, probably opened the door and walked in, my, I assume.

DONLEY: While the door was locked?

JOHNSON: But I was not present. I was not physically there. I was not pushing her. I did not put her --

DONLEY: But you said originally the door was locked. You put her in the living room, she was watching the cartoons --

JOHNSON: That's, I, I --

DONLEY: you went to your bedroom, you locked the door and the next thing you know she's missing. How in the hell did she get in there?!

JOHNSON: I didn't, I didn't know.

DONLEY: Did she slide under the door?

JOHNSON: I don't know (INAUDIBLE) I swear to God. Swear, swear to, um --

DONLEY: Did you, were you high on something and didn't see her?

NSON: No.

LEY: Come on! She had to get in there somehow! You were in the room!

JOHNSON: My door was unlocked when I was cleaning up the mess out by the Volkswagen, when I put her on to watch to watch cartoons --

DONLEY: You just changed the story.

JOHNSON: No I didn't! When I, when I leave the house, -- ^{can't}
~~(INAUDIBLE)~~ pull in that parking lot, or that driveway, I'm gone over ten minutes I lock that door. When I go to bed, I lock that door.

DONLEY: So you figure --

JOHNSON: But if I'm around the house I don't lock that door.

DONLEY: So you figure Brittany said, oh, hell, I think I'll curl in this closet and kill myself.

JOHNSON: Probably, yes.

BALES: And cover myself over with --

DONLEY: And cover myself up with clothes.

JOHNSON: No, no, no.

BALES: You already said you did that.

JOHNSON: I saw that and I --

BALES: Covered it up.

JOHNSON: I didn't put her there but I freaked out. I didn't want everybody to think I did it.

DONLEY: So you figured that'd be the easiest thing to just cover up?

JOHNSON: No. I know it was wrong, alright? I don't want to go to jail. I, I ne --

DONLEY: There's more to this.

JOHNSON: No, I did not put her in there.

DONLEY: Okay, you've said that about twenty times --

JOHNSON: I did not put her in there.

DONLEY: and I'm beginning to think maybe you didn't put her there --

JOHNSON: Whatever.

DONLEY: but you need to tell me how she got there. Don't think we're stupid!

JOHNSON: Okay. My, my opinion is --

DONLEY: I don't want your opinion. I want to know what happened.

JOHNSON: I don't know. I really don't know how she got there.

DONLEY: Okay give me your, give me your opinion. How do you think she got there?

JOHNSON: I didn't, my, my son's toys are in there. She's always snooping and she likes this one toy --

DONLEY: Ah-huh.

JOHNSON: of a ^{steering}steering wheel. Maybe she went snoopin', I don't know. I don't know her that well, I've only known her like a month and a half, two months.

DONLEY: Uh-hum.

JOHNSON: I don't think she, she , she. She lies just like the next kid and she's stubborn. She's, she's nosy, she's curious. I know curious --

DONLEY: She was. She's not anymore.

JOHNSON: Alright, I feel bad enough already. Did I kill her in --

DONLEY: What?

JOHNSON: Tell me, is it just as bad?

DONLEY: Hum?

JOHNSON: Is it just as bad as what I did, or is it worse?

DONLEY: I don't understand what you're saying.

JOHNSON: I mean to cover. I, I hid her because I just got scared. I didn't want nobody to find out. I didn't know what I was gonna do. I had no idea --

DONLEY: So what did you think she was dead or do you think she was just holding her breath or what? My God the girl, (INAUDIBLE) --

JOHNSON: I thought she was dead.

DONLEY: at least five, five to ten minutes it went on before the cops got there. She hadn't been dead that long. She obviously was laying in there not dead yet --

JOHNSON: I didn't --

DONLEY: or close to it.

JOHNSON: I saw her and she looked blue, alright? Sorry. That's the truth. I don't, I don't (INAUDIBLE).

DONLEY: Did you ^{pick her up} (INAUDIBLE) and say, Brittany I need to, wake up, wake up.

JOHNSON: No, no --

DONLEY: Did you take her out of the closet and put her on the floor?

JOHNSON: No, no --

DONLEY: You just left her lying there, right?

JOHNSON: I hid her, yes.

DONLEY: And hid her.

JOHNSON: (INAUDIBLE).

DONLEY: That's hid her H-I-D, not H-I-T, right?

JOHNSON: Hide hid her, like hid her, because I was afraid. I, I, I freaked out as to say. I was afraid everybody's gonna point the finger at me. That's all I did. That's all I'm guilty for, alright? I'm sorry. You hate me, I hate myself for it, but I did not hurt her. I did not put her there. I'm... I really wish you'd believe me, man.

DONLEY: What?

JOHNSON: I really wish you would believe me.

DONLEY: Well, I wish I could.

JOHNSON: (INAUDIBLE).

DONLEY: But unfortunately I, like I said, there's so much evidence that leads to the fact, and your story's inconsistent.

JOHNSON: I told you the truth from the couch to when I cleaned up, cigarette and newspaper, on there, locked the door and went straight to my room. I took, that's all true. I didn't know she was in there until one or two, maybe three officers were there. My light stayed on, the door was op --

DONLEY: Well you told me five minutes ag --

JOHNSON: Why would I --

DONLEY: You said, you just told me before that you knew five minutes before the cops got there.

JOHNSON: No, I, about five minutes after.

DONLEY: Now I'm still not understand --

JOHNSON: Well, okay, okay, (INAUDIBLE) okay I said it wrong then, alright. Okay, y-y, okay, y-y. Okay, you said an officer saw me doing something in that closet.

DONLEY: Ah-huh.

JOHNSON: I knew you got me there. That's, that's (INAUDIBLE).

DONLEY: But you told me --

JOHNSON: Okay, I did cover her.

DONLEY: That you saw, saw her there and covered her up, you said a good five minutes before the cops got there.

JOHNSON: Okay, no, I, I said it wrong (INAUDIBLE).

DONLEY: Well, ⁱf somebody's laying down on the floor and is, looks blue, anyone with any common sense would pick that child up, try and, even if he knows --

JOHNSON: I know.

DONLEY: CPR, don't know CPR --

JOHNSON: I know.

