

Justice in Arizona

What happened on December 3, 1989 and how police decided to arrest Debra Milke solely based on the self-serving ramblings of Roger Scott



On December 3, 1989 at approximately 3.35 p.m. Phoenix citizen ROGER SCOTT stated to police that he knew CHRISTOPHER CONAN MILKE, a 4-year-old boy who had disappeared on the preceding day, had in fact been murdered. SCOTT started by laying the primary blame for CHRIS' death on JIM STYERS : "JIM killed him". STYERS was a long-time friend of SCOTT and the roommate of Debra Milke, CHRIS' mother. JIM STYERS and Debra - who were never romantically involved - shared expenses, and STYERS watched CHRIS while Debra was at work and sometimes in the evenings when she went out with friends. This confession by SCOTT was told to DET. ARMANDO SALDATE in an interview room at the police main station, 620 W. Washington, Phoenix. Up to that point, SCOTT had denied any knowledge of what had happened to the child. He had broken down when the detective threatened to search the house of ROGER SCOTT'S elderly and frail mother, which ROGER feared would kill her. In his initial report about the interrogation of ROGER SCOTT DET. SALDATE stated :

"(...) I told ROGER that we were going to send officers to his home to speak with his mother and he immediately responded that it would kill her. I told him it was going to be necessary since he continued to lie about his involvement and we needed to verify certain things. (...)"

At the Voluntariness Hearing [09-12-1990] SALDATE let a truer version of his methods slip into his account, saying they would go ahead with a search that would kill his mother if SCOTT didn't confess. And Debra Milke's defense lawyer confronted him with the content of the report :

(...)

Ken Ray : In this investigation you know that Roger Scott had a rather sickly and elderly mother ?

Saldate : No.

Ken Ray : You weren't aware of that ?

Saldate : I don't believe so.

Ken Ray : You weren't ? In this interview that you had with Roger Scott you didn't suggest to him you were going to send an officer over to his mother's house ?

Saldate : I believe during the interview he did tell me that he had a sickly mother, but - (...)

Ken Ray : Didn't Roger Scott tell you it would kill his mother if you sent officers over there ?

Saldate : He may have.

Ken Ray : Didn't you respond that it was going to be necessary to do that ?

Saldate : I may have.

(...)

But one central part of SCOTT'S statement was true : CHRISTOPHER MILKE had been shot dead by three bullets to the head. This was confirmed when CHRISTOPHER'S dead body was found in a desert wash just north of Phoenix.

STYERS was well-known by a number of people for his caring nature and his reliability in dealing with children. He had a 2-year-old daughter with his former girlfriend, GAIL LIPSHULTZ, and was initially friends with SANDY PICKINPAUGH, Debra's younger sister. SANDY had married in the summer of 1989 and moved to the State of Wyoming with her husband RON. When Debra moved into STYERS' place in August 1989 she had to adjust to life as a single parent together with her small son. Starting August 30, 1989 she had taken on a new job, and her stay with JIM was only a temporary solution until she would obtain an apartment for her son and herself. Throughout the day, when Debra was at work, STYERS watched CHRISTOPHER, and occasionally his daughter WENDY.

From the police report of DET. DAVIS #2181 [12/03/1989 - approx. 11.30 a.m.] :
"(...) DEBRA said JIM is good with kids and he does change their clothing. She said he does everything for WENDY and when she's at work, he does everything for CHRISTOPHER. DEBRA said that JIM started babysitting CHRISTOPHER full time in September to save her babysitting money. She was asked about JIM'S work and she said apparently he can't get a job because of a disability. (...)"

And Debra's statements pertaining to how JIM STYERS treated CHRISTOPHER were corroborated in an interview of neighbor JOHN CIULLA to DET. J. TOWNSEND #3933 on June 15, 1990 :

"(...) MR. CIULLA lived next door to the suspects JIM STYERS and Debra Milke at 7734 N. 12 St., #6 at the time of CHRISTOPHER'S disappearance. (...) He said that JIM was a very good father to his daughter, WENDY, who he had legal custody of. He also watched CHRISTOPHER during the day when Debra went to work, and he was also very patient with him, taking good care of him. JIM never spanked CHRISTOPHER, but would talk to CHRISTOPHER about what he did wrong, and then either put him in the corner or send him to his room for discipline. (...)"

It was at this time that Debra made acquaintance with one of JIM'S old friends, ROGER SCOTT. To understand the relationship of JIM STYERS and ROGER SCOTT it's helpful to read an account of JIM'S ex-wife, KAREN STYERS in a report filed by DET. DENNIS OLSON #2979 [12/2/1990 - approximately 6 p.m.] :

"I asked KAREN if there are any old friends that JIM happened to meet recently in Phoenix. She stated that she could not think of anybody but then said, they saw ROGER at the Civic Center a couple of years ago. She explained that ROGER apparently went to High School with JIM and were pretty good friends. When JIM and KAREN got married he lost contact with ROGER for several years. Ever since they saw ROGER at the Civic Center, JIM sees ROGER off and on."

Debra immediately disliked his appearance and when SCOTT inquired of her in September if she could lend him \$250, Debra snapped back : "What am I ? A bank ?" And another source, a report about an interview of a fellow worker of Debra, CARMEN SANTANA, written by KIRK FOWLER, investigator for the defense, on December 22, 1989 reveals :

"(...) Debra seemed like a good mother. She did the best she could with her child. Carmen had known STYERS since August. He seemed like a really nice man. Carmen thought STYERS cared a lot for Debra, unknown if this was romantic interest or as a daughter. ROGER SCOTT went out with them one time. CARMEN did not care much for him, he seemed creepy and weird. (...)"

From the police report of DET. TOWNSEND #3933 (12/02/1989 - approx. 2.00 p.m.) :

WITNESS : CIULLA, JOHN (neighbor)

"(...) I asked John at that time if ROGER was a frequent visitor to the apt. and he said that he would come over at least two-three times per week and also went every week to the V.A. Hospital with JIM for treatment. Both men had been in the Marines together back in Vietnam. ROGER was also a heavy drinker and would get obnoxious sometimes during his visits and JIM would transport him home. (...)"

But the two men were not only at JIM STYERS' apartment. In an interview on December 3, 1989 SCOTT'S neighbor JANE DOLLAHAN, stated to DET. KAVANAGH #4936 :

"(...) DOLLAHAN said that within the past 2 weeks, she noticed that a W/M, 35 to 42 years, 5'8" to 6', 200 to 220 pounds, with blondish gray hair and balding on top, and a W/M, 4 to 5 years old, had been visiting with ROGER SCOTT. DOLLAHAN had never seen them before. (...)"

Of course, that was JIM STYERS. For some reason STYERS became more and more interested in guns at that time, which yielded the investment in a revolver which he had bought on November 11. Not only that - it also came to the attention of Debra that - at least on one occasion - STYERS was in a desert area with CHRISTOPHER to practice target shooting. She was scolding at him that she didn't want any activity like this around CHRISTOPHER, and he promised it wouldn't happen again. In the interview by DET. DAVIS #2181 [12/03/1989 - approx. 11.30 a.m.] of Debra it reads :

"She was asked if JIM ever went out in the desert with his gun to shoot it or any location to shoot it. She said he has talked about shooting snakes and cans and so forth but she doesn't know where. She was asked if JIM ever took CHRISTOPHER any place. She said last week, he took CHRISTOPHER out somewhere to watch the kites. She said also CHRISTOPHER and WENDY like to watch the planes at the airport."

Another statement from the interview of neighbor JOHN CIULLA confirmed these activities :

From the police report of DET. TOWNSEND #3933 [12/02/1989 - approx. 2.00 p.m.] :
"(...) I asked John if he knew if the two men went out hunting together and he said he didn't know; but that Jim had a gun because he had been wearing it on his hip about a week ago. He asked Jim why he was wearing the gun and Jim told him he just felt like wearing it. He stated he was living at apt. #6 when Jim moved in and he had never seen him before wearing the gun on his hip and found it kind of strange when he saw it on him. (...)"

STYERS was so crazy about guns that this issue was also mentioned within records of the missing person investigation :

From the police report of DET. MASINO #2838 [12/03/1989 - approx. 2.00 a.m.] :
"(...) At one point STYERS admired by .38 revolver and stated he had a handgun, a .22 caliber cowboy type gun, that he recently was able to fire, to see if Vietnam had affected him. He advised it did not cause him problems. (...)"

Another, similar situation is described in a report filed by DET. SALDATE #1875 about an interview he has had with MARK MILKE on December 20, 1989 :

"MARK said that during the time that he and DEBRA were discussing where they had been, JIM STYERS came into the room and appeared to be excited. He then asked him if he had removed his gun from underneath the seat and MARK told him that he had not. MARK then told JIM that he didn't even know JIM had taken a gun out with them and he said that he did not like guns around his son CHRIS. JIM then told him that he had placed it under the seat and that it was not there now."

