

THE SIMPSON VERDICT
BY F. LEE BAILEY

PART TWO

1. **THE PROPENSITY AND MOTIVE:** Although it not necessary to prove that an accused had a motive to commit either charged crime, or a propensity to act in the kind of violent way embraced by that crime, the fact is that detectives usually look right at the outset at whether a suspect had either or both of these incentives. Simpson had neither. The best the prosecution could do in these categories was to argue that (1) Simpson had hit his wife early in January of 1989, a misdemeanor to which he pleaded guilty and paid his penalty, and (2) that he was insanely jealous of Nicole, and killed her in a rage. But the witnesses lent little credence to these hollow claims:

A. DR. BERNARD S. YUDOWITZ

Dr. Yudowitz is not only a leading forensic psychiatrist, he is uniquely experienced in one special respect: he has interviewed more than four hundred men and women who have recently killed someone. For some years he held a post as chief psychiatrist at the infamous Bridgewater State Mental Institution in Massachusetts. By Massachusetts law, it was Dr. Yudowitz' job to examine all of those who had just been arrested for some degree of homicide, to determine whether that person was *competent* to begin a long trek through the legal system. In this capacity Dr. Yudowitz got to learn a lot about the appearance, demeanor, and expressions common to those who had just had the experience of killing another human being.

At my request, he spent eight hours examining Simpson in the Los Angeles County Jail in December, 1994. He visited with John McNally, Pat McKenna, Howard Harris and me in my West Palm Beach conference office room for an hour on December 23. His brow was furrowed.

"I don't know why they have this guy in jail," he said. "He hasn't killed anyone."

Because of the critical jury situation, we never got a chance to learn whether Judge Ito would have allowed the jury to hear Dr. Yudowitz' expert opinion. However, it is clear that in order to rule, the judge would have had to hear an offer of testimony from the witness stand. It is now obvious that the jury didn't need this testimony; but it is also clear that if the public had heard it the very cogent reasons underlying Dr.. Yudowitz' opinion - as it, but not the jury, had heard the Fuhrman tapes - many would have taken a whole new and enlightened view of O. J. Simpson.

B. DR. LENORE WALKER

Dr. Lenore Walker, Ph.D., had become nationally known as an expert

on battered women, and the "Battered Woman Syndrome". She was often called on to explain why women who were continually beaten by their husbands did not flee, or seek protection or sanctuary, or prosecute, due to a state of emotional paralysis. During jury selection, Alan Dershowitz suggested that she examine Simpson. Her experience was such that she might be able to recognize the *contrary* of what she usually saw: a husband who did *not* have the profile of a batterer.

She examined Simpson at the jail on January 15, 1995. On February 26, just over a month later, she gave her report to the defense team. He definitely did not fit the profile of a batterer who murders, she said. He had good control over his impulses as well as his emotions. She elaborated on the foundation for her views with confidence. She would, I believe, have made an excellent and compelling witness, particularly for the millions of women who had soured on O.J. amid the reports that he had beaten Nicole.

Unfortunately, like so many others who could have shed a whole new light on *People v. Simpson*, justifiable panic over the juror attrition caused her to be omitted.

C, KEITH DOUGLAS ZLOMSOWITCH

In early 1992, while her divorce from Simpson was dragging through the courts, Nicole began a relationship with a restaurant person she had met in ski country in Colorado, a man named Keith Zlomsowitch. From time to time he would stay with her at her home, where she lived with the two Simpson children. One evening late in April of that year, the two were involved in an intimate exchange on the couch in Nicole's living room. Simpson came by - unannounced - for a brief visit with his children. As he approached front door, he saw through the living room window what was in progress. He pushed the doorbell button at the front entrance to the apartment, and left. Later, he remonstrated with both Nicole and Zlomsowitch for behaving so openly when either child - or both of them - could have walked into the room at any moment. Following a private conversation with Nicole after Zlomsowitch left them together, Simpson emerged to speak to Keith. As Zlomsowitch described his encounter with Simpson to a grand jury on June 21, 1994:

20 HE STUCK OUT HIS HAND TO SHAKE MY HAND, IN

21 WHICH I STUCK MY HAND OUT IN REPLY.

22 AND HE SAID, "NO HARD FEELINGS; RIGHT? NO HARD

23 FEELING?"

24 AND I LOOKED UP AT HIM AND I SAID -- I DON'T

25 RECALL IF I SAID, "NO HARD FEELINGS," BUT I SAID, "IT'S

26 OKAY," YOU KNOW, "IT'S OKAY," OR SOMETHING TO THAT EFFECT.

27 AND HE SAID -- HE SAID, "YOU UNDERSTAND, YOU

28 KNOW, I'M A VERY PROUD MAN."

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AND I CAN'T RECALL EXACTLY WHAT HIS WORDS WERE

2 AFTER THAT, BUT HE SAID, "I'M A VERY PROUD MAN. YOU KNOW,

3 I'M VERY VISIBLE IN THIS COMMUNITY," OR SOMETHING TO THAT

4 EFFECT, I RECALL.

5 Q. ANYTHING ELSE?

6 A. NOT AT THAT TIME, NO.

7 Q. HE LEFT?

8 A. HE LEFT. YES, HE DID.

The public never heard from Zlomsowitch, even though his testimony would have posed a powerful contradiction to the prosecution's only claim of motive: that Simpson killed Nicole because of a jealous rage. We had him under subpoena and were prepared to call him, but like so much other critical evidence, the threat of further erosion of the jury was just too great. His subpoena was cancelled.

D. MARCUS ALLEN

Two of the greatest running backs in the history of the National Football League - O. J. Simpson and Marcus Allen - were also close friends. However, one day sometime after Simpson and Nicole had officially separated, Marcus - according to papers filed in *People v. Simpson* and later in a court in Kansas City (where Allen was playing for the Chiefs at the time) - had a sexual experience with Nicole. Ultimately he confided this fact to Simpson. Although Simpson scolded Allen for jeopardizing his impending marriage to his fiancée, he expressed no outrage at the intimate congress which had occurred. He even thereafter hosted Marcus' wedding to Kathy at his home. What happened to this valuable testimony, once again giving the lie to claims that Simpson was insanely jealous of Nicole in June, 1994? Two things: first, after Marcus declined an invitation to appear and testify voluntarily, I went before a Judge in Kansas City to enforce the California subpoena issued by Judge Ito. The Kansas Judge declined to issue the necessary order. Second, had we appealed and won, as we did in North Carolina with respect to the subpoena for the Fuhrman tapes, we probably would have had to drop Allen from the

witness list just as we dropped Zlomsowitch.

II. THE Demeanor EVIDENCE: In any homicide case where the suspect is other than an experienced killer, the *demeanor*, or overall behavior, of that suspect is one of the principal elements considered by experienced detectives. As Dr. Yudowitz could explain in great detail, people who have just killed someone for the first time act very differently than your average Joe who has just downed a hot dog and a Coke. The experience dominates the killer's persona, and manifests itself through quaking, or a rush, or through a total lack of affect, an almost catatonic state. Real killers are totally incapable of affability and light-heartedness in the aftermath of the event. The demeanor evidence in Simpson's case was so strong as to be every defense lawyer's dream.

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Although it was categorized separately in the December 21124 1994 trial outline set forth above, I will include O.J.'s experience with the police in this segment, simply because it never made evidentiary status during the trial, and the jury never heard or read of its contents. And, it is in fact demeanor evidence of the greatest importance. It should be noted that whenever a suspect sits down with police at the outset of a homicide investigation, he is in the most grave peril if he has anything to hide. I do not suggest by that assertion that only guilty people are in jeopardy; equally likely to screw up his own case - royally - is the man who did *not* kill his wife, but who was at the time of the murder in the No-Tell Motel with Suzie Q., and lies about that. The detectives need not win any confessions or admissions out of their interrogation session; they need only get some statements from the accused that they can later disprove, such as a false alibi. To my colleagues who have had clients closeted with the police in the immediate aftermath of a terrible crime, I need say no more than that the statement was never offered by the prosecution. It was *repeatedly* offered by the defense, and its admission was vigorously opposed by the prosecution each time.