DONLEY: you try and breath into her mouth and get a little oxygen to that poor little three year old brain.

JOHNSON: (Weeping). I know, I know. But I don't know why I didn't, I don't know.

DONLEY: Pretty selfish.

JOHNSON: I was scared because I was, I was. Yeah I was pretty . . . I wish I could (INAUDIBLE).

DONLEY: Who all, who all went in the room? Who was all in that room?

JOHNSON: The whole night?

~~DONLEY:~~ ^{OK} ~~BALES~~ ^{Donley} Between the time she was out watching cartoons to the time that you found her?

JOHNSON: Me as far as I know. I, that, that door was open. I, I --

DONLEY: So we've gone from the door being locked to the door not being locked, now it was unlocked.

JOHNSON: Now, now you're turning my words around.

DONLEY: Am I turning his words around? Did you hear what he said.

JOHNSON: No, no, no, I'm not saying you're doing it intentionally. Listen. When I leave the house, I lock my door. When I go to bed and go to sleep, I lock the door.

DONLEY: I understand that.

JOHNSON: Okay. Um, but if I'm around the house, I, I sometimes I shut it, sometimes I don't, but I don't lock it when I'm around the house. Is that saying I don't trust my roommates, it's just . . .

DONLEY: ^{Would you say} What if I told you you were seen in the closet with her?

JOHNSON: And I ask you, do you seriously believe that?

DONLEY: ~~Don~~ I believe it?

JOHNSON: Yeah, ~~Yeah~~ --

DONLEY: Yeah, I, I don't believe the fact that she, she went in there and died, killed herself.

JOHNSON: Okay now, if y-you seriously believe it I say you seriously have ~~(INAUDIBLE)~~ ^{never been} in my room.

DONLEY: Well, there's more to this than what you're tellin' us.

JOHNSON: I'm, I'm embarrassed, alright I'm not embarrassed, are embarrassed --

DONLEY: There's more to this than what you're tellin' us.

JOHNSON: (INAUDIBLE) it's the truth. I'm so sorry. That's it. Listen, I know you guys --

DONLEY: And that's the story that you'd like --

JOHNSON: Listen I know a lot of people lie and it sounds just like the truth a lot, but I'm not lying.

DONLEY: And that's the story that you'd like us to take to the district attorney and have them take to the courts. That's the story you're gonna stick with --

JOHNSON: (INAUDIBLE) ^I don't want it to go to the DA, ^{but if} ~~it~~, it has to go cause that's the truth. I did not put her in that closet. I saw her and I, and I scared, and I hid her thinking, I don't know. I didn't think the officers gonna poke around, well not poke around, but go. I was kinda' goin' by, by la -

DONLEY: You figured you could hide her.

JOHNSON: I figured that --

DONLEY: And figured that we wouldn't, we'd just do a stupid little search to see if (INAUDIBLE). You think we'd miss a leg that was stickin' out?

JOHNSON: Well I wouldn't --

BALES: What were you, Chuck, what were you gonna do --

JOHNSON: I wouldn't --

BALES: when, after we left?

JOHNSON: I don't know.

BALES: You were gonna hide her.

JOHNSON: I, I just, it's just (INAUDIBLE), okay? I didn't know she was in my room. I'm just a (INAUDIBLE).

DONLEY: I've gotta, I've gotta get another tape. I'm gonna. This is ah, it's now, ah

BALES: Fifteen twenty-three hours.

JOHNSON: (INAUDIBLE) smoke a cigarette, please?

DONLEY: Ah,

JOHNSON: Is that okay by you?

DONLEY: Yeah, you can go out and smoke a cigarette, but I want you --

JOHNSON: Am I gonna be arrested (INAUDIBLE)?

DONLEY: I want you to think about this, cause when we come back I want you to tell us what happened, alright?

TAPE ENDS

TAPE II

People v. Chuck Edward Johnson
FWV02293

We're continuing the investigation of the suspicious death. Ah, the time is 1541. It's Sunday, October 10, 1993.. What is that DR number, the MCR number on that?

OFFICER BALES: 936318.

DONLEY: Okay. Okay, we're continuing the interview with Charles Edward John . . .

JOHNSON: It's Chuck.

DONLEY: Chuck. Every time I get something wrong on it. Okay, Chuck Edward Johnson, II. Okay. During the brief time that you were outside, do you have anything else that you would like to tell me or any, anything you want to clear up about what happened?

JOHNSON: When I put her in the front room to watch cartoons?

DONLEY: Well, any, anything. As far as . . .

JOHNSON: When I put her in the front room my intentions were clean up the driveway.

JOHNSON: Uh-hummm.

DONLEY: And get all the trash (INAUDIBLE) . And I had to be at work at 11. 11 to 5.

DONLEY: Okay. So, what's, what's that mean?

JOHNSON: Well, I had, I had, I had. I wanted to lay down a little bit. I wanted the car to look nice cause I was taking my wife to the drive-in. Cause I kept, car is a big problem with my father and I.

DONLEY: Uh-hummm.

JOHNSON: And I screwed up a couple of his cars. Working on his truck. I'm trying to make it look nice. It's kind of stupid but I'm trying to show some kind of responsibility . . .

DONLEY: Uh-hummm.

JOHNSON: And, ah, I can take care of something. It's a between him and me thing.

1 DONLEY: Okay. Do you work at the Thrifty's in
2 Ontario?

3 JOHNSON: Mountain and Fourth.

4 DONLEY: Mountain and Fourth.

5 JOHNSON: I still hope I got a job.

6 DONLEY: Okay. Let's clarify this thing, ah, so that
7 we understand exactly where we're coming
8 from. Okay? You went outside and worked on
9 your car. You came back in and you told
10 Brittany to sit down and watch TV and be
11 quiet. You went in your bedroom and you
12 locked your door or you didn't lock your
13 door?

14 JOHNSON: I did not lock my door. I believe it wasn't
15 even shut.

16 DONLEY: Okay.

17 JOHNSON: It was halfway open to be exact.

18 DONLEY: Why did you tell us earlier that you had
19 locked it?

20 JOHNSON: Because I probably said it in a
21 misunderstanding way and I wish you'd believe
22 it. When I leave the house to go away . . .