Only during the trial it became known to Debra that JIM had only filled her in on one gun, but that he had obviously bought two more. In DET. MILLS #2781 report about an interview with the investigative lead STEVEN W. HICKS it says :

"STEVEN said that he had sold two guns in mid-November to JIM STYERS and remembered receiving the check. He said he had to hold the check two weeks and it was post-dated. As to the guns he sold he said one of them was an RG model 14 short barrel .22. He said he did not have the serial number recorded. (...) STEVE said he sold the gun to STYERS in mid-November at a gun show at the VFW hall at 48 Street and Thomas. STEVEN said that sale was actually a sale of two guns and the other was a single action western style revolver that was owned by a friend of his named BILL, and STYERS bought both of the guns paying STEVE for them and STEVE in turn paid BILL a portion of the \$80.00 check when it cleared the bank in early December. (...)"

Later on, during his taped interrogation of ROGER SCOTT, DET. MILLS learned something else about the guns, when SCOTT'S story implicated Debra Milke :

Roger Scott : "She just said that she wanted Jim and me to handle it after Jim had purchased the one gun, uh, later on I believe it was 3, 4 days later he purchased another two guns."

Why should STYERS have bought three guns to shoot the little boy, instead of only one ? This story is hardly believable and doesn't make any sense, but this interrogation also reveals about the purchase of the guns itself :

(...)

Det. Mills : Do you know if he got a receipt for that gun ?

Roger Scott : I somewhat doubt it, uh, it was, the guns were purchased at gun shows that they have listed in the paper usually out in Mesa, and uh, around, I forget what they call the place but it's sort of like their own Civic Center.

Det. Mills : Okay.

Roger Scott : In their town where they have big gun shows and they sell guns across the counter like you would go into a Circle K and buy a roll of Certs. You just put the money down and take it with you.

Det. Mills : Were you there when he purchased that gun ?

Roger Scott : The first gun, yes.

Det. Mills : The gun that you have at your house ?

Roger Scott : No.

Det. Mills : Oh, you weren't there when he purchased that gun.

Roger Scott : No that was 3 to 4 days later when he bought the other two guns. He had gone himself.

(...)

And it's true, no spare ammunition for any of the guns had been found at ROGER SCOTT'S apartment when a search warrant was executed in the late hours of 12-3-1989. But the gun found at ROGER SCOTT'S apartment was indeed the one mentioned by STEVEN HICKS; a RG model 14 short barrel .22 and fully loaded with six bullets. But why would STYERS give SCOTT the gun that killed CHRISTOPHER, if STYERS was truly interested in having the boy shot ? And why didn't Phoenix police investigate who that BILL was who allegedly received a partial payment of JIM STYERS' \$ 80.00 check ? Was this BILL actually ROGER SCOTT ? How else could he possibly know the details of the purchase ? Other than the first gun, which was shown to police officers by Debra, a second revolver was later found in the apartment of JAMES STYERS. Debra said at trial she had no idea about this one.

November 1989 brought a positive change for Debra's life, because she was accepted with an apartment application. The application form lists herself as well as her son, and Debra initially intended to move out by December 1st. However, she was considering STYERS' financial situation and filled him in on her intentions, saying she now planned to move out with her son into her own four

walls by January 1, 1990. ROGER SCOTT made a first conflicting statement about this point in his tape-recorded interview from December 3, 1989 to DET. R. MILLS :

(...)

Det. Mills : Who first approached you about doing away with Christopher ?

Roger Scott : Uh, Jim did.

Det. Mills : Do you remember what he said ?

Roger Scott : He said that, uh, can't remember the exact words, but more or less the kid has to go, I just can't stand him any more, uh, and he went on, I never thought this would finally happen but it did, uh Debra ...

Det. Mills : Let me interrupt you right here, so Jim coaches you and basically makes it known to you that he wants to get rid of Christopher ?

Roger Scott : Yes.

Det. Mills : Cause he just can't stand him.

Roger Scott : Right.

(...)

Interestingly enough SALDATE testified to a different version later at the Grand Jury Hearing [12-08-1989] :

Armando Saldate :: He indicated that he had been approached by Jim Styers several weeks before, had asked him to help him kill this child, and that Debra Milke wanted it done.

But if it were really true that STYERS wanted to get rid of CHRISTOPHER and couldn't stand the little boy any longer all he would have had to do was to wait another month until Debra would move out of the apartment. What we learn is that SCOTT initially used an unbelievable reason to talk himself out of the major guilt, putting the blame on JIM STYERS alone. SALDATE claimed in this report that he had approached SCOTT in that phase at approximately 03.35 p.m. that afternoon. SCOTT next confessed to his participation in the crime and told the detective that CHRISTOPHER was dead.

From [the police report of DET. SALDATE #1875](#) [12/03/1989 - approx. 3.35 p.m.] :

"(...) I asked ROGER if he knew where the body of CHRIS was at and he said he did. I asked him if CHRIS was dead and ROGER responded "JIM killed him". (...)"

SCOTT continued to paint in his story, claiming how desperately he tried to talk JIM STYERS out of the alleged murder plan :

From the police report of DET. SALDATE #1875 [12/03/1989 - approx. 3.35 p.m.] :

"ROGER then told me that JIM had never liked the kid and he said that he didn't think that JIM would go through with it."

Here we see that ROGER'S implication of Debra Milke didn't take place immediately after the incrimination of JIM STYERS. SALDATE'S report about ROGER'S confession reveals a lot more : it tells us that after the initial sentence "Jim killed him" ROGER continued to state where the body could be found, that JIM STYERS never liked the kid [SCOTT was in fact the only individual who ever alleged this] and that he and JIM had been together on several other occasions, trying to kill CHRIS, and that he was promised an amount of \$ 250 for his participation in the crime. This self-serving story sounded as if the murder was pre-planned. ROGER next explained how he - as the alleged driver - behaved at the murder-scene, what he had seen and heard, and that JIM STYERS had given him the gun after the boy was killed, telling him to get rid of it, "but that JIM also told him that he could keep it if he wanted it." Hardly a logical statement involving two other participants in a conspiracy to commit murder.

At this point, let's have a look if we can find something about ROGER SCOTT'S relationship to CHRISTOPHER, and how he thought about the little boy. In a report about an interview with DET. MILLS #2781 from 12-3-1989 it says :

"(...) I asked ROGER if he liked children and at this point in the interview he seemed to perk up. ROGER indicated that he liked all kids and there were many kids in the neighborhood that would come over to his home or would speak to him when they saw him outside. He said many of the children in the neighborhood know him by his first name and he regularly would fix bicycles for the neighborhood children. He indicated that he was currently fixing a radio controlled car for a child that lived across the street. (...)"

An interesting statement, especially because a neighbor of ROGER SCOTT, JANE M. DOLLAHAN, interviewed by DET. KAVANAGH #4936, stated :

"(...) The only time that she ever saw SCOTT express anger or violence was approximately two weeks ago. SCOTT confronted a neighbor boy who was shining a flashlight in the alley behind SCOTT'S apartment. SCOTT confronted the boy and shined his own flashlight directly in the boy's eyes from close range. SCOTT accused the boy of shining a light into SCOTT'S kitchen, where he had been sitting, and into his eyes. (...)"

A nice person ! GAIL LIPSHULTZ, the mother of JIM STYERS' little daughter WENDY told investigator TOM BUCKNER on June 25, 1990 :

(...)

Tom Buckner : What about Roger Scott, how did he treat Christopher ?

Gail Lipshultz : The way he acted, just kind of seemed like he wished the kid wasn't around. He'd sometimes make comments like : Boy, I wish you'd fall down the stairs. Stuff like that.

(...)

And even Debra knew about SCOTT'S attitude towards herself and her son and stated in her letter from January 4, 1990 to JIM STYERS : "Roger, on the other hand, did not like me and especially Christopher".

But let's return to the interview room, where ROGER SCOTT was grilled for more than twelve hours at this point in time. SALDATE next decided that he, DET. R. MILLS and ROGER SCOTT would get into the car and drive to the murder-scene, and only on this occasion the report states :

From the police report of DET. SALDATE #1875 [12/03/1989 - approx. 4.05 p.m.] :
"ROGER then said that we probably felt that he and JIM were the only bad ones in this situation but that he was going to tell us something about the baby's mother, ROGER went on and said that the baby's mother knew all about the killing and in fact the only reason that CHRIS was killed was because the mother wanted it done."