But to those readers not schooled in handling homicide cases, consider for a moment the formidable situation a *guilty* Simpson

would have faced for three hours with Lange and Vanatter, talking into a tape recorder whenever *they* chose to activate the "record" switch. Assuming that he went to Nicole's home in a high state of rage for some reason never to this day explained, nearly cut her head off with a knife out near the front gate of 875 S. Bundy for any passerby to see and hear, then was confronted before he could leave with Ronald "Hey Hey Hey!" Goldman and got in a real fight with him, inflicting seventeen wounds before Goldman was subdued, then walking (not running, as the footprints showed - twice!) out to his Bronco sitting in the alley behind the condo, then *returning* to the site to retrieve something (perhaps the knife, or a right glove, or both), then driving home to Rockingham, which would have taken at a minimum six minutes to cover the two miles involved over heavily residential streets.

Simpson arrives at his home some time after 10:45 p.m. (see the *Timeline*, below), at the earliest. He sneaks into the house carrying the bloody knife and whatever towel or drop-cloth he was sitting on to protect the upholstery of the Bronco from the gore dripping from him. He has no reason to know that it is Alan Park, not Dale St. John, who has been sitting at his Ashford Street gate since 10:25 p.m., waiting to be let in, and able to see clearly into the front yard. Simpson parks the Bronco on Rockingham Avenue, and walks across the lawn to his front door, bearing his weapon and other accouterments in plain view. But wait! Before entering, he detours to the pathway which runs alongside the house opposite Ashford Street, to drop the right-hand glove from the murder scene, knowing that if all else falls his way, this glove will incriminate him.

In the few minutes remaining before he enters the limousine, freshly showered at 10:55 p.m., he changes and washes, hides the knife and bloody garments and towel *in the house* in a place where they are never discovered, and psyches himself into wearing a jaunty affect. Arriving at the airport he is so nonchalant as to give autographs at the curb, while American Airlines is holding his plane for him. All the way to Chicago he comports himself like a happy man without a care in the world, even chatting with the captain and signing his log book. Upon arrival in Chicago in the wee hours of the morning, his happy face continues. All an act, of course.

Once Ron Philips gets him on the phone in his hotel room and imparts the tragic news - not news to Simpson of course - he puts on an act worthy of Sir Laurence Olivier. He cuts himself, acts rudely in the hotel lobby in his rush to get back to Los Angeles, which no one has asked him to do, and does not attempt to reach either of his lawyers, Howard Weitzman or Leroy Taft. During the flight he bests both Sir Alec Guinness and Sir Anthony Hopkins in the little show he puts on for lawyer Mark Partridge, sitting next to him. He is met by Taft and

driven to Rockingham, where he is handcuffed but not given a reason. He does not yell for counsel. Weitzman shows up, demands that the cuffs be removed, and they are, since there were no grounds to arrest Simpson. Over the protests of his lawyers, Simpson insists on going down to police headquarters with two grizzled homicide detectives, to match wits with them.

Though neither Tom Lange nor Phillip Vanatter is likely to displace Sherlock Holmes in the annals of detective brilliance, they are no dummies

either. The net result of their unfettered interrogation of O.J.? They extract from him a sheepish admission that a piece of jewelry he gave Paula Barbieri was originally intended for Nicole, and please, guys, don't let on to Paula ...

Any defense lawyer in any court in the world would be overjoyed to have a transcript of a non-lawyer-aided interrogation such as this one to wave before his jury. We never got that chance. However, the reader should not be similarly deprived. The entire record of that interrogation is published as an appendix in the back of this book.