23 DONLEY: That, that doesn't matter. I've heard that
24 before.

25 JOHNSON: Or when I go to bed to go to sleep. Or I
26 got, like my kid, me and my kid want to visit
27 alone, if I go to sleep, or if my girlfriend,
28 which my wife don't know about, want to be
alone, I lock the door. I always have I lock
the door.

29 DONLEY: Uh-huh.

30 JOHNSON: But when I'm just running in the house just
31 as anybody else that lives there, I do not
32 (INAUDIBLE) I don't lock it though.

33 DONLEY: Okay. Alright. I'm going to ask you again.
34 How did Brittany get in your closet?

35 JOHNSON: You really want me to tell you an answer, and
36 I wish I could, to get this over with,
37 because I really don't want to be here much
38 longer.. I really don't know. I really
don't know.

1 DONLEY: Okay. Tell us the things that you do know
2 that you haven't told us.

3 JOHNSON: Okay. Okay. . . Where we at? Came in,
4 after I locked up, walked in, locked the door
5 . . .

6 DONLEY: Uh-hummm. So now, you mean locked the front
7 door?

8 JOHNSON: Locked the front door. And I walked straight
9 and I was just thinking, I have little,
10 stupid things on my mind. I work at eleven
11 to five.

12 DONLEY: Uh-hummm.

13 JOHNSON: Cause I called off the day before.

14 DONLEY: Uh-huh.

15 JOHNSON: And, after, the day before that is the only
16 time I ever called off work.

17 DONLEY: Uh-huh.

18 JOHNSON: And I tried (INAUDIBLE) the guys at work, so
19 that's my main concern. I need some rest. I
20 just went in there, shut the door and locked
21 it, changed from clothes I was wearing into
22 the shorts I sleep in and laid down. I was,
23 in my words, just getting off to sleep,
24 fading off. The phone rang. Darin was on
25 it. I told you, he asked me if Brittany was
26 in there. I said, "No." Um, he was out
27 back. I asked, check that out. He said,
28 "No, wait. She was already found." I
thought, "No way. She was just in the front
room." I was was dreaming.

21 DONLEY: Did you see her in the front room when you
22 came back in?

23 JOHNSON: I didn't look at her when I went in my room.
24 But, at the same time, with the experience
25 with my kids, I just more or less assumed she
26 was asleep and she didn't move. Cause
27 Brittany is one to follow you.

28 DONLEY: She is or isn't?

JOHNSON: She is the type, you know, if she likes the
person, you know, cause she spends a lot of
time in her room.

1 DONLEY: Uh-hummm.

2 JOHNSON: And she has a hard time listening . .
3 . (INAUDIBLE).

4 DONLEY: So, you did not see her in the living room?

5 JOHNSON: I didn't really look at her. I figured, you
6 know, if she is asleep or if she is awake,
7 I'm not going to let her know I'm going in my
8 room. Cause I wanted to go to sleep.

9 DONLEY: Well, when you walked past the living room,
10 did you see her?

11 JOHNSON: Well, the way the pillows are and the way the
12 couch is shaped, it's really mind over
13 matter. Common sense, mind over matter. I
14 more or less, whether she was there or not.
15 Or if it was somebody else. I just in my
16 mind, I said "That's her. That's Brittany."

17 DONLEY: But you saw somebody on the chair, on the
18 couch?

19 JOHNSON: I more or less put it in my mind that there
20 was somebody there.

21 DONLEY: Well, obviously it wasn't Jenny.

22 JOHNSON: I know it wasn't Jenny. Cause when I sent
23 her there, I was outside for like ten,
24 fifteen minutes cleaning up.

25 DONLEY: Uh-hummm.

26 JOHNSON: And I figured ten⁷ or fifteen minutes, she
27 wouldn't move. So, I just, you know,
28 simultaneously . . .

29 DONLEY: And you came back and you said you saw
30 somebody laying on the couch. And then you
31 went in your room.

32 JOHNSON: (INAUDIBLE). Maybe I misunderstood
33 (INAUDIBLE).

34 DONLEY: When you got done out front, you came in the
35 front door, you locked the front door, you
36 said you walked past the living room, and you
37 saw somebody standing there, laying there,
38 and you know it wasn't Jenny. So, you
39 figured it was Brittany.

40 JOHNSON: Yeah.

1 DONLEY: And you went to your room.

2 JOHNSON: Subconsciously, I just more or less accepted
that. Okay?

3 DONLEY: And you went to your room and you left the
4 door open . . .

5 JOHNSON: No, I shut the door because I was going to go
to bed.

6 DONLEY: Okay, you told, you just got done saying that
7 you left the door open.

8 JOHNSON: From when I started my car until I finished
my car, my car, I mean, my door stayed
9 unlocked.

10 DONLEY: Uh-hummm.

11 JOHNSON: But when I finished my car and went in,
12 locked my car up and went in for the last
time . . .

13 DONLEY: Uh-hummm.

14 JOHNSON: I locked it. Okay?

15 DONLEY: So, you subconsciously see this person laying
on the couch.

16 JOHNSON: I assumed it was.

17 DONLEY: You walked past and into your room, you close
18 the door . . .

19 JOHNSON: I, I seriously believe she was there. That's
20 . . . If I had any doubt, you know.

21 DONLEY: Then you explain to me how she got into your
room. If your door was locked. You tell me.

22 JOHNSON: I locked it when I in there myself for the
last time.

23 DONLEY: Right. And that was right after you saw her
24 . . .

25 JOHNSON: When I sat her on the couch to watch
cartoons, my door was open. Okay?

26 DONLEY: But what I'm saying is, you came in the front
27 door, you subconsciously saw her laying on
the couch, walked straight to your room, and
28 closed the door.

1 JOHNSON: Subconsciously, no. I don't think that's the
2 right word. I just, I put her there, it's
3 like I put that can there . . .

4 DONLEY: Uh-huh.

5 JOHNSON: I don't have to see it, but I know it's
6 there. I didn't think she would move that
7 quick. Cause I really don't . . .