It's probably fair to say that all of this took approximately 30 minutes after ROGER'S initial statement, putting the entire blame on STYERS, until he also incriminated Debra Milke with an alleged involvement in the plot during the drive. A fact that was also carefully hidden in the proceedings of the Grand Jury Hearing. It must have been approximately at 4.05 p.m. that afternoon. According to this report SCOTT went on to say :

From the police report of DET. SALDATE #1875 [12/03/1989 - approx. 4.05 p.m.] :
"He then said that at first JIM came up to him several weeks ago and told him about this plan to kill CHRIS. He said that JIM told him that DEBBIE (CHRIS' mother) had talked to him about doing it but that JIM was afraid of doing it by himself. He said that JIM told him about it and asked him if he would go with him and he agreed. At first DEBBIE was not to know that ROGER knew anything about it or that ROGER was going to accompany JIM when he did it. Later, however, he did meet with DEBBIE on several occasions along with JIM when they talked about what they were going to do."

Here we see how ROGER SCOTT shifted his initial story significantly for the first time. But the police detectives obviously elected to not challenge him about this point, or didn't notice the change of story. The allegation of an earlier attempt to kill the little boy is another interesting issue. Later that day, December 2, 1989 at about 8.15 p.m. SCOTT was interviewed by DET. R. MILLS, and that interview was tape- recorded. On that recording we can hear the following dialogue going on :

(...)

Det. Mills : Okay. Tell me about the first time you're aware of that Chris was taken some place and something was going to happen to him.

Comment : MILLS will now try to lead SCOTT to tell a consistent story about an alleged instance where Debra went along on an attempt to kill Chris. It will prove futile.

Roger Scott : It was on the Friday night preceding Saturday's occurrence, uh, uh ...

Det. Mills : You mentioned earlier in our conversation, let me key your memory here a little bit, that Jim told you that he had taken CHRISTOPHER out to 7 Street and Paradise or something like that ?

Roger Scott : Yes, uh, that was a first location.

Det. Mills : How did you learn about that ?

Roger Scott : They had told me.

Det. Mills : Do you remember who told you ?

Roger Scott : Jimmy said that uh, he and Debbie were out by 7 Street and Beardsley to start with and then it was Paradise Road and 7 Street, uh after that uh, we ...

Comment : First, STYERS and Debra are there.

Det. Mills : You were not along, you were not along on that trip, you're not there, or were you ?

Roger Scott : I was there on Paradise and 7 Street.

Comment : Now, SCOTT, STYERS, and Debra are there.

Det. Mills : You were there ?

Roger Scott : Yeah. Det. Mills : So the three of you went out there ?

Roger Scott : No, just Jim and I.

Comment : Now, only STYERS and SCOTT are there.

Det. Mills : Oh, okay, I thought you said that Debbie was out there.

Roger Scott : No, Debbie had gone with Jim so Jim told me, uh.

Det. Mills : On an earlier occasion ?

Roger Scott : Yes.

Comment : So now, on "an earlier occasion" JIM and Debra were there.

Det. Mills : Okay, do you know where they went then ?

Roger Scott : That was the 7 Street and Beardsley.

Det. Mills : Okay, so they went so ...

Roger Scott : And just decided that wasn't good.

Det. Mills : Okay, who decided that, Jim or you ?

Comment : MILLS is totally confused by now.

Roger Scott : Uh, I did.

Comment : And, SCOTT, trying to follow the story that MILLS is feeding him, adds himself to the scene - so again, SCOTT, STYERS, and Debra are there in SCOTT'S story.

Det. Mills : Okay, and is that what we're talking about as being last Friday night ?

Roger Scott : No, that was, this had been going on for a week trying to ...

Det. Mills : Okay, do you know if it was during last week or was it last weekend or when that was ?

Roger Scott : Last week to my recollection.

Det. Mills : Okay, do you know what day ?

Roger Scott : Like I had said before it had been going on for a week, I don't know exactly the times and dates.

Det. Mills : You can't, let me just tell you, you can't tap the table, okay ? Cause it drives the typists crazy when they have to type it, okay, cause all they hear is the tapping, you can hit yourself or you know tap your arm on yourself, okay.

Roger Scott : Okay.

Det. Mills : Anyway last week you and Jim went out to 7 Street and Beardsley, 7 Street and Paradise, and you decided that wasn't a good location, I think you had mentioned earlier that there was some talk about the National Guard being out there or something like that ?

Roger Scott : Yes, he said he had taken Christopher out to 7 Street and Paradise and he was thinking of doing it then but then he heard a voice off ahead of him in the dark.

Det. Mills : Uh uh.

Roger Scott : And it turned out to be a National Guard out there, I don't know if they were on maneuvers or what but anyway he forgot about it then.

Det. Mills : Okay. So then last week you and Christopher and Jim went out there again and you decided that wasn't a good location still, right ? Yes.

Roger Scott : Yes.

Det. Mills : Okay, but, tell me about last Friday, you said something happened last Friday, the day before the ...

Comment : MILLS would obviously love to have a coherent account from SCOTT of any prior attempt on Chris' life, especially one involving Debra. He makes one last effort, and finally gives up.

Roger Scott : There was a spot on the, I can't remember exactly what road, but it was north, pulled off into a neighborhood, thinking of doing it there and uh, there just got to be too much traffic all of a sudden and so had to stop that idea. He had more or less worried each other for a week up until Saturday out of doing it and Saturday I didn't believe he would do it because I didn't hear the shots for a while. I drove up and down the road, I looked for them, um, I saw the, well I looked and could not see them, I beeped the horn a couple of times or once and then again. Det. Mills : Okay.

Roger Scott : But, I could _____

Det. Mills : We'll get into that as _____

Roger Scott : Then I heard the three shots.

Det. Mills : Okay, we'll get into that as time passes, okay. Uh, let me ask you this, what was Christopher told about these trips to the desert ?

Roger Scott : Later on he was going to go see Santa Claus, uh we ...

Det. Mills : How about Friday's trip to the desert, what was he told then ?

Roger Scott : Well that one was about Santa Claus.

Det. Mills : Santa Claus ?

Roger Scott : Yeah.

(...)

Comparing this tape-recorded interview to SALDATE'S version of proceedings at the Grand Jury

Hearing [12-08-1989] shows his method of shifting a story :

Armando Saldate : During the entire interview, we were conversing back and forth, and finally, he did tell me the statement with regards to where the child was at; that he could take me to the child, what had happened to the child, and who had done this to the child. Indicated that he was only the driver, and that he had gone with Mr. Styers as previously arranged several weeks before.

(...)

He indicated that it should not be too far away because they had wanted the child found within two or three days.

Noel Levy : They or Styers ?

Armando Saldate : Styers wanted -- I'm sorry, that's correct. Styers wanted the body found within two or three days so he could collect the \$ 5,000 life insurance policy.

And after that, I got out of the police vehicle, followed by my partner, Bob Mills and two other detectives who were helping us to secure the scene.

(...)

Neither SALDATE'S initial report of his interrogation of ROGER SCOTT nor ROGER'S tape-recorded interview contains an allegation or a statement of ROGER that there was a purpose that CHRISTOPHER was not too far away from the street. In fact, the scene where the killing happened was a hidden place, circa 143 feet west of the street and covered by bushes and trees, and it's very unlikely to assume that the dead body would have been found within two or three days. A police report of DET. HOUSE #2250 even stated : "A cluster of tree branches covered the wash bed at 98 feet west. This made visibility westward in the wash difficult." Also, the reason for the clarifying question of LEVY leads to suspicions. Why else would SALDATE reply "I'm sorry" ? The prosecutor obviously knew better than the case leading agent ...

(...)

Noel Levy : Was the plan to kill the child and then go to Metro Center and report the child missing ?

Armando Saldate : That's correct. The plan was to take the child to this location where they had already been. They had been to this location previously, checked out the location, found that it was a good location, checked out the time element from that location to Metro Center to see if they would have enough time to get there while the stores were still open, while the stores were still busy, and the plan was to take the child to that location, kill it and then go to Metro Center and claim that the child had disappeared as they did.

(...)

That's interesting, especially in view of the fact that neither SCOTT'S statements nor SALDATE'S report of the interrogation of Debra Milke contains these details :

From the police report of DET. SALDATE #1875 [12/03/1989] : "She said that she and JIM spoke about it several times and she believes that she, JIM and ROGER only spoke about it on one occasion. DEBRA said that she did go out with JIM on one occasion with her son and that JIM was going to 'do it' but that something happened and they decided not to do it."

But let's go back to the proceedings of December 3, 1989. According to DET. SCOTT'S #4500 report he followed DETECTIVE SALDATE #1875 and DET. MILLS #2781 at 4.30 p.m. to the area of 99 Avenue and Jomax Road where the dead body of CHRISTOPHER MILKE was found. Shortly thereafter DETECTIVE SALDATE #1875, DET. MILLS #2781 and suspect ROGER SCOTT left the scene of the crime, where DET. SCOTT #4500, DET. EWING, DET. TOWNSEND and DET. MACIVER secured the wash area using yellow crime-scene tape.

From the location of the murder-scene DET. SALDATE, DET. R. MILLS and SCOTT went to the Metro Center where SCOTT showed the detectives a pair of shoes inside a planter at the Sears parking lot.