B. CAPT. WAYNE STANFIELD

When Simpson left Los Angeles for Chicago shortly before midnight on June ~~11~~ 1994 to play golf for Hertz, he rode in the first class cabin

on American Airlines Flight 215, an MD-80, which actually lifted off the runway at 11:56 p.m. The captain in command was Wayne Stanfield, right out of central casting; tall, fit, a nice-looking man with the *de rigueur* "straight teeth and a crooked smile".

He knew of course that he had a famous passenger on the flight, and he was a Simpson fan. After the plane was level, cruising and on autopilot, Stanfield grabbed his pilot log book - a treasured item no pilot likes to be without while flying - and went back to the first class cabin to meet O. J. He introduced himself, and they chatted for the better part of thirty minutes. During this time O. J. autographed Stanfield's log book, and wrote in the inscription: "Peace to you".

It should be noted that although the horrors of 9-11 were more than seven years in the future, hi-jacking airliners had been in fashion for at least twenty years. Airline pilots were trained to be observant, and to pick up the slightest nuance which might indicate that a passenger has something untoward on his mind. This is not a special effort, but an ongoing instinctive practice. Every pilot flying a jet has nightmares about being given a change of destination with the muzzle of a pistol at the back of his head.

During their time together, Stanfield was able to discern that Simpson had no cuts, bruises, or unusual marks about his body, and that he was relaxed, affable, and polite. Any notion that Stanfield might have

fabricated or exaggerated this visit was put aside by Simpson's autograph, which Stanfield showed to the jury. This was the *establishing point* of this relationship. There was no attack of any significance on cross-examination. Our most important and believable eastbound demeanor witness had delivered without a blemish.

C. MARK PARTRIDGE

One of the most important witnesses for the defense who *did* get to testify was a Harvard-educated Intellectual Property lawyer from Chicago named Mark V. B. Partridge. On the morning of June 13, 1994, Partridge was flying from Chicago to Los Angeles on business, on American Airlines' 9:15 a.m. flight.

Simpson, upon being told by Detective Phillips by phone that Nicole was dead, immediately made arrangements to get back to Los Angeles as soon as possible. He called American Airlines, where he held a first-class return ticket for a later time, and had to accept a seat in coach, in the first row aisle on the right side. Because it was an emergency exit row, there were only two seats instead of three on each side. He was seated next to Partridge, "on the bulkhead".

Simpson began to monopolize the sky-phone, which was accessible directly in front of him. From Simpson's tone of voice, and his side of several different conversations, it was apparent to Partridge that Simpson was trying to get information about some cataclysmic event. He told Partridge that his ex-wife had been killed, that they had been together for either seven or seventeen years and had two children, and that he loved her very much. As he talked to one person and then another, including several conversations with "Skip" [Taft, his business lawyer], he became more and more distraught, and told Partridge: "they're blaming me for this ..."

Partridge made notes of some of the phone numbers Simpson called. He recommended that Simpson get "someone with a clear head" to meet him at the terminal at Los Angeles, since there would likely be hordes of media people there. He gave Simpson his business card before they parted.

On June 15^t now aware of what the media were saying happened, Partridge sat down and wrote a six-page double-spaced memo recounting his recollection of the events of the flight. He sent a copy to both sides (prosecution and defense). His final observation in the memo was that Simpson "seemed like a man who didn't know what had happened". From the defense perspective, this was a beautiful *establishing point* for the origin of Partridge's testimony, which thereby became totally unassailable.

I have the memo and will set it forth verbatim in the book.

III. THE TIMELINE: One of the most compelling defenses that can be asserted in a criminal case is an *alibi*. Since most people will accept the fact

that no individual can be in two different places at the same time, proof that a suspect was elsewhere when a crime is committed usually ends the case against him. Like other issues in a criminal trial, an alibi can be proved by direct evidence - that is, a witness or witnesses who say they were present with the accused when the crime was occurring somewhere else. Desirable direct alibis include being in the Vatican in the presence of His Holiness, or being in a high-security jail.