8 DONLEY: Well, you were out ten or fifteen minutes.
9 That's not very quick.

10 JOHNSON: Well, I'm guessing, maybe five, ten minutes.
11 I had to shut the garage door . . .

12 DONLEY: Uh-hummm.

13 JOHNSON: Pick up, you know, around the car, paper
14 towels.

15 DONLEY: You know, you said earlier that you looked in
16 the closet and saw that Jenny was blue, I
17 mean, that Brittany was blue.

18 JOHNSON: Okay. That was a miss, I, that, that's not a
19 lot, just a matter of speaking, I saw her, I
20 just thought the worst.

21 DONLEY: So, you didn't know that she was dead?

22 JOHNSON: I, I didn't think anything. I just thought,
23 "Oh, my God." I wonder (INAUDIBLE) find her,
24 because it bad on me. Wa, was it, were you
25 the, I can't remember. Well, were you the
26 officer that said that I took the orange
27 juice and the cup and said this was what I
28 gave to her. The juice. And I said, "Wait a
minute. What's this coming up to? Cause I
see . . ." Do you know what I'm talking
about? Or was it the other one?

DONLEY: So, you look at her and see her in the closet
but you don't know she's dead. Is that what
you're saying? Or you do now she's dead?

JOHNSON: I just noticed and think she was.

DONLEY: What made you think that?

JOHNSON: All the excitement. I seen, I mean, when you
find a dead body you just don't go, "Oh,
wow!" You see, a body, something out of
place, you see something . . .

DONLEY: Well, she just could have been just a little
kid laying in there. Hiding.

1 JOHNSON: I opened the closet and for one thing, it
2 caught me, my eyes was my tool box. My tool
3 box doesn't sit like that, you know? Because
4 DONLEY: How does your tool box normally sit?
5 JOHNSON: Flat. Because my tools roll in the back and
6 you can't open and shut the doors. And the
7 top lid locks it.
8 DONLEY: Uh-hummm.
9 JOHNSON: So, that caught my eye. And then underneath
10 the stuff. I go oh, gee . . . I didn't say
11 anything.
12 DONLEY: Well, didn't you just think that she was
13 laying there, ah, hiding?
14 JOHNSON: . . . doesn't happen to me every day. I
15 didn't . . .
16 DONLEY: Two parents panicking like that, Chuck? You
17 heard them screaming.
18 BALES: Why didn't you just go, "Oh, they're here,
19 she's here."
20 JOHNSON: I wouldn't, they scared me. Okay? I figured
21 Jesus Christ? Because I think my mind
22 (INAUDIBLE) to show them, "Oh I found her,
23 she's in my room. She's blue or she's dead
24 or whatever."
25 DONLEY: Well, did you see that she was blue?
26 JOHNSON: No, I didn't see that she was blue.
27 DONLEY: Yeah, cause she's not blue at this moment.
28 She never was blue. She looks like a little
kid that's sleeping.
BALES: And the first thing you did is you told us is
that you hid her. Instead of saying, "Here
she is!"
JOHNSON: I just more or less concealed because I was
afraid somebody . . . It's common knowledge
if it's in my room, I'm guilty, that's the
way I thought it looked like.
DONLEY: So, you'd rather them not find her than . . .
JOHNSON: Well, I wasn't too smart I admit.

1 DONLEY: Then, then say, "Hey, Brittany, you know, get
2 out of here. Get up! Get out of here!" You
know, if she's just hiding in there . . .

3 JOHNSON:: Did she look like she's hiding?

4 DONLEY: Well, what did she look like?

5 JOHNSON: . . . She looked lifeless, looked out of
6 place.

7 DONLEY: Like what?

8 JOHNSON: Looked uncomfortable.

9 DONLEY: Huh?

10 JOHNSON: Looked uncomfortable.

11 DONLEY: Why did she look uncomfortable?

12 JOHNSON: I, I, best way I can des-cribe, ah, describe,
yeah. I mean . . .

13 DONLEY: Yeah, but you still haven't told me, how did
14 she look uncomfortable? I mean . . .

15 JOHNSON: With the tool box on her, I mean, almost 65,
16 70 pound tool box on her foot, that doesn't
sound, I mean, that sounds uncomfortable to
me.

17 DONLEY: Well, the tool box did not cause any damage
18 to her feet.

19 JOHNSON: Well . . .

20 DONLEY: The tool box is on her foot? Do you think
21 she died from that tool box being on her
foot?

22 JOHNSON: No, I'm not saying that. I'm just saying . . .

23 DONLEY: How do you think she died?

24 JOHNSON: I don't, I don't think anything. I just
25 didn't want nobody to see her in my room.

26 DONLEY: Why? Why not?

27 JOHNSON: Why not? Because I thought too quick, I
28 didn't think enough. I just thought - Darin,
cops, questioning. I don't know. I just
didn't, I have no excuse. I'm not guilty for

1 anything. I didn't put her there. I don't
2 know how she got there. And I'll go as far
3 as it takes to prove that.

4 DONLEY: Well, it seems pretty doggone strange to see
5 her laying there . . .

6 JOHNSON: I know.

7 DONLEY: As if you would . . .

8 JOHNSON: Well, it seemed pretty doggone strange when I
9 saw her laying there, too.

10 DONLEY: And that you would much rather hide her then,
11 then, to take the heat for somebody thinking
12 that you did something to her. Is that what
13 you were afraid of?

14 JOHNSON: I was afraid that people were, I don't know.
15 I was afraid people was gonna, they. I
16 thought everything. If she's hurt or if
17 she's dead, doesn't, whatever I thought, she
18 wasn't healthy. She wasn't working right as
19 a living being, anyway.

20 DONLEY: Why? Why, what was she not working right? I
21 need to . . .

22 JOHNSON: Because, just the way I walked up on her and
23 saw. It was a shock. And I thought, "Oh,
24 man, the cops are here and Darin and
25 everybody. The way Darin . . . I never seen
26 Darin . . .

27 BALES: Wait, wait, wait. The cops weren't there.
28 Back up.

29 JOHNSON: No, when I saw her foot, when I opened the
30 closet door for the first time, there was
31 officers there in the hallway --

32 DONLEY: You said earlier that you were there, that
33 you saw her five minutes before the cops got
34 there.

35 JOHNSON: No. Five minutes before the cops ran her
36 out. One officer, the second officer had her
37 in his arms.

38 DONLEY: My question was, "How long was it before the
39 cops got there that you found her?" And you
40 said five, you said a good five minutes.