"The shoes were retained and identified by ROGER as being the same shoes he had placed there."

While these three individuals were en route to Metro Center something else happened at the Police Main Station. Two cars must have left the Police Station at approximately 4.45 - 4.50 p.m., one in direction to 7734 N. 12 Street, and one in direction to Florence [where Debra Milke was staying with her family]. The point in time is defined by two reports taken from the police records :

From the police report of DET. DiMODICA #4384 [12/03/1989] :

"On 12-3-89 at 4:50 PM, at the request of LT. JAHN, DET. ERNIE HAMRICK and I drove to the Pinal County Jail which is located in Florence, Arizona. Upon our arrival in Florence, we were instructed to stand by at the jail facility until DET. ARMANDO SALDATE could respond to interview DEBRA MILKE, who was waiting at the jail facility."

This first report clearly states that the departure time in Phoenix was 4.50 p.m., and it is completely coherent with a later report, saying the three officers have arrived at Florence at 6.35 p.m. This means

their drive must have taken 1 hour and 45 minutes, which is a reasonable amount of time for that distance. Another report reads :

From the police report of DET. T.D. CAREY #3580 [12/03/1989] :
On 12-3-89 at 1717 hrs, suspect STYERS was arrested at 7734 N. 12 Street.
(...)

Suspect STYERS was arrested at 1717 hrs and placed in OFF. CAREY'S vehicle. Suspect STYERS asked OFF. CAREY "if we had found CHRISTOPHER." Suspect STYERS further stated "I hope you did but I'm not sure if I want to know, but if you did he's probably dead."

With the knowledge that the distance from the Police Main Station, 620 W. Washington to 7734 N. 12 Street requires approximately a 20, 25 min. drive by car it's proven that both police vehicles must have left the station around the same time. SALDATE, MILLS and SCOTT were at the location of the crime at this time, so it's up to assumptions what SALDATE had told his superior while talking to him on the phone :

From the police report of DET. SALDATE #1875 [12/03/1989] :
"(...) At this time, JIM (note : has to be ROGER) suggested we take the freeway to Union Hills Drive and then head west to 99 Avenue. We then noticed that we needed gas and decided to stop at Cactus Park Briefing Station to get gas. At this time I called SGT. ONTIVEROS and informed him about the mother's involvement and he told me that she was now in Florence. We then continued to drive towards the drop site. (...)"

After locating the body of CHRISTOPHER at the murder-scene the three individuals continued their drive to the Metro Center. Interestingly at the police main station DET. DENNIS OLSON #2979 commenced an interview with JIM'S ex-wife, KAREN KAY STYERS, in the meantime, who had accompanied her ex-husband to the Police Station :

From the police report of DET. DENNIS OLSON #2979 [12/03/1989] :
"On 12-3-89 at approximately 1800 hours I contacted KAREN STYERS at 620 W. Washington. She was present when JIM STYERS was arrested at 7734 N. 12th Street and agreed to come to the Police Station for a voluntary interview. (...)"

Obviously DET. OLSON was not allowed to commence an interview with JIM STYERS who was presumably placed in a holding room, while the two DETECTIVES SALDATE and MILLS were still on their way. Unfortunately DET. SALDATE'S report does not give further information about the point in time when the three individuals returned to 620 W. Washington, but we learn from DET. MILLS' report about his attempt to interrogate JIM :

"RIGHTS" : 1841 hours by DET. R. MILLS 2781 from Card.

On 12/3/89 at 1841 hours I entered the holding room at 620 West Washington containing JIM STYERS, whom I had had contact with earlier. At this point I told JIM that he was at this time under arrest. He asked what he was under arrest for and I told him that he was under arrest for the murder of CHRISTOPHER MILKE.

At this point I read JAMES his warnings from the Standard Miranda Card to which he replied, "I want an attorney." JAMES then asked when he would have an attorney and I told him that he would be appointed one at some time in the future. He then asked me if he was going to be any more questions and I told him no. JAMES then asked about CHRISTOPHER and I told him that I had talked to ROGER and I knew this had been a planned murder. I told him that we had discovered the body and I also had in my possession the shoes he had given ROGER which were to be disposed of. I told JIM that I knew he was the one that shot CHRISTOPHER in the head out in the wash off of 99th Avenue and that I also knew about DEBRA'S participation in the conspiracy to kill CHRISTOPHER."

This last sentence shows that DET. MILLS [as the partner of DET. **SALDATE**] has already set his mind on the guilt of STYERS and Milke, solely based on ROGER'S unbelievable statements. While LT. JAHN, DET. HAMRICK and DET. DiMODICA were en route to Florence Debra Milke was asked by DEPUTY SOULES to come down to the Pinal County Sheriff's Office. SOULES had received his order from SALDATE'S superior, SGT. ONTIVEROS on the phone. At trial [Presentencing Hearing - 12-07-1990] SOULES confirmed :

ROBERT SOULES : He advised me that his investigators were en route from Phoenix to talk with Ms. Milke, and he gave an address of where she was supposed to be located and wanted me to go and pick her up and bring her into the Pinal County Department's main office.

Here SOULES reveals that those three investigators were supposed to talk with Debra Milke, and solely according to this testimony ONTIVEROS didn't say anything about an arrest. It's enlightening that SALDATE later changed this order, and the second sentence of his own report states : "The purpose of my contact was to interview her in regards to this death investigation." In a pre-trial interview [06-26-1990] held by Milke's defense attorney Ken Ray the lawyer questioned DET.

SALDATE about his true motives to arrest Debra, and it says :

(...)

Ken Ray : You went on to tell her that she had been implicated in the murder by Jim and Roger ?

Armando Saldate : Yeah.

Ken Ray : Okay. Clearly Roger had made a statement ?

Armando Saldate : Right.

Ken Ray : But had Jim made any statements to implicate her in this ?

Armando Saldate : No.

Ken Ray : In this at all ?

Armando Saldate : No.

Ken Ray : All right. Did you say that, Jim and Roger, for a reason ?

Armando Saldate : No.

Ken Ray : When you said that --

Armando Saldate : I read that later on and I checked it with my notes, and that's exactly what I said.

Comment : Notes ? What notes ? At trial SALADTE had claimed he had destroyed the notes he used to write his report !

The only thing I can say is that at that point my mind was set, you know, I had already -- well, not -- I shouldn't say set, but I knew that Jim and Roger were involved and may have said that because those were the other two people that were involved.

Ken Ray : It was clear that Jim and Roger, obviously, were involved. I mean Roger's the one that took everybody out there to where the body was found; isn't that right ?

Comment : Interesting. Even Ken Ray turned a blind eye on the true facts of this case. The only thing which is really proven is that STYERS had been at the desert area together with ROGER and CHRISTOPHER. That still doesn't mean that STYERS had a part in a pre-planned murder.

Armando Saldate : Yes.

Ken Ray : And what was it about Jim that led you to believe that he definitely was involved, other than Roger's statement, if you know of anything ?

Armando Saldate : No, right off the mat, I don't.

Ken Ray : Okay.

Armando Saldate : I haven't reviewed that part of the report.

(...)

SALDATE knew exactly that there wasn't anything encumbering JIM. But all that the police veteran really knew at this level [6.40 p.m. - 12-03-1989] of the investigation was that a little boy was shot, that STYERS was incriminated by ROGER SCOTT, and that STYERS refused to talk. Maybe he believed STYERS was really involved, and that a pre-planning has taken place, but there was actually no way for the cop to 'solve' the case at this point in time, unless he took care of it himself. And he did ... but in the meantime LT. JAHN, DET. HAMRICK and DET. DiMODICA had arrived in Florence.

From the police report of DET. HAMRICK #1739 [12/03/1989] :

"(...) DET. DiMODICA and I arrived at the Pinal County Jail at approximately 1835 hours. When we arrived we spoke to Deputy SOULES who had just arrived with DEBRA. DEBRA had come to the Pinal County Jail voluntarily and came with a friend, JANET FROEBE, in JANET'S car. DEBRA was standing on the sidewalk in front of the jail. (...)"

And at trial [09-13-1990] DET. HAMRICK stated :

(...)

Noel Levy : Amongst your other duties did you have an opportunity to be in Florence, Arizona, in the evening hours of December 3, 1989, a Sunday ?

Harvey Hamrick : Yes, I was.

(...)

Noel Levy : Did you observe -- what did you observe about her demeanor or actions at that time ?

Harvey Hamrick : Really nothing unusual. She was just standing on the sidewalk preparing to go inside the building.

Noel Levy : Did she ask you any questions or make statements to you whatsoever ?

Harvey Hamrick : No. I had no personal contact with her at all.

(...)

On cross-examination [12-07-1990] at the Presentencing Hearing defense attorney Ken Ray questioned JANET FROEBE about the time remaining until the officer from Phoenix would arrive :

(...)