Indirect, or *circumstantial*, evidence may also provide an alibi, usually referred to as a *Timeline*. In cases such as these, no one person is able to place the accused somewhere else at the time of the crime. However, a combination of demonstrable facts may - when linked together - make it clear that the accused had no opportunity to commit the crime, and couldn't have been at the scene.

The use of an alibi defense - although powerful when it can be properly made out - has a couple of down-sides which go with the territory. First, it is the most often concocted defense of them all, and is frequently the product of subornation and perjury. Judges and juries are apt to scrutinize alibi defenses with great care, and often grave doubt. Second, most *innocent* people - where nocturnal crimes are concerned - don't have a very powerful alibi. They are either in bed asleep, or with family or loved ones who have a lot to lose if the suspect goes to jail, and thus do not make very impartial or credible alibi witnesses.

Simpson had no alibi witness as such. He was seen by Kato Kaelin at about 9:37p.m., and then by Alan Park, the limousine driver, at about 10:55p.m. . During the interim he was alone, either in the house or out in his yard, practicing golf swings for the game he expected to play the next day in Chicago for the Hertz company. His story as to what he was doing during that period - just over an hour - is set forth in good detail in his statement to Lange and Vanatter. Had there been no homicide, his activities were what one might expect with the current trip looming: packing, showering, puttering about.

But a homicide did occur - two homicides at the same place and nearly the same time - and one of the victims was Simpson's former wife, while the other was a bare acquaintance who was friendly with the former wife. To determine whether Simpson could possibly have been a candidate as the perpetrator, as the prosecution claimed, a close examination of the known facts and surrounding circumstances must be undertaken, to see whether or not a *Timeline* can be seen; and if so, whether there is room within the time period involved for Simpson to have committed the crimes.

We have two possible starting points: one can say that Nicole was last seen alive at 10:00 p.m. by the witness Lang, last described below, or - perhaps more usefully - one can say that murder had *not* occurred at 10:25 p.m.

A. DANNY MANDEL & ELLEN AARONSON

Danny Mandel was employed at *Sony Pictures* in the finance

department, and was at the same time pursuing a Master's Degree in Business at UCLA. On June 12, 1994, Danny had a blind date with a young lady named Ellen Aaronson who lived on Darlington Avenue, a stone's throw from Nicole Brown Simpson's condominium. Mandel drove to her home, arriving about 8:30 p.m., then walked with her to the same Mezzaluna Restaurant where Nicole and her mother had eaten dinner earlier, and where waiter Ron Goldman came into possession of the eyeglasses that Juditha Brown had left behind. The pair had dinner, and paid their check at 9:55 p.m. (according to the time-stamp on the credit card receipt) because their waitress was going off-shift and wanted to close out. Mandel and Aaronson remained another ten or fifteen minutes chatting. The restaurant had few patrons while they were there; they did not see Nicole or any of her family.

When they left Mezzaluna, they walked along South Bundy back toward Darlington. They passed directly in front of Nicole's sidewalk gate at 10:25 p.m.. There was no commotion, no people visible in the area, and no blood on the sidewalk. Based on the totality of the evidence later catalogued at the murder scene, Nicole Brown Simpson was still alive at that hour. As the two approached Aaronson's apartment, it was 10:30 p.m. Neither had been much enamored of the other, and both looked at their watches frequently. Neither had heard any voices, or dogs barking, or other disturbance as they visited together for a while in Ellen's apartment. One of Ellen's room-mates - Jean - arrived at 10:35 p.m. The other, Jennifer, came in at 11:00 p.m. Danny left to drive home.

Both Danny and Ellen made their observations known early on to the police, creating *establishing points* for their later testimony. Both were treated less than politely by the prosecutors, who inevitably saw them as big trouble for the prosecution's theories that the murders happened no later than 10:15 p.m.