1 JOHNSON: Okay. Let me react right here. I opened the
2 closet, noticed my toolbox. I saw her foot
3 and I, right there I felt guilty. I don't
4 know if, what you call it --

5 DONLEY: I've seen a whole heck of a --

6 JOHNSON: Okay.

7 DONLEY: lot of dead people but if I found somebody --

8 JOHNSON: Well, I'm sorry.

9 DONLEY: dead in my closet I would say, at least say,
10 you know, "Get up, wake up."

11 JOHNSON: I was scared. I was scared. It was just
12 like, I was scared. I never seen, I'm sorry,
13 I got scared. I did the wrong thing. Made
14 the wrong decision. (Weeping). I'm afraid
15 that I made the wrong decision (weeping). If
16 I could go --

17 BALES: Chuck, Chuck, the only thing that is going to
18 be worse for you, from what you know, is for
19 you not to tell the truth. If we thought you
20 were such a bad guy . . .

21 JOHNSON: I'm not a bad guy.

22 BALES: We never said you were. All we want to know
23 is what happened. From the time we walked in
24 here, cause you opted to come here . .
25 .Didn't you?

26 JOHNSON: Yeah. I don't know why.

27 BALES: Yes, you do.

28 DONLEY: Why did you call us?

29 JOHNSON: Cause I felt bad because she was dead. She's
30 a little girl. And I figured (INAUDIBLE).
31 Darin and Jenny, that little girl got them
32 back together. They're such good people.
33 They've been good to me. I made some
34 mistakes there and rules that they lay, I
35 break them right away and they just like "Oh,
36 well it happens, just don't let it happen
37 again."

38 DONLEY: Well, you've, you've narrowed the truth down
39 a little bit.

1 JOHNSON: But I do not know how she got in there. I
2 don't know who put her in there, how she got
3 there, how she did, I don't know. Listen, I
4 know you don't hate me and I don't hate you.
5 But I'm telling you the truth. And it keeps
6 aggravating . . . you know.

7 DONLEY: It gets aggravating the fact that we have to
8 investigate . . .

9 JOHNSON: It gets aggravating. I can't live with
10 this. I can't live with this.

11 BALES: The death of a three year old girl. You
12 know, come on, Chuck, we're telling you the
13 truth. Just asking you tell us the truth.

14 JOHNSON: I feel like . . .

15 BALES: And you're right. We don't hate you.
16 (INAUDIBLE).

17 JOHNSON: I feel like I killed (INAUDIBLE) Brittany, I
18 hid her . . .

19 DONLEY: Did you?

20 JOHNSON: No, I did not. I did not harm her, put her
21 in that closet. I was not in that closet the
22 whole morning. The only thing in that closet
23 is my work shirts, which I didn't have to be
24 until I woke up. And jackets, which I was
25 going to bed, and sweaters, tools, I'm going
26 to bed. Everything, everything, all my other
27 clothes are on the floor. Paperwork is over
28 in the other corner. Honest to God, I . . .
If I've ever told the truth, I'm not ashamed,
I'm doing it now.

DONLEY: What?

JOHNSON: If I've ever told the truth, I'm not ashamed,
I'm doing it now. I didn't want to tell you
that, either. But you had me when you said
the officer saw me. And I admit right now,
if you would have said that , I would have
lied.

DONLEY: We never asked you to lie.

JOHNSON: No, but that's . . .

BALES: The only thing we want to know is the time
you went from your car until the time we got
there, what happened? We know Chuck is not a
bad guy. But Chuck, if something's happened,
all we want to know is . . .

1 JOHNSON: I made a life, mistake that could have made a
2 life change. But I do not know how she got
3 there. I don't know how she got hurt or what
4 she died of. But it wasn't by my hands, by
my knowledge. Dammit, I'll lose my kids and
everything else as it is. I ain't got
nothing else except to cover.

5 BALES: We're not saying you'll lose anything, but if
6 you lie You know the consequences of
lying, right?

7 JOHNSON: If I'm a liar?

8 BALES: In this circumstance.

9 JOHNSON: I've corrected that lie already. I've lied
10 again but I've now corrected it and I'm
telling you nothing but the truth.

11 BALES: Do you know what a pathological exam is?

12 JOHNSON: No. I don't (INAUDIBLE).

13 BALES: An autopsy? Do you know what that is?

14 JOHNSON: Hold on just a second. An autopsy? Yes.

15 DONLEY: And you know what they do at an autopsy where
16 they go through and they, they, ah, go
through an exam?

17 JOHNSON: (INAUDIBLE). Uh-hummm.

18 DONLEY: One of those is gonna be done probably
19 tomorrow morning, if not Tuesday.

20 JOHNSON: Fine. Fine.

21 DONLEY: Tell me what they're going to find in that?

22 JOHNSON: Nothing off of me. Nothing, not even my
fingerprints. I guarantee it.

23 DONLEY: Do you have any drugs in that room?

24 JOHNSON: I ain't, I don't do drugs. I ain't done
drugs in over a year and a half.

25 DONLEY: That's not the question I had. I, I . . .

26 JOHNSON: Is there any drugs?

27 DONLEY: Were there any drugs in the room?

28

JOHNSON: Illegal narcotics?

2 DONLEY: Yeah.

3 JOHNSON: No. There had better not be. I, I, no.
No. I'm saying no cause there's not.

4 DONLEY: Are there any drugs in that house? That you
5 know of?

6 JOHNSON: To my knowledge? In my, I, my opinion of the
7 people? No. Unless it's something
8 prescribed. (INAUDIBLE) drugs because I
9 don't want to lose my kids. I do not do
10 drugs. I have no time. I did not kill that
11 girl. (Weeping). I just fucked up, that's
12 all.

13 DONLEY: Well how did you fuck up?

14 JOHNSON: Cause I didn't pull her out of the closet and
15 let everyone know I found her. Maybe if she
16 had been in the hallway or somewhere else, I
17 might have said something. I just wanted to
18 help so much.

