

TAPED STATEMENT OF WITNESS "D" - 6/9/04

BY SGTS MATTISON & KEEFE AT HCJ

C 04-117071

Transcribed by ht

Q. We are at Hennepin County Jail with a known witness who we have identified as Witness "D"
Is that correct?

R. Yes.

Q. It is approximately 8:55 p.m. on Wednesday, June 9, 2004. It is correct prior to SGT
KEEFE and I coming over here you phoned our office to speak with us about a case?

R. Yes.

Q. Have we ever met before?

R. No.

Q. What case was it that you wanted to talk to us about?

R. The flower shop killing.

Q. The flower shop what?

R. Killing.

Q. Killing. Okay. And concerning this flower shop killing are you currently housed with
somebody who talked to you about that killing?

R. Yes.

Q. What do you know that person's name as?

R. MARVIN HAYNES.

Q. MARVIN HAYNES?

R. Yeah. JUNIOR.

Q. Okay and what's his nickname or what else does he go by?

R. LITTLE MARVIN.

Q. LITTLE MARVIN. Okay. And you're housed with him in Hennepin County Jail?

R. Yeah.

Q. And you spoke with him about this killing?

R. Yes.

Q. When did you first see something in the media about this? Do you recall?

R. I don't know about a few weeks ago about 2 or 3 weeks ago.

Q. When you came to Hennepin County Jail was MARVIN HAYNES already housed here?

R. Yes.

Q. How did you wind up approaching him to talk about this subject? You've known MARVIN from
before?

R. Yes.

Q. So did he ask you something or start telling you or what?

R. I asked him about it.

Q. What did you ask him?

R. I asked him why did he do it.

Q. Now when you say you asked him why did he do it, why did you ask him that?

R. Because it was stupid.

Q. No I mean had you seen on TV something that he had been arrested for?

R. Yeah. I heard his name on TV and stuff.

Q. Would you see his picture on the TV?

R. No.

Q. Okay so you were aware that he had been arrested for that?

R. Yes.

Q. What did MARVIN HAYNES tell you when you spoke with him about that?

R. He was like it was a mistake because I mean it was a mistake. He panicked and the gun went off.

Q. And you were specifically talking about the flower shop killing?

R. Yeah.

Q. What did he tell you why did he go into the flower shop? Did he describe that to you?

R. Yeah to rob the place and to come up.

Q. To come up?

R. Yeah.

Q. And what does "come up" mean?

R. Get some money, buy some drugs, get a big quantity of drugs and sell it.

Q. Okay but his purpose going into the flower shop was what?

R. Was to rob it.

Q. Okay. To rob it or to come up on some money?

R. Yeah.

Q. Okay. Did he describe what happened when he was inside the flower shop?

R. Well not in really detail but what he told me is he went in. Demanded some money and someone came behind him and the gun went off and he just panicked.

Q. Did he describe who the person was?

R. He said it was an older white male.

Q. Older white male?

R. Yeah.

Q. Okay. Did he say if anybody else was in the store to rob it with him?

R. No.

SGT KEEFE:

Q. When he said someone came around could you be a little more specific please?

R. It was just someone came in the back of him from the back. A person from like from the back or something and he panicked and the gun went off.

Q. Did he say how many employees were in the store?

R. No. (mumbling)

SGT MATTSON:

Q. So when he said that he panicked and it went off was he saying that he intentionally shot somebody or that it was an accident?

R. It was an accident.

Q. Would he tell you the type of gun?

R. No.

Q. I showed you photograph with the name covered up. Is that correct?

R. Yes.

Q. All right. And is that the person with whom you are having conversations in the county jail here?

R. Yes.

Q. And that person is known to you as what?

R. MARVIN HAYNES.

Q. MARVIN HAYNES.

R. JUNIOR.

And just for the record this is a booking photo with the name MARVIN HAYNES, DOB 12/6/87.

Q. How long ago did you have this conversation with MARVIN HAYNES?

R. A few days ago.

Q. Did MARVIN HAYNES say if he got any money from this attempted robbery?

R. No he said he didn't get no money.

Q. Pardon?

R. Didn't get any money.

Q. Didn't get any. Okay. All right. Did MARVIN tell you if he was drunk, drugged or on any drugs at the time of this?

R. On some "Dro" (sp?).

Q. Dro?

R. Yeah. Dro. It's weed but it's more potent. It's potent.

Q. "Weed" meaning marijuana?

R. Marijuana.

Q. And it's called Dro - D-R-O?

R. Yeah. DRO.

Q. And that's just like a slang name for it?

R. Yeah.

Q. Okay. What did he tell you about that? Did he tell you he consumed some before going to do this?

R. Yeah. They had been smoking it all day.

Q. Okay. Is that how you consume this is by smoking in a cigarette or something?

R. In a cigarello cigar. Cigar paper.

Q. Oh. Okay. Like a blunt?

R. Like a blunt.

Q. Okay. Did I or my partner make any threats or promises to you concerning this information you are telling us or did we tell you what to say about this?

R. No.

Q. Did we put you up to anything as far as talking to MARVIN HAYNES?

R. No.

Q. In fact we have never met, to my knowledge, before this date. Is that correct?

R. Correct.

Q. Did MARVIN tell you what he did after this attempted robbery?

R. No.

Q. Is everything you told us true to the best of your ability?
R. Yes.

Q. What are you in Hennepin County Jail for?
R. Felony theft.

Q. And in exchange for this information did you want something from the county attorney's office as far as?
R. Finish my treatment.

Q. You wanted to go back to a chemical dependency treatment program?
R. I am already - yeah. Finish my treatment.

Q. Okay. And you understand that my partner and I we don't have the power to make any kind of decision like that.
R. Right.