B. DENISE PILNAK

Denise Pilnak lived diagonally across the street from Nicole, about a block and a half to the south. She had been employed by a high-tech publishing company for ten years. She was single, and lived alone. On June 12 she had gone to church at about 5:30 p.m., then had dinner with her family at Louisa's restaurant on San Vicente Boulevard, nearby. When she returned to her home at 9:30 p.m., she found her friend Judy Telander using her computer. Denise announced that she was getting ready for bed, and Judy completed a print job she had in progress, then left the house. at 10:21 p.m. Denise's mother and another friend had left three minutes earlier at 10:18 p.m. Between 10:33 and 10:35 p.m., Denise heard dogs barking loudly. This noise continued until 11:20 p.m. Denise finally went to bed at 12:30 a.m. on the 13th. She told police officers what she had observed and heard

at 10:15 a.m. on June 13th, thus creating an almost immediate *establishing point* for her story. Judy Telander corroborated all that Denise had to say about Judy's activities that night.

C. ROBERT HEIDSTRA

He had lived alone in an apartment on Dorothy Street for seventeen years. He was born in France, but had become a naturalized citizen of the United States. He had his own business detailing automobiles for the well-to-do residents of the neighborhood. He had two dogs - a Collie and a sheep dog - whom he walked on a regular basis. His name was Robert Heidstra, and he was probably the only witness to the Simpson-Goldman murders, not with his eyes, but with his ears. On the night of June *13th*, 1994, Heidstra was walking along an unnamed alley which was close to and parallel to the east side of South Bundy Drive. Nicole's front gate was no more than one hundred feet away, and Heidstra's hearing was unimpaired for a man in his fifties. At 10:35 p.m. he heard Nicole's Akita - whose bark he recognized from his thrice daily walks with his own dogs - barking in what Heidstra described as an hysterical and panicky manner. He was sufficiently concerned that he changed his route to avoid 875 S. Bundy, fearing that his own aging and much smaller dogs, might run afoul of the upset Akita.

At 10:40 p.m. he heard two adult male voices. One was clearly shouting "Hey! Hey! Hey!" The other was talking fast and indistinctly, saying words Heidstra couldn't decipher because of the barking dog. It sounded like an argument.

Then Heidstra heard a loud "clang" as if an iron gate were being slammed shut. The dog barking continued. Heidstra took his dogs home. The next morning, while shaving, he heard the news of the murders.

On June 21, he was interviewed by Officers Payne and Parker of the LAPD, and thus made an *establishing point* for his story. He was subsequently taken down to the District Attorney's Office by Payne, where he spoke with Marcia Clark and William Hodgman. He was never subpoenaed by the prosecution.

D. WILLIAM BODZIAK

Special Agent Bill Bodziak was the FBI's point man in the area of foot prints and foot impressions. The distinction between the two lies in the fact that prints are two-dimensional like finger prints, and impressions are three dimensional as where a foot steps in wet sand. Hard surfaces like concrete do not yield foot impressions

At first blush, and despite the fact that he was the author of the leading text on the subject, Bill Bodziak did not do a lot to enhance the prosecution's case. The bulk of his testimony related to the scene at Bundy, and the fact that there were bloody foot prints leaving from the bodies along a walkway to the rear of the condo, where it was

apparent that the killer(s) had parked a getaway car. Bodziak described the impressions as having been made by a large shoe identified as having been manufactured by "Bruno Magli". This was of little concern to the defense, since the only Bruno Magli product that could be tied to O.J. was a pair of bedroom slippers found in his closet, which had soles completely different than those of the shoes Bodziak was describing. Bodziak, like many of the experts, had arranged for large graphic drawings to be created in order to illustrate his testimony. One of these showed the murder spot near the sidewalk on Bundy, the place where the getaway vehicle had been parked during the killings, and the areas in between, where the foot impressions were carefully drawn in.