19 DONLEY: Where was the, ah, the tool box? It was on
20 her foot?

21 JOHNSON: Not on her. Against her foot, more or less.
22 I pushed her foot underneath and took a
23 couple of shirts or towels or something to
24 hide her.

25 DONLEY: Did she have anything on top of her when you
26 saw her or was she laying . . .

27 JOHNSON: All that I saw was a foot, a hand, well,
28 first I saw the foot. Then, I looked, you
know, when you see that you look twice as
hard and three times as hard. The longer you
look, the more you notice. I just quickly, I
wasn't going to be neat about it or make it
look like a professional.

DONLEY: So, what made you look. You said that she
looked dead. What made you, from a foot and
a hand?

JOHNSON: I don't know. I just . . . An idea, it was
the idea that if you see a banana in a
pineapple tree, you're gonna, you're gonna,
react different to it. And that's, that's my
excuse, I don't know why I did that. I don't
know, I don't know what I thought. I don't,
I don't know . . . You're saying that like,

1 how did I know she was dead because somehow I
2 had some knowledge of something else? Maybe
subconsciously or something? No.

3 DONLEY: Okay.

4 JOHNSON: I'm an electrician. I earned it. I'm not
stupid. I know the facts of life.

5 DONLEY: Okay. This is what we're going to do. At
6 this point, you have a warrant out, right?
For \$2,500.00?

7 JOHNSON: Ah, I don't (INAUDIBLE).

8 DONLEY: For \$2,500.00. What you need to do is you
9 need to go to the Sheriff's Office and take
10 care of that. Ah, we're not going to hook
you on it. We could hook you up right now
and take you down there. Put you in jail.

11 JOHNSON: Wasn't it you I told that I . . .

12 DONLEY: Okay? We could do that. We're not going to
13 do that. We're not going to arrest you right
now for anything that you've done.

14 JOHNSON: (INAUDIBLE). I know I've done something
15 wrong (INAUDIBLE).

16 DONLEY: Well, if you have done something illegal,
we'll find out.

17 JOHNSON: No, I mean, what I'm telling you and if I'm
18 telling you the truth, is that illegal?

19 DONLEY: No.

20 JOHNSON: Or is that just a mistake?

21 BALES: It's a bad mistake.

22 DONLEY: So, what I'm telling you is that since we're
23 not going to take you into custody, I would,
I would, ah, suggest to you that you didn't
decide to go on some long extended vacations
24 or leave town until this thing's done.

25 JOHNSON: I got nothing to hide.

26 DONLEY: Because it will look pretty doggone bad if
you do. Do you understand that?

27 JOHNSON: Ah, La Habra, Monterey Park?

28

1 DONLEY: Yeah. Go anywhere as long as you come back.
2 You know and hang around town. Don't leave
3 your job and don't, don't, ah, take an
4 airplane ticket from here to Philadelphia
5 and, you know, all those things look pretty,
6 pretty raspy. Um, if you need to go pick
7 your stuff up or when you need to go pick
8 your stuff up on Exeter, you're to call the
9 police and have the police go up there while
10 you collect your stuff and leave.
11
12 JOHNSON: What does Darin know?
13
14 DONLEY: Huh?
15
16 JOHNSON: Is Darin after me?
17
18 DONLEY: Ah, I don't know.
19
20 BALES: I don't think he's after you but common
21 sense, man, the man's grieving.
22
23 JOHNSON: Yeah. If it was my kid, I would kill
24 everybody too.
25
26 BALES: Whether or not you're guilty of anything . .
27
28 DONLEY: Give him the respect of not being around
there. Alright?
29
30 JOHNSON: I'd kill 'em (INAUDIBLE).
31
32 DONLEY: She was found in your room.
33
34 JOHNSON: Does he know that?
35
36 DONLEY: I'm sure he does.
37
38 JOHNSON: Oh, God. I feel . . .
39
40 BALES: She was found in your room . . .
41
42 DONLEY: She was found dead in your room.
43
44 JOHNSON: So, she was dead in my room?
45
46 DONLEY: Yeah. Yeah, she died in your closet. Um,
47 either before or after you, you first saw
48 her. Um, he's not been told anything other
49 than what I just told you and the fact that
50 there was some questions that we needed to
51 ask you about. And he asked if you were
52 going to be arrested and I said that I didn't
53 know at this point. And I don't know.

1 JOHNSON: If he ever pops up in an alley, he could do a
2 good job, wouldn't he?

3 DONLEY: I don't know. I don't know him that well.

4 JOHNSON: He's a big guy.

5 DONLEY: But, anyway, you need to call the police
6 before you go back to Exeter and collect your
7 goods. Do you understand that? Okay?

8 JOHNSON: I can't even do that.

9 DONLEY: Okay?

10 JOHNSON: I understand.

11 DONLEY: Or if somebody else wants to go over and pick
12 them up, that's fine. But you are not to go
13 back there and live. Okay?

14 JOHNSON: I can't, I can't even go (INAUDIBLE) my stuff
15 in there.

16 DONLEY: Because they don't want to see you for this
17 reason. This is, not saying that you did
18 anything. They don't want to see you because
19 they associate you with her and, you know,
20 they need to have their time now. And they
21 have asked me to ask you not to come around
22 there for a while.

23 JOHNSON: Is there any way I can get a message there?

24 DONLEY: Do what?

25 JOHNSON: Is there any way I can get a message to
26 them? Like I'm sorry but I'm innocent. I
27 mean, I don't know.

28 BALES: Wait a couple of days.

29 DONLEY: Yeah, don't do any . . .

30 JOHNSON: I don't, I'd rather somebody lie for me and
31 tell them I (INAUDIBLE) the truth that I hid
32 her.

33 BALES: We're not gonna tell him that. But this all
34 comes down to from after the, ah, our
35 investigation, they're gonna know everything.

36 JOHNSON: Oh, I know.

37 DONLEY: Public knowledge.

1 JOHNSON: It's not the fact that it's the truth. It's
2 the fact that . . .

3 DONLEY: It is the truth. That's all we need.

4 JOHNSON: It's not the fact that I'm guilty or not.
5 It's the fact that, how he feels about me.
6 He's a good guy to me.