Q. We can take your information, tell the county attorney about it and they will decide if they can do that. But if not they haven't used your statement. Understand?
R. Yeah.

Q. Okay. How long have you known MARVIN HAYNES?
R. All his life.

SGT KEEFE:

Q. Witness "D", did he ever tell you how many times he shot the victim?
R. No.

Q. Did he ever tell you where he shot the victim at on his body?
R. .

Q. Did he tell you the time of day that this incident occurred?
R. In the morning time.

Q. Could you be more specific?
R. It happened in the morning.

Q. Did he give you an exact time or just generalize morning?
R. Generalize morning.

Q. Did he tell you where he went after the shooting?
R. No.

Q. Did he tell whether or not anyone else was involved with him?
R. No.

Q. Have you in the past ever provided Minneapolis Police with information regarding any other criminal activities?
R. No.

Q. Have you ever received money from Minneapolis Police or any other police department or provide information to the police?
R. No but that would be nice.

Q. Okay. And regarding this conversation that you and LITTLE MARVIN had, did you approach LITTLE MARVIN and ask about this flower shop or did he confide in you as a friend and a relative? Did he approach you or did you approach him?
R. I - I approached him first.

Q. Okay. And you asked him the information?

R. Yeah and he confided in me.

Q. Okay. And he confided in you. All right. Okay. And he gave you the details?
R. Right.

SGT MATTSON:

Q. Would it also be accurate to say that the conversation was somewhat cut short because other inmates were coming around?
R. Yeah.

SGT KEEFE:

Q. And why did you approach him?
R. Out of - really out of concern and telling him that it was stupidity. You know what I am saying.

SGT MATTSON:

Q. You mean you asked him was it because you had seen his name on TV and you knew him?
R. Right. And I thought it was real dumb.

SGT KEEFE:

Q. Did he ever express any sort of remorse?
R. Yeah.

Q. What exactly did he say?

R. I mean he didn't mean to do it. It was an accident. You know. I mean that was remorse to me. He's looking at the rest of his life in jail over something that he really didn't even get. I mean it was stupid.

Q. I don't have any further questions for you.

SGT MATTSON:

Q. Is there anything else that you wanted to talk about on this case that we haven't asked you specifically that you think is important for us to know?
R. The gun. I know where the gun at. I mean if that's the gun. I don't know I could ask him about it.

SGT KEEFE:

Q. No. No. We don't want you to ask him anything. We don't want you to talk to him about anything because then at that point that causes problems for us. We never have and we are not going to start asking you to do anything for us. Okay.
R. Okay.

SGT MATTSON:

Q. We're not putting you up to anything.
R. Right.

SGT KEEFE:

Q. Did he - since you brought up this issue of a gun - did he tell you the gun that he shot this guy with is at some specific location?
R. Yeah. I mean okay. It was like this. The gun that I know that - that he could have used I know where it's at.

Q. Okay. Now you said could have. Did he specifically tell you that the gun he used during this murder is at a specific location?

R. In so many words. Yeah. In so many words.

Q. Well I guess since we're going down that road let's lay it out now. What has he told you about this gun?

R. I asked him about the gun.

Q. Okay and what did he say?

R. He told me where it was.

Q. Where?

R. It was - I don't want to give out the location though.

Q. Why?

R. Because I don't want nobody kicking nobody's door or something. No shit like that.

Q. Okay. Did he describe the gun to you?

R. I already know what the gun looks like.

Q. Did he describe the gun to you?

R. Ah yeah.

Q. Okay. Describe it for us then?

R. A wood handle. It was sort of like a sawed off shotgun. I mean I don't know.

Q. Okay but did he tell you he used that gun during this?

R. No.

Q. Okay.

R. He didn't specifically say that.

Q. Okay. But then what you are telling us is that you know him to have used this in the past?

R. Yeah.

SGT MATTSON:

Q. Or he had it in the past?

R. Yeah.

SGT KEEFE:

Q. Okay. So what you are telling us then is that in the past you've known him to be in possession of a gun with a brown handle?

R. Right.

Q. A sawed off shotgun?

R. Right. It's - yeah.

SGT MATTSON:

Q. But he didn't specify what kind of a gun that he used in this case.

R. No.

Q. Okay. When you had this conversation with MARVIN HAYNES he was specifying that this was the flower shop over in north Minneapolis?

R. Right around the corner from -

Q. That's all I needed to know.

SGT KEEFE:

Q. Did he tell you what he said to anyone else while he was in the store?

R. No.

SGT MATTSON:

Q. Do you know MARVIN to be in any type of a street gang?

R. Yeah. I don't know which one though.

Q. Was this gang related or was this just something MARVIN was doing for money?

R. Something that he was just doing for money.

SGT KEEFE:

Q. Did he tell you how he got there that day?
R. No.

S MATTSON:

Q. Is everything you told us true to the best of your ability?
R. Yes.

SGT KEEFE:

Q. One last thing DAVE. One last thing. You said you wanted to receive treatment as a result of this information that you provided?

R. Yeah. I don't want to go - I was already in treatment and I turned myself in because a warrant because I didn't go to court. So I think I don't know they trying to get me about 18 months or whatever.

Q. 18 months in state prison?
R. Yes.

Q. So specifically what are you requesting?

R. I am requesting I don't want to prison. I want to finish my treatment.

Q. And you want credit for time served?
R. Right.

Q. And if that is the case then you are willing to take the stand and testify in court before a grand jury as well as a Hennepin County Jury if this goes to trial?

R. Right, which I know, is going to go to trial but yeah.

Q. You swear to tell the truth the whole truth and nothing but the truth?

R. To my best ability to what he told. That's the only thing I could say.

S MATTSON:

Q. All right. We will end the interview at this time. It is now 2115 hours.

END OF STATEMENT