

# Supplemental report of Officer W. Criswell



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This is another excerpt of the Phoenix police report in Debra Milke's case, this time still filed during the missing person investigation. It shows that the timeline claimed at her trial by prosecutor NOEL LEVY can't be truthful. Not only did witnesses JEAN PUGH and CAROL GRIFFIN [plus MS. PUGH'S son's fellow worker ALAN SWANSON] state consistently that they heard five to seven shots fired in the remote desert area of 99th Avenue and Lake Pleasant Road, but they also confirmed that this happened at 11.00 a.m. Prosecutor NOEL LEVY knew very well that he had to be careful in covering exactly this chronological clash, because the fact that five to seven shots - instead only the