Bodziak was my witness. I saw no need to attempt to impeach anything he had said on direct examination, since he had not hurt Simpson's case, but one item I noticed on his large graphic aid seemed worth a little exploration.

I asked him whether or not it was clear that a certain trail of bloody foot prints, becoming more faint as they walked away from the pool of victims' blood, were the Bruno Magli sole prints he had identified. He conceded that I was correct.

"And would you agree with me that there were *two* such trails?"

I asked, innocently. Bodziak was suspicious as to where I was going, but answered in the affirmative.

"Was each trail made by a pair of Bruno Magli shoes?" I went on.

"Yes", he agreed.

"Do you think that two killers managed to get hold of two identical pair of Bruno Magli shoes, and wear them to the scene?" I inquired.

Bodziak snorted disgustedly, as though he were being annoyed by foolish questions from some cretin (he knew of our two-killer hypothesis, and was set to pounce on it). "Of course not," he said, as if speaking to a stupid child. "That's ridiculous!"

"Then you *would* agree, Mr. Bodziak, would you not, that one killer wearing one pair of Bruno Magli shoes, left the scene, leaving a bloody trail of foot impressions as he went, *and then returned*, leaving no impressions as he did so because the blood was worn off his soles, and then *left the scene again*, leaving a second trail very similar to the first?"

"I would," said Bodziak.

"And then you would agree, I assume, that a killer probably left the scene, then went back to get something he thought important, retrieved that item, and left again, yes?"

"It's possible," conceded Bodziak, now wary once again.

"To your knowledge no murder weapon has ever been found in this case, true?"

Bodziak had little choice but to say that such was the situation as he knew it.

"And it is apparent, Mr. Bodziak, that as lights began to come on and dogs were barking, whoever went *back* to the scene ran some risk that he would be seen and identified?"

Bodziak still didn't quite grasp the import of where I was headed, but agreed with my suggestion. He waited for my next question.

I sat down. Tempting though it was to ask one more leading question, asserting that a face as famous as that of O. J. Simpson, who was doubtless well-known to Nicole's neighbors, would hardly take that risk, I thought it better to leave the matter for final argument. I also chose not to debate with Bodziak what the return trip to the scene by the killer did to bolster our "timeline" defense.

IV: THE PLANTED EVIDENCE: The fact that police officials plant evidence to incriminate a suspect does not *necessarily* mean that the suspect is innocent, although that is often the case. In the case of notorious gangsters, drug kingpins, and other professional criminals, law enforcement officials have been known to "seed the ground" with incriminating evidence, excusing their conduct with the twisted notion that the "...endjustifies the means ..."

But the notion of framing a citizen like O. J. Simpson, who had no criminal past and was well-liked by the police, is all but unheard of. Who would set such a dastardly strategy in motion? Who would approve it? How could one know that prosecutors would not catch wise to such a ploy, and reject it, perhaps even prosecuting the culprit planters? These questions scream for answers in the Simpson case, since beyond question there were at least two attempts to frame him with seriously incriminatory pieces of physical evidence.

A. THE SOCK

If the question as to whether someone attempted to frame Simpson by planting the right glove outside his home on Rockingham Avenue remains open, the matter of the sock is not. It is a slam dunk case of not only planting, but creating evidence. It was an incredibly sloppy piece of work.

Some one in the LAPD had video-taped Simpson's master bedroom at his home, panning the camera about the room to catch everything viewable. The carpet at the foot of the bed comes into frame, and there is nothing on it. Hours *later*, a Simpson sock is discovered at the same place on the carpet which had been vacant before. This sock had a large blood spot on it, later confirmed by RFLP testing to be Nicole's. Looks like a bad piece of evidence against O.J. Must have gotten splashed with a single drop of her blood while killing Nicole, right?

Wrong!