7 DONLEY: It doesn't matter how he feels about you. I
8 mean, at this point, we're talking about . .

9 JOHNSON: It bothers me.

10 DONLEY: Well, it doesn't because we're talking about
11 a little girl that is dead and that's all
12 that matters, right now.

13 JOHNSON: That's exactly the point with me, yeah.

14 DONLEY: That's all that matters.

15 BALES: Why don't you hang onto this, ah, Chuck.
16 Remember this is Mike Donley. You only know
17 in your head what the truth is. We're not
18 telling you (INAUDIBLE) but if something
19 comes up, you better get on the phone. I
20 work tomorrow 6:00 in the morning. I don't
21 know when Mike works . . .

22 DONLEY: I will be in Tuesday morning at 6:30.

23 JOHNSON: Mike Donley?

24 BALES: We expect you to be either at (INAUDIBLE) or
25 at your parents' house or not taking off
26 somewhere.

27 JOHNSON: Oh, I'm gonna be at my sister's.

28 DONLEY: If you want to go somewhere and stay
overnight, I suggest that you make it known.
I'm not saying that you have to do that
because like I said in the beginning, you
have no obligation to do anything for us.
I'm just telling you . . .

JOHNSON: No, I did something wrong and I (INAUDIBLE).

DONLEY: Okay. Just, just try and keep in touch. I'm
going to go to the autopsy Tuesday morning.
If you come up with anything else, I need to
know about it before Tuesday morning.
Before, say, nine o'clock. Because if I have
to go to the autopsy . . .

1 JOHNSON:

If you tell me, let me put it this way, if
2 you tell me that you found something from me,
3 you're a liar. Cause there won't be. I
4 guarantee it. Maybe (INAUDIBLE) a string off
one of my shirts cause she was in my room.
That would be it.

5 DONLEY:

Okay, the time is now 1607 hours. This
6 concludes our interview with Chuck Johnson,
II.

7 END OF INTERVIEW

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TAPE III

1 Chuck Edward Johnson
2 FWV02293

3 The date is October 11, 1993. The time is approximately 1455
4 hours. This is a re-interview of Chuck Edward Johnson, II.
5 Present in the room is Mr. Johnson, Detective Sergeant Bill Casey
and I'm Officer Mike Donley. Ah, Chuck, obviously you know that
you were arrested today, right. Out at the . . .

6 JOHNSON: (INAUDIBLE).

7 DONLEY: Okay. We've got some additional information
8 that we were able to come up with. Ah, I
9 think I told you yesterday that the autopsy
was gonna be tomorrow but we did it a day
earlier due to the circumstances. Some
things came up --

10 JOHNSON: Uh-hummm.

11 DONLEY: at the autopsy which, ah, remember I told you
12 yesterday that if, if you lied to me, they
would come back? Okay?

13 JOHNSON: Yeah I remember (INAUDIBLE).

14 DONLEY: Okay. Well, I think that's happened. Okay?
15 And I think there are some things you need to
16 discuss with us and tell us about, ah, so
that we can clear this thing up. Um, why
don't you start out by . . .

17 JOHNSON: What I'm saying is that you found something
(INAUDIBLE) of me,, from me, on her?

18 DONLEY: We, we found evidence which tells us that you
19 were not telling us the truth yesterday. Um,
20 that's basically it in a nutshell. A
pathological exam was done on her and, um, .
21 . . .

22 JOHNSON: Patho . . . What, what's that mean?

23 DONLEY: 'Kay, an exam was done on her body. To find
out . . .

24 JOHNSON: Okay.

25 DONLEY: How she died.

26 JOHNSON: Uh-hummm.

27 DONLEY: Okay? And we found out some things that, uh
28 . . .

1 JOHNSON: How did she die? No one has even told me how
 she (INAUDIBLE). (INAUDIBLE).

2 DONLEY: Well, let's do one thing at a time, okay?
3 Alright, why don't you start out again and
 start at the beginning --

4 JOHNSON: Okay.

5 DONLEY: from the time you woke up in the morning, to
6 the time, ah, you, ah, went to bed. Or, or
 went back to bed.

7 JOHNSON: Okay. Okay. I went to bed around 4, 4:30 .
8 . . .

9 DONLEY: Uh-hummm.

10 JOHNSON: From dropping off a friend. I woke up around
 7:30 approximately . . .

11 DONLEY: Uh-hummm.

12 JOHNSON: And phone r, cause I hear Darin yell at his
13 daughter, something about, not kno, comin' in
 without knocking --

14 DONLEY: Uh-hummm.

15 JOHNSON: And I got up to get some, to get something to
16 drink, I was thirsty. And I got me and ah,
 Brittany some juice, cause she wanted some
 juice.

17 DONLEY: Uh-hummm.

18 JOHNSON: And I figured or I just went ahead and just
19 figured I'd watch her so they could sleep
20 in. Just to be a nice guy. Ah, proceeded
 to, ah, work at ah, work in cleaning up my
 windows and chrome on my car.

21 DONLEY: Uh-hummm.

22 JOHNSON: She helped me.

23 DONLEY: Uh-hummm.

24 JOHNSON: Ah, I sat her inside . . .

25 DONLEY: Uh-hummm.

26 JOHNSON: On the couch. To watch cartoons. About that
27 time Speed Racer was coming on.

28

1 DONLEY: Uh-hummm.

2 JOHNSON: I don't know what time that was. Ah, went
3 back outside for about fifteen, twenty
4 minutes. Cleaned up.

5 DONLEY: Uh-hummm.

6 JOHNSON: Ah, locked up my car, shut the garage door .

7 DONLEY: Uh-hummm.

8 JOHNSON: Went in the house, locked the front door, and
9 went into my room.

10 DONLEY: Uh-hummm.

11 JOHNSON: And took off my ah, clothes that I had on
12 working on my car.

13 DONLEY: Uh-hummm.

14 JOHNSON: Put my shorts on that I sleep in and went to
15 bed, and about, think, twenty minutes --

16 DONLEY: Uh-hummm.

17 JOHNSON: The phone rang. I picked it up. Darin was
18 on the phone, in the same house . . .

19 DONLEY: Uh-hummm.

20 JOHNSON: Ah, it's all the same phone line.

21 DONLEY: Uh-hummm.

22 JOHNSON: So, he, he asked me, "Chuck", quote -
23 unquote, "Chuck is my daughter in your
24 room?" And I said, quote - unquote, "No."
25 like, that's a silly kind of question.