Ken Ray : When you accompanied her to the Pinal County Sheriff's Office, did you volunteer to do that ?

Janet Froebe : Mrs. Sadeik had asked me if I would take her due to the fact that they

were all extremely tired because they had not had sleep for a couple of days.

Ken Ray : Was there a Pinal County Sheriff's detective at the house at the time ?

Janet Froebe : Yes.

Ken Ray : Was there any conversation concerning whether she would go with the Sheriff's detective or with you ?

Janet Froebe : Yes, he asked if she wanted to go with him or if he wanted me to take her. I offered to take her.

Ken Ray : When you arrived at the Pinal County Sheriff's Office, did you notice any officers from the Phoenix Police Department ?

Janet Froebe : Yes, I did.

Ken Ray : Were they there as you arrived ?

Janet Froebe : They were arriving approximately the same time that we arrived.

Ken Ray : You were escorted, were you not, into a room within the Pinal County jail; isn't that right ?

Janet Froebe : That's correct.

Ken Ray : Did you have any conversations with any of the officers before going into that room ?

Janet Froebe : Before ? No.

Ken Ray : So, you were not advised, were you, of why she was being brought to the station ?

Janet Froebe : No.

Ken Ray : Did you sit with Mrs. Milke in that room within the jail for a period of time ?

Janet Froebe : Yes.

Ken Ray : How long ?

Janet Froebe : It seemed at least an hour or more.

(...)

In fact HAMRICK requested DEPUTY SOULES to offer the two women a room where they could wait for DET. SALDATE to arrive. SALDATE used a helicopter ride to go to Florence, and one question unravels here : why would he do that ? Why did SALDATE also change the order of the three officers to interview Debra Milke themselves, but elected to go to Florence himself and 'interview' her ? The answer is quite clear. According to his own report he arrived at Florence at approximately 7.53 p.m. and contacted Debra Milke inside "an interview room at the Pinal County Sheriff's Office". We also learn from DET. HAMRICK'S and DET. DIMODICA'S testimonies at trial that both officers have not spoken with DET. SALDATE upon his arrival :

From the trial testimony of DET. HAMRICK [09-13-19990] :

(...)

Ken Ray : Okay. Did you direct Debra and the friend into this office area for them to wait ?

Harvey Hamrick : No, I didn't.

Ken Ray : Do you know who did ?

Harvey Hamrick : All I know is I asked Deputy Soules if he would arrange for a place for her to wait, and he took care of that and she was taken to wherever she waited.

Ken Ray : Did you have occasion to go inside that facility, within that office where she waited ?

Harvey Hamrick : Later, after Detective Saldate arrived, I did talk to the friend that brought her back in the jail, but I couldn't tell you how close we were to the room where she was waiting.

Ken Ray : Had you been standing outside the door to this office waiting for Detective Saldate ?

Harvey Hamrick : Like I said, I don't even know where the room that she was being held was within the jail. Detective DiModica and I stood and waited inside the intake portion of the jail.

Ken Ray : And when Detective Saldate arrived, was he with any other officer or detective, to your knowledge, as he arrived ?

Harvey Hamrick : To the best of my recall, he was brought down by the Phoenix Police helicopter and was met wherever the helicopter landed by personnel of Pinal County and they drove him to the jail.

Ken Ray : Did you observe Detective Saldate enter the jail facility ?

Harvey Hamrick : No. We were away from the front door and he was there and then he was -- he wasn't there, then he was.

(...)

Upon entering the interview room SALDATE sent Debra's accompanying acquaintance JANET FROEBE out of the room, and shut the door behind him. JANET FROEBE, being sent out of the room, was next approached by DET. HAMRICK, who then interviewed her. From the above mentioned trial testimony we learn about this point :

(...)

Ken Ray : Were you later requested to speak with the friend that had accompanied Debra Milke ?

Harvey Hamrick : I can't say that I was actually requested to. It was just something

that needed to be done, so I did it.

Ken Ray : Can you tell me how you came into contact with that friend in order to accomplish the interview that you conducted ?

Harvey Hamrick : I asked somebody in the jail to take me to where she was. I introduced myself to her and told her that I would like to talk to her and explain a little bit of what was going on.

Ken Ray : I see.

(...)

But interestingly enough the report of DET. HAMRICK [12-03-1990] opens with the words :

"The interview of JANET FROEBE took place in the visitation section of the Pinal County Jail, 1955 hours, after Det. Saldate began his interview of DEBRA MILKE. I began the interview by asking her if she was related to DEBRA or the family and she said she was not. She explained that she and DEBRA'S father both work for the Arizona Department of Corrections and she has been a friend of the family for many years. She asked me what was going on, in regard to the interview of DEBRA, and I told her that we had found the body of Christopher. She asked me if he was dead or alive and I told her that he was dead. I further told her that DEBRA was going to be charged as one of the three people involved in the death of CHRISTOPHER. (...)"

Charged, based on what ? Here we see WHY SALDATE had every motive to cover the true motivation to arrest Debra Milke, and how he managed to do that. HAMRICK had not spoken to DET. SALDATE upon his arrival in Florence; SALDATE and Debra Milke were still in the interview room ... but when HAMRICK met JANET FROEBE he already told her that "Debra would be charged" ?! This means that HAMRICK'S knowledge about this must have originated from some point in time before the interview of SALDATE with Debra Milke was finished, therefore preconceived. After his interview with JANET FROEBE all three officers from Phoenix police went to the SADEIK property, and DET. DiMODICA interviewed Debra's step-mother, MAUREEN SADEIK :

From the police report of DET. F. DiMODICA #4384 (12/03/1989) :

"When DET. SALDATE arrived at the jail, he contacted DEBRA MILKE and interviewed her there. DET. HAMRICK and I then drove to 23200 XXXXXXXXXX in Florence, Arizona, for the purpose of contacting family members at that location and notifying them of the death of CHRISTOPHER MILKE.

After we had notified the family of CHRISTOPHER'S death and the arrest of DEBRA MILKE, DET. HAMRICK interviewed DEBRA'S father MR. SADEIK and her step-sister, KAREN, Please see DET. HAMRICK'S supplement for further interview information.
(...)"

DiMODICA'S report confirms that Debra was not only going "to be charged", but also "arrested". Arrested solely based on the unbelievable, self-serving incrimination of ROGER SCOTT. After 35 minutes of interrogation DET. SALDATE emerged from the interview room, claiming he had "a confession". A confession that was not tape-recorded, not signed, not witnessed in any way, shape or form. Three days later SALDATE presented a police report which contained the so-called "confession" of Debra. This report also contains the allegation that JIM STYERS had planned to kill the little boy that Saturday, December 2, 1989 :

From the police report of DET. SALDATE #1739 (12/03/1989) :

"(...) On Saturday morning, she woke up and spoke to JIM. JIM told her that they were planning to do it today and that he was going to pick up ROGER. She said she then got her son dressed in the clothing that she had previously described on the missing person's report and that she told him that JIM was going to take him to see Santa Claus. She said when JIM and her son left, she knew that they were going to do it today but was not positive because JIM had taken him out at least two other times and for several reasons had brought him back. (...)"

Interestingly enough it's very unlikely that this is what happened, because JIM initially had other plans, and those plans were described and confirmed by two independent witnesses. On Friday, December 1, 1989 JIM took CHRISTOPHER and his daughter WENDY with him for Christmas shopping at the Phoenix Metro Center, while Debra stayed at home doing laundry. In the meantime CHRISTOPHER saw Santa Claus at the Metro Center mall, and it excited him a great deal. The little boy was determined to see 'Santa' again. Later that evening JIM dropped WENDY off at her mother GAIL and inquired whether he could pick WENDY up again on Saturday morning. GAIL refused because of things she had already planned, but suggested JIM should pick WENDY up later in the afternoon of Saturday.

From the interview of GAIL LIPSHULTZ, [06-25-1990] :

(...)

Tom Buckner : Prior to Christopher's murder, when was the most recent time you saw Jim ?

Gail Lipshultz : Oh, I saw him the day before when he dropped off Wendy.
Tom Buckner : Okay, that would be on the 1st of December of 1989 ?
Gail Lipshultz : Yeah, probably.
Tom Buckner : How long had he had Wendy for that time ?
Gail Lipshultz : Well, we just like kind of switched back and forth, kind of, during the week because I was going to school and working, so he would watch her. He was supposed to come pick her up the next day.
(...)
Tom Buckner : When had Jim brought her home ? Do you remember what day ? Like you say, it was from the day before ?
Gail Lipshultz : Oh, you mean when he brought her here ?
Tom Buckner : Right.
Gail Lipshultz : Yeah, the day before, in the evening. He said he was going to pick -- he wanted to pick her up like early the next day. I told him, wait 'til like later in the afternoon because I wanted to take her somewhere.
Tom Buckner : So he never picked her up that weekend at all ?
Gail Lipshultz : No. (Inaudible)
(...)