This particular blood spot appeared on *both sides of the sock*. The

spots were a match in size and location, as well as content. Obviously *someone* had dripped a droplet of blood on the sock when there was *no foot in it*, then placed it where it would be discovered, and implicate Simpson. That someone necessarily had access to Nicole's blood, i.e., a member of the LAPD³². That someone must also have been aware of the earlier videotape showing "no sock". Dr. Herbert MacDonnell, an internationally known expert on such matters, buried the prosecution on this issue. There never was a response or explanation of any kind offered to the jury. Someone, had tried to frame the defendant, usually but not always, something that is done to suspects whom the police know to be innocent.

B. THE GLOVE

By far the most crucial piece of evidence in the case for the prosecution was the blood-marked glove allegedly found by Mark Fuhrman in a narrow, dark pathway between Simpson's home and a chain link fence on his property line, in the early morning hours of June 13, 1994. The facts surrounding that "find" are worth of *extremely* close scrutiny.

The evidence establishes, without much question, that the murders occurred at about 10:35 - 10:40 p.m. on June 12. Fuhrman was called, and arrived on the scene at 2:10 a.m. on June 13th. He was an officer with a bad racist record, who had been criticized by his superiors for ignoring lesser duties while trying to make "the big arrest". For a short time, he and his partner Ron Phillips were the lead detectives in the case. When Fuhrman referred to a leather glove he saw at the murder scene at the Preliminary Hearing, he used the term "them". The police vehicle to which he had access had "baggies" to preserve evidence as part of its standard equipment.

At 2:45 a.m., while Fuhrman was sitting on a couch in Nicole Brown Simpson's living room making some notes, Ron Phillips came in to announce that Captain Spangler was sending two senior detectives from the Robbery-Homicide Squad at Parker Center in downtown Los Angeles to take over the case; he and Fuhrman were out of what Fuhrman would later describe on tape as "the biggest case of the century".

Detectives Tom Lange and Philip Vanatter arrived sometime thereafter, and Fuhrman was given no duties to perform. At about 5:00 a.m., he suggested that a call be paid to Simpson's house on Rockingham Avenue, almost exactly two miles away. He even offered to lead the way; he knew where it was, because in 1985 he had gone to that house to answer a complaint by Nicole. When he arrived, he was told that there was no complaint pending, and he could leave.

³² During the civil case, evidence developed to show that detective Vanatter had possession not only a vial of Simpson's blood, but one of Nicole's as well.

He did note that a black man and a white woman were living together, a circumstance he detested. Indeed, when in early 1989 he learned that Simpson had been charged with a misdemeanor for striking his wife, Fuhrman volunteered to testify against Simpson. His offer was ignored.

When Fuhrman and the other detectives arrived at Simpson's home shortly after 5:00 a.m., Fuhrman went alone to look at the Bronco which was parked on Rockingham Avenue, at the end of the driveway. What he did there remains unsettled, but at the Preliminary Hearing he made reference something "in the Bronco". At the trial he swore he hadn't even *looked* in the Bronco.

Then, at about 5:15 a.m., while his colleagues were trying to get someone to respond to the doorbell by pushing the button at the Ashford St. entrance gate, Fuhrman vaulted the wall surrounding the premises. He later claimed he had gotten Vanatter's approval to intrude on private grounds, and although Vanatter covered for him, that approval is most doubtful. If Vanatter had *admitted* that Fuhrman had acted on his own, the glove evidence would almost surely have been excluded as the product of an illegal search and seizure.

Fuhrman, Vanatter, Lange and Philips entered the house, and roused Kato Kaelin and Simpson's oldest daughter, Arnelle. Philips tracked down Simpson in Chicago, and told him Nicole was dead. He did not mention Goldman.

Acting on his own once again, Fuhrman left the house and disappeared for fifteen minutes. When he returned, he announced a find, and took each detective - *individually* - to a place in a narrow, dark corridor between the wall of the home and a chain-link fence running along the property line. There he pointed out to them a man's leather glove, shaped for the right hand, which glistened; it was moist with human blood. It turned out to match the left-handed glove left at the murder scene at 875 South Bundy Drive.