26 DONLEY: Uh-hummm.

27 JOHNSON: That was un, unsuspecting question. I didn't
28 think nothing of it. So, I just laid there
and listened to my radio.

DONLEY: Uh-hummm.

JOHNSON: Cause I had turned it on.

DONLEY: Uh-hummm.

1 JOHNSON: And I heard Darin in, in the back yard and
2 Jenny elsewhere, yelling "Brittany", three or
3 four times. So, I opened my shade in the
4 window and said, "What's going on? What's
5 wrong?" "We can't find Brittany". And I
6 thought, bullshit. I said out loud, quote -
7 unquote "Bullshit, I just left her in the
8 front room about twenty minutes ago". So, I
9 jumped up out of bed, picked up the quickest
10 clothes I could grab, put them on . . .

11 DONLEY: Uh-hummm.

12 JOHNSON: Ran up there.

13 DONLEY: Uh-hummm.

14 JOHNSON: And more or less, the scene, just how, got
15 involved with, the, ah, attitude and whole
16 situation. I was given a picture of her and
17 across the street cause I saw a lady out
18 there watering, turning on her sprinklers
19 when I was outside earlier . . .

20 DONLEY: Uh-hummm.

21 JOHNSON: Asked her if she remembers, or if she seen
22 some girl.

23 DONLEY: Uh-hummm.

24 JOHNSON: She said, "No." So, I started walking back
25 to the house . . .

26 DONLEY: Uh-hummm.

27 JOHNSON: Which is directly right across the street and
28 I stopped a couple of cars to see if they had
seen her. No.

DONLEY: Uh-hummm.

JOHNSON: And everyone was in a panic. I didn't know
what to do. I didn't know what I could do.

DONLEY: Uh-hummm.

JOHNSON: Ah, the police showed up. I was looking for
my wallet, my keys cause I wanted to get in
my car and go look for Brittany in my car, in
my car, like Steve wa, was doing.

DONLEY: Uh-hummm.

1 JOHNSON: And, ah, as I was doing that, opened my, my
2 closet I saw my tools and some other paper
3 shifted around. Ah, the way I normally don't
4 leave them. I discovered a little girl
5 laying there. I, in my words, I freaked
6 out. I don't know how you would pronounce
7 it. I got scared. I, I did the wrong thing.
8
9 DONLEY: Uh-hummm.
10
11 JOHNSON: I covered it up and hid it. Um, which makes
12 probably makes me look guilty. I feel bad
13 for her. Ah, and I went in the kit, back
14 into the kitchen. Five minutes after that,
15 ah approximately five minutes after that, two
16 officers ran out the front door with, with
17 her.
18
19 DONLEY: Okay. That's basically the story you gave us
20 yesterday? Right?
21
22 JOHNSON: In short, yeah.
23
24 DONLEY: Do you happen to have a card, by any chance?
25 I forgot my card.
26
27 DETECTIVE CASEY: What kind of card?
28
29 DONLEY: Miranda.
30
31 CASEY: Oh.
32
33 JOHNSON: Also, um, I don't know if it's of any
34 importance but to me (INAUDIBLE) important to
35 me. I'm not the only one has the key to my
36 door because Jenny, asked for the (INAUDIBLE)
37 each lock comes with two keys. She asked for
38 the other key.
39
40 DONLEY: Uh-hummm.
41
42 JOHNSON: In case someone was to lock theirselves outta
43 room, and I gave it to her.
44
45 DONLEY: Okay. I'm going to read you your rights.
46 You have the right to remain silent.
47 Anything you say can and will be used against
48 you in a court of law. You have the right to
49 talk to a lawyer and have him present with
50 you while you are being questioned. If you
51 cannot afford to hire a lawyer, one will be
52 appointed free of charge to represent you
53 before any questioning, if you wish one. Do
54 you understand each and every one of those
55 rights?

1 JOHNSON: Yes, I do.

2 DONLEY: With those rights in mind, do you want us to
3 talk to about, talk to us about your arrest
4 and the events that led to it?

5 JOHNSON: No, I want an attorney. I want to make a
6 phone call and have my attorney present.

7 DONLEY: Okay. What's going to happen is you're going
8 to be taken over to West Valley, um,
9 Detention Center and booked in there.

10 JOHNSON: For what?

11 DONLEY: Investigation of homicide.

12 JOHNSON: Okay. What's that mean? Investigate . . .

13 DONLEY: You're being investigated for homicide. A
14 homicides occurred and I have no doubt that
15 you did it.

16 JOHNSON: Well, okay.

17 DONLEY: Okay? With the evidence that we got, the,
18 the . . .

19 JOHNSON: The, the detective that called me or the, the
20 attorney that called . . .

21 DONLEY: Uh-huh.

22 JOHNSON: (INAUDIBLE) ah, told me that I was supposed
23 to be there to search my room . . .

24 DONLEY: Uh-hummm.

25 JOHNSON: And I was to be there when to say go, go, go
26 or whenever I wanted to say stop.

27 DONLEY: Uh-hummm.

28 JOHNSON: I wasn't in the room. I feel like I was, ah,
tricked to go in just so you guys can, can
get me quicker and, I, I don't understand. I
really don't understand this.

DONLEY: Okay.

JOHNSON: I'm innocent and . . .

DONLEY: Well, let me ask you again. With your rights
in mind, do you want to talk to us? Is that,
the fact that you are talking to us, is that,
are you waiving your rights now?

1 JOHNSON: No, I'm not waiving my rights. I'm just
(INAUDIBLE).
2 DONLEY: Okay. You better stand up.
3 CASEY: Mike, do you want me to end this on the tape
4 here?

5 This is Sergeant Bill Casey. The time is 1505 hours. Ah,
6 Officer Donley has escorted the arrestee out of the Detective
Bureau Interview Room and that will conclude this interview.

7 TAPE ENDS
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