And it's true, because after he had filed the falsified missing person report at the Metro Center STYERS had been involved in the search for CHRISTOPHER all through the day of December 2. And from another report of DET. JUDY TOWNSEND #3933 about interviews of the neighbors CIULLA and MURPHY [06-15-1990] we learn :

"(...) During the course of the day (12/2/1989), JIM'S ex-wife, DEBBIE, kept calling for JIM to come pick up WENDY.

Comment : To wrongfully name WENDY'S mother, GAIL LIPSHULTZ, 'Debbie' is just another example of how sloppy any Phoenix police detective fulfilled their duties in this case.

WENDY had gone to her mother's the night before, but was to be picked up on Saturday by JIM. When JIM came from being interviewed by the police on 12/3/1989, he called DEBBIE [note : again, her name is GAIL] from her phone, telling her that he was going to church and would pick up WENDY after the service. Both she and JOHN [note : CIULLA] said that JIM thought his phone was tapped because he had looked out his window and saw a van parked in the Basha's parking lot, and he thought the police were watching him. (...)"

This corroborates what we actually always knew and assumed : huge parts of the report of SALDATE'S interrogation of Debra Milke are fabricated in order to 'sandwich' JIM STYERS between the initial unbelievable incrimination of ROGER SCOTT and the fabricated confession of Debra Milke. On Monday following the arrest of all three individuals - ROGER SCOTT, JIM STYERS and Debra Milke - a local citizen called up Phoenix police and talked to 'the case leading agent'. A tape of a recorded telephone talk [10-05-1990] of Debra Milke's attorney Ken Ray reveals this dialogue :

(...)
Jean Pugh : I didn't know until Monday or Tuesday. Ahm, I know -- that was on television or in the newspapers, when I found out about it.
Ken Ray : Aha.
Jean Pugh : And I called the police department. They referred me -- you know, that time I didn't know if they had any leads of who did it or not -- the first news report I got, and I called 'em to tell them, you know, I did hear the shots the only shots that was fired and to how many shots approximately was fired.
Ken Ray : Aha.
Jean Pugh : And they informed me that I couldn't have heard the shots because there was definitely only three shots fired, and I said "Well, you're wrong". I said "It's a small caliber, it stood out". And he said, "Yeah, it was a twenty two". That's when I found out it was a twenty two and they told me.
Ken Ray : Aha.
Jean Pugh : And I said no sir, you're wrong. I said I heard those shots I -- I was listening to them, I keep perfect (inaudible) but I know there was three or four shots, then there was a break, enough for me to get up and get outdoors to look and come back in and sit down before the second series of shots. And there was two or three more shots fired and he informed me that no way could those have been the shots, because there was only three shots fired and that I was wrong, and --
Ken Ray : Do you recall who it was that told you that ?
Jean Pugh : I was referred to the investigating dete -- homicide det -- the homicide detective who was handling the investigation of the killing.
Ken Ray : Do you recall the name Armando Saldate ?
Jean Pugh : It was -- ah, it was not an easy name, so I --
Ken Ray : --- or, ah --
Jean Pugh : -- because I didn't think it was important. But I could not swear what the name was.

Ken Ray : Alright.

Jean Pugh : I was referred to the homicide detective handling the investigation. But I called the Sheriff's department, and I called the Peoria police department, ahm, 'cause I didn't know who to call.

Ken Ray : Aha.

Jean Pugh : And I was just, you know (inaudible) trying to put something together they should have, you know, I should --

Ken Ray : Sure.

KIRK FOWLER : Did she call Phoenix police ?

Ken Ray : Did -- when you spoke to the -- the first law enforcement officers you spoke to were the Sheriff's department ?

Jean Pugh : Yes, I believe they were.

Ken Ray : Or were they the Peoria police department ?

Jean Pugh : I'm not real sure which ones I called, because one was not too interested, the other one immediately gave me the phone number and told me to call that department, that they were the investigating homicide detectives.

Ken Ray : Alright. Now, in connection with the shots, the hearing of the shots -- when did you call the police, or the law enforcement officers ?

Jean Pugh : I called them when it came out in the newspapers or on television --

Ken Ray : I see.

Jean Pugh : -- but I found -- it was Monday or Tuesday when I found out that the little boy -- it must have been Monday -- when I found out the little boy had been killed.

Ken Ray : Alright. And when, when you saw this --

Jean Pugh : I wasn't the only one here.

(...)

Jean Pugh : And I thought "Well shit, at least I've called, I've tried". And that's why I made two phone calls, I think I called the Peoria police first, and they referred me to the homicide detective and the homicide detective was so cruel and, you know -- factually called me a liar --

Ken Ray : Aha.

Jean Pugh : Everything he said was "You're a bold-faced liar", he just used another language.

Ken Ray : Let me give you some names and see if -- let me repeat some names to you and see if it -- any names sound familiar to you ? Ah, Armando Saldate ? Does that sound familiar ?

Jean Pugh : I don't know.

Ken Ray : Detective Ontiveros.

Jean Pugh : Sir, I've heard all those names --

Ken Ray : Have you ? Alright.

Jean Pugh : -- so I would not, I could not honestly swear on it and I don't think I wrote it down. I've, uhm, frankly -- I was upset, I was just gonna say "Well shit, I've done everything I could do". I called my attorney yesterday afternoon --

(...)

But these statements of JEAN PUGH not only tell us about SALDATE'S tactics in order to justify two actually ungrounded arrests. It also tells us something that was - unfortunately - not legally allowed and was not further investigated by anyone :

(...)

Jean Pugh : No, you'd know what to do with the information, cause I said there's something I know but I can't tell, because I don't -- because the way I found out about them half truths because I was so upset and I made a lot of phone calls and I cannot back up how I found out without jeopardizing people, but the one man is going state evidence, he's a state, state witness, for the state --

Ken Ray : Who's this, Ma'am, I'm --

Jean Pugh : There were two men involved in that killing.

Ken Ray : That's right.

Jean Pugh : There was the women's boyfriend --

Ken Ray : Right.

Jean Pugh : And then a friend of the man.

Ken Ray : Right.

Jean Pugh : Alright. The friend of the man as I understand is the one that, that let him to the body.

Ken Ray : Right.

Jean Pugh : He is the one that's giving them all the information and all this hell-or-blue about getting money from her to kill the kid and then the two men went together to kill but he never got out of the car.

Ken Ray : Okay. That's the correct recitation of the governments theory, anyway.

Jean Pugh : Alright, now I was true, true sources that I cannot reveal to you --

Ken Ray : Aha.

Jean Pugh : -- ahm, ah, the gentleman that was not going with the lady, the friend of the man --

Ken Ray : Yes. Hm.

Jean Pugh : -- that's doing all the talking --

Ken Ray : Yes.

Jean Pugh : Ahm, he actually told them there was twelve, shots -- or seven shots fired. That they picked them up, threw them out the window of the car when they were leaving. But they couldn't find the shells, so he was to keep his mouth shut and there was only three shots fired and that was the story he was to tell. But there was only three shots fired. Now he's covering his butt by implicating the other two. And then they got a quick shut and dry conviction.

Ken Ray : Without disclosing those sources, are they in any nature, ah, government officers ?

Jean Pugh : One is --

Ken Ray : Alright.

Jean Pugh : -- but, I don't know how many officers know about it.

Ken Ray : I understand.

(...)

Other than this account of JEAN PUGH another witness immediately stated suspicions after the murder of CHRISTOPHER that pointed into the same direction. And this witness was MARK MILKE. During an interview with Debra's former step-mother ILSE MILKE DET. DiMODICA had the opportunity to talk with MARK MILKE on the phone, and the report [12-02-1989] about this conversation reads :

"(...) ILSE called MARK in Texas at (817) 628-2087 and I spoke with him. He told me that the military police had just contacted him in person and advised him of CHRISTOPHER's disappearance. He said he has been in Texas since they drove there. He said he knows JAMES and does not think he would be involved in any foul play. He said JAMES does have some friends that he does not trust and named one as ROGER. He said ROGER had once taken DEBORAH's (sic) car without permission. (...)"

Here we see how the demeanor of ROGER SCOTT have even made MARK MILKE suspicious. But instead the two statements of JEAN PUGH and MARK MILKE DET. SALDATE still covered his knowledge about the true proceedings of the crime in a pre-trial interview [06-26-1990] with Debra's public defender, Ken Ray :

(...)

Ken Ray : This is DeMakas' (phonetic) report, and it's -- it says, his interview with Ilse Milke, and said in this conversation with Mark, said he had been in Texas since they drove there. He knows James and does not think he would be involved in foul play. He said he does have some friend that he does not trust, and named one as Roger. Calling upon your experience as a police officer, do you find that interesting or not ?

Armando Saldate : I don't. You know, it depends. And I wasn't there that night. But as I look at it now, and it's a lot easier to look at it now, but I don't know what Mark would say and why he would say things. You know, he doesn't know, you know, Roger that good. He knows Styers a little, with his wife, and, obviously, from that statement, he was right only on one point and wrong on two. So, he's only -- he was shooting only one out of three, you know. He suspected Scott, doesn't suspect his wife ex-wife, Debra, and didn't suspect Jim. So, I mean, he's averaged only 300, you know. So, obviously not very good.

(...)

Shortly after their arrest STYERS and Milke started a mail correspondence, and in that STYERS claimed that ROGER SCOTT was the one who has shot little CHRISTOPHER :

From JIM STYERS' letter [01-11-1990] :

"Debbie,

I got you (sic) letter today and I'm glad your not ignoring me, it's the best news I've got since I've been (sic) in jail. Debbie - I'm totally confused myself. They want my life for this and I didn't do anything. Roger did it and he's still trying to do the two of us in. I pray to God that this will end soon and that you and I can try to rebuild are (sic) lives and I pray that we will stay friends through it all. (...)"

Then, almost three weeks [01-30-1990] later he wrote :

"(...) About Roger I want nothing to do with him. All I know about him is what my lawyer (sic) tells me. Bay (sic) the way he's not only doing this to you but he's doing this to me too.

Hear (sic) is what went on on that Sat. We picked up Roger got his prescription and Chris said he wanted something to eat. So that's when we got pizza and decided that we would get Wendi and you and go to the mall and look at Lights that night. Roger wanted to go out that night and I said no we were going to do something with the kids. To pass time until I good (sic) get Wendi we went out to watch the gliders and snakes. Chris thought that was a good idea. We were out there for a while and I said it was time to go. Chris was right behind me Roger behind him. I thought the gun was in

the car I said no shooting with Christopher along. (...)"

Then, on 02-16-1990 :

"(...) Now about Roger and his motive. I don't know for sure but I've been thinking about it. I think he done it out of jealousy that I was doing things with you and the kids and not going out with him. That he decided to get Chris to get at you and me. I think that if Wendi would have been there he would have done her in to (sic). He knows that would hurt us more than anything else he could _____ . He got us imuded (? - included ?) to hurt us even (sic) more. And to get him out of trouble for doing it himself.

After it happened with Roger and Chris I was in shock and scared and didn't know what to do. So I made a mistake out of fear and stupidity and want (sic) to the mall called you and you know the rest now I got to live with this mistake. I offer and hope you will accept my Apology for being so stupid and in sock (sic). I didn't mean to disappoint you but I was in shock myself and didn't know what I was doing. If you want to stay angry at me for it I understand because I angry with myself.

And I'm not trying to keep things from you it's that sometimes I don't know what to say. This is a hard letter to write because I'm thinking about Chris and it hurts. (...)"

And another week later an upbeat JIM STYERS wrote to Debra [02-24- 1990] :

"Dear Debbie,

were (sic) I'm at now is were (sic) Roger as (as) been. They moved him out to move me in. I don't know where he's at now. The people here talk about him. How he's afraid that we have someone out to get him. Better yet Roger talked to two guys in hear (sic) one he told 4 different stories about what went on. But the other said that Roger confessed to doing the shooting. And they will testify in court. (...)"

Then on May 5th, 1990 his letter contained the following information :

"(...) Roger confessed to a man named Robert Johnson I told my Lawyers Secretary. = can't get my Lawyer to tell him. Your Lawyer can get it from my lawyer. No one else is willing to talk in court. (...)"

True. An inmate of the Maricopa County Jail, ROBERT E. JOHNSON, had spoken with ROGER SCOTT and JIM STYERS. In those talks SCOTT would eventually admit to his guilt in shooting CHRISTOPHER MILKE; STYERS would maintain his innocence. JOHNSON was interviewed by TOM BUCKNER, investigator for the State Attorney's Office in June 1990, but that information wasn't used as a foundation for detailed investigations. Not even Debra Milke's defense attorney used this information for further investigations :

(...)

Robert Johnson : Well, he -- at first he just -- he just told me -- this is what he told first, that him and this guy he was mad at, they went out to, um -- I forget where he said exactly this place was that they went and, um, and their intention was, they had took this little -- Styers' son, took (inaudible) his son or somebody -- or some relation to him, and they took him out there to watch the -- a balloon show.

Comment : Here and in other places in the interview, SCOTT'S statements to JOHNSON regarding even the basic facts about Debra and CHRISTOPHER are inaccurate and confused. From SCOTT, JOHNSON is under the impression that CHRIS was STYERS' son. Also, throughout the interview, JOHNSON refers to Debra as STYERS' girlfriend.

Robert Johnson : And said they were looking up there, they saw all the balloons or whatever they were looking at. They stayed up there for approximately an hour or so and they started going back to the thing. And then the little boy was walking up ahead, him and Styers were -- him and Styers said, "Well, when should we do it ? When ?" Or, "When do you want me to do it ?" And at that time he said it just had happened. He just pulled out a gun and shot him.

Tom Buckner : Who pulled out the gun and shot him ?

Robert Johnson : He did. Roger Scott had said that Styers -- Styers and his girlfriend had paid him \$250 to do this.

Comment : SCOTT has repeated his claim that both STYERS and Debra promised him money. This was either an invention of SCOTT or a fabrication STYERS told to get SCOTT'S participation in the crime. Here, as in DET. MILLS' interview of SCOTT, SCOTT has given no coherent details about his claim of Debra's involvement. In fact, SCOTT now changes his story and directly contradicts himself - instead of STYERS asking him when they were going to kill CHRIS, SCOTT then told JOHNSON the self-contradictory story that he killed CHRIS because he wasn't given the money he was promised to do it.

Robert Johnson : And he said prior to them going out there that they were -- Scott was mad at him because he wouldn't give them -- give them -- give them the money right then, plus, they didn't want to go out somewhere, they wanted to do something else. And he said so he did it, he did it. Roger (inaudible) that he had did it.
Tom Buckner : Who had pulled the trigger on the gun ?

Comment : BUCKNER obviously became confused. Who had shot the little boy ? SCOTT ? STYERS ?

Robert Johnson : Yes.
Tom Buckner : Who had, which individual ?
Robert Johnson : Roger. Roger Scott.
Tom Buckner : Roger ?

Comment : Buckner couldn't believe what ROBERT JOHNSON told him. No other record in the entire case stated SCOTT'S guilt in the killing of CHRISTOPHER MILKE as clearly as this interview does. JOHNSON'S statement means that SCOTT'S involvement was by far more than just driving the car, as SCOTT had told Phoenix police officers SALDATE and DET. MILLS.

Robert Johnson : He had pulled -- he had pulled out the gun, and when the little boy was walking ahead of him, he just shot him.
Tom Buckner : Roger told you that ?
Robert Johnson : Uh-huh. Then when they -- and so when they did it, they went to the Metro Center, called the police and they was going to make it look like it -- he had just disappeared or been kidnapped or something, when the police came. And they got the story and stuck with that story until like apparently they must have (inaudible). And then he was up there for about two days afterwards but then (inaudible) but his codefendant moved up, Roger had moved up.
(...)
Tom Buckner : Why do you think Roger Scott told you he was the one that shot the boy ?
Robert Johnson : Well, it was -- I think he's -- he's -- he's trying to find a way out of it and it just looked like it was eating him up (inaudible) talk to him.
Tom Buckner : Did he tell you what statements he made to the police after he was arrested or while he was being questioned by the police prior to his arrest ?
Robert Johnson : He told them that Styers had did it. He told me that he told the police Styers had did it. That's all he had said.

Comment : SCOTT has admitted to JOHNSON that he lied to the police on December 3, 1989, in order to make himself look much less at fault. Looking at DET. MILLS interview of SCOTT, it is clear that MILLS was anxious to get SCOTT to incriminate Debra and STYERS as much as possible. In doing this, MILLS never pressed SCOTT on any of the inconsistent details in his story. As with all the police work in the rest of this murder case, MILLS assumed SCOTT was telling the truth and ignored anything that got in the way of that idea. And that was a severe blow to the search for truth in this case, because what JOHNSON has to say here shows that SCOTT was telling many lies, lies that were simply accepted by the police and the State.

(...)
Tom Buckner : Once Jim Styers told you about this case, what did he say happened, basically ?
Robert Johnson : He started -- what are you talking about, when they went out there to the -- to the where ever (inaudible) ? He had told me where they were at but I can't remember. They wanted to go see -- he took the little boy, walked -- he said -- Okay, before they left home ? John -- Scott wanted to do something else. Styers told him no, that I'm going to take the little boy up here and show him this little show here. And so Scott -- he said Scott got mad, that was another reason why he was mad at him because he didn't want to do what he wanted to do.
So they went, him, Scott and the little boy went to wherever and -- when -- when -- once they got there, started showing him -- was showing the parachute -- I think it was a balloon show, I'm not sure what it was. And they was looking up, they stood up there for about two hours.
And then they told him it was time to go, that they, -- him and his girlfriend and his daughter were going to go out to dinner. And so they went, they left, started walking back to the car.

Roger was on one side and the little boy was in the middle and Scott was on the other side, and they were walking and Scott and the little boy fell back. And while Styers was still walking, looking up in the air at the remaining balloon, when he heard the shot and he turned around and he saw Roger with the gun and the little boy laying on the ground.

And he asked him, he said he asked him, he said he asked Roger why he did that, and he said that Roger (inaudible) mad at you that you didn't pay me my money. And he said he feared that he was going to kill him next.

Comment : That part of STYERS' story matches up with the second version SCOTT told JOHNSON.

So he told him, he said Scott told him to just do what he tells him, go along with him, go to Metro Center, call the police and make up a concoction, a story as to what happened.
(...)

Okay, but how then did the prosecution achieve three convictions based on so little evidence ? As mentioned from early on SCOTT'S tactics to cover his own butt hinged on incriminating STYERS and - later on - Debra Milke. SCOTT obviously didn't think this allegation would land him on death row too, but that he'd probably get away with a smaller charge, claiming he was only the driver. As mentioned before, there's a high likeliness that not only SALDATE orchestrated the proceedings following this point in time, but that prosecutor NOEL LEVY had a great deal of impact in this. Just some examples from the Grand Jury Hearing [12-08- 1989], and how LEVY led SALDATE to tell an obviously pre-arranged story :

(...)

Noel Levy : Were those shells later recovered ?

Armando Saldate : Yes. A search of that area by approximately 21 police officers, we found the three expended shells.

Noel Levy : Well, actually, you found three expended .22 caliber casings; is that correct ?

Comment : Again, LEVY notices an inaccuracy in Saldate's testimony (they found casings, not shells); he is good at noticing or ignoring Saldate's discrepancies as convenient.

(...)

Armando Saldate : They had been to this location previously, checked out the location, found that it was a good location, checked out the time element from that location to Metro Center to see if they would have enough time to get there while the stores were still open, while the stores were still busy, and the plan was to take the child to that location, kill it and then go to Metro Center and claim that the child had disappeared as they did. Noel Levy : Was there even a run through done on the timing per his explanation ?

Armando Saldate : That's correct.

Comment : LEVY even had Saldate confirm one of the fabricated details ...

(...)

MR. MC AULIFFE : Has Mr. Styers been questioned ?

Armando Saldate : Yes, he has.

Comment : Now watch this ... Saldate is getting close to be caught in a lie ...

MR. LEVY : He was asked questions in regards to the search of the child a missing child; is that correct ?

Comment : ... but LEVY solves the situation with his interfering question. A great team.

Armando Saldate : That's correct.

MR. NELSON : Other than those statements that you've already presented to the Grand Jury, you obtained no additional statements from Mr. Styers; is that correct ?

Armando Saldate : That's correct.

Comment : At this point, let's summarize the facts : STYERS had not made any statement in regards to the murder, (and as found out later) no physical evidence against him materialized and neither SALDATE nor LEVY have presented a creditable motive, other than STYERS allegedly intending to collect insurance money.

But there's more to the assumption of LEVY'S actual role than just this. A look at the three reports written by DET. SALDATE about this murder case are these :

- Report of his interrogation of Debra Milke - written 12/06/1989 - 8:40 a.m.
- Report of his interrogation of ROGER SCOTT - written 12/06/1989 - 1:57 p.m.

- Case Synopsis - written 12/06/1989 - 11.50 p.m.

Everyone dealing with office work can see that this chronological twist in the way the reports were written lacks any logic. But it raises suspicions whether LEVY was already involved and leading SALDATE as to how to 'produce' these documents. That's why it's reasonable to suspect that SALDATE and LEVY wanted the fabricated report including the alleged confession finished before SALDATE could concentrate on the truer report about his interrogation of ROGER. Only this way the overall mechanics of the prosecution would work. And the Case Synopsis already mentions LEVY as 'support personnel'.

Okay, but one last point : at the trial of Debra Milke prosecutor NOEL LEVY suggested a theory to the jury which I found to be impossibly true. It's well-known and no secret to experts that witness testimonies may vary a lot from individual to individual. A close friend and fellow worker of Debra, CARMEN SANTANA, told her recollection about the proceedings and their occurrence on that morning. In a report about an interview with MS. SANTANA (12-22-1989) by KIRK FOWLER, investigator for the defense, we learn :

"(...) On Saturday, 12-2-1989 at about 9 AM Carmen called Debra. She told Carmen that Chris had left with Jim to the mall. Debra sounded kind of bored, she asked Carmen to call her later & we will do something. (...)"

But this report of MR. FOWLER wasn't the only hint to a different timeline than the one told by the State. At trial MS. SANTANA was challenged by prosecutor NOEL LEVY about the point 'who called who', but made no mention about the varying timeframe that unraveled with this testimony. From the trial testimony [09-25-1990] :

(...)

Noel Levy : On Saturday, December 2, 1989, who was it that called between Debra and yourself ?

Carmen Santana : She called me that morning and I returned the call in the afternoon.

Noel Levy : Do you recall telling Mr. Fowler on January 25th, 1990, telling him this, per his report : On Saturday, 12/2/89, at about 9:00 a.m. Carmen called Debra. Do you remember saying that to him ?

Carmen Santana : I remember saying I couldn't remember who called who originally.

Noel Levy : Do you remember saying that to him ? I'm just asking you.

Carmen Santana : No, I don't.

Noel Levy : Okay. Are you saying you did not say that to him ?

Carmen Santana : No, I'm not.

Noel Levy : You may have said that ?

Carmen Santana : Yes.

Noel Levy : That you called Debra at 9:00 a.m. ?

Carmen Santana : Yes.

Noel Levy : Then do you remember telling Stan Reichsfeld on August 6th, 1990, "On Saturday, December 12th (sic), 1989, she remembers Debra calling her at about 9:00 a.m.", where she would say, "I remember Debra calling her at about 9:00 a.m." ? Do you remember saying that to Reichsfeld ?

Carmen Santana : Yes.

Noel Levy : It was 9:00 a.m. ? That's what you told both investigators ?

Carmen Santana : Yes.

Noel Levy : And when she called you, she sounded kind of bored, is that so ?

Carmen Santana : Yes.

Noel Levy : She said that she would contact you later to do something.

Carmen Santana : Yes.

Noel Levy : And that she particularly said that Chris had left with Jim to the mall ?

Carmen Santana : Yes.

Noel Levy : Is that all she said about Chris going to the mall ?

Carmen Santana : He was going to look at go see Santa Claus.

(...)

No matter who had called who, but we learn from this trial testimony that CARMEN SANTANA confirmed three times that her telephone talk with Debra has taken place at 9.00 a.m. on that December 2, 1989 and that Debra had stated that Christopher and JIM had already left. It either didn't come to the attention of the prosecutor that Debra's initial statement was that she had gotten up at 10.00 a.m.; or it had come to his attention, but NOEL LEVY covered his knowledge, because he wanted the jury to believe that the timeline presented by the State was the correct one. In his closing argument [10-10-1990] County Attorney NOEL LEVY suggested to the jury :

"Now, thinking about motivations, if James Styers took care of this child -- and you remember the time that she last sees him -- out the door at 11:00 a.m. on Saturday, December 2, 1989, out the door at 11:00 a.m., there is no motivation, not even a reasonable inference that James Styers would independently some desire to kill Christopher Milke with the help of Roger Scott."

Despite the unequivocal testimony of CARMEN SANTANA, LEVY twisted his knowledge about the

timeline and painted in an entirely self-created scenario, implying a timeline that the crime happened sometime after 1 p.m. But testimonies of employees of Osco Drugs at 3415 W. Glendale were conflicting with the State's scenario, but support an assumption that the murder took place at a different time, and that something completely different happened. According to the police report an employee of Osco Drugs, TRINI STERN, said she remembered SCOTT being at their store at about 1.15 to 1.20 p.m. in the liquor department, which would make sense in regards to SCOTT'S alcohol-abusing nature. After that ROGER SCOTT had been seen by MAXINE EDWARDS at Circle K, 42nd Avenue and Bethany Home Road. That witness also stated that she saw SCOTT wearing a blue athletic type bag. Was that the container in which SCOTT hid the shoes of JIM STYERS, which had later been impounded by police ? And after that - between 1.30 to 2.00 p.m. - ROGER SCOTT had again been seen by BONNIE ENGSTROM at the Arabian Room, where he had a 'short' rum and Coke. TRINI STERN, MAXINE EDWARDS and BONNIE ENGSTROM are three completely independent witnesses, and their observations fit in an accurate timeline, which contradict the State's theory completely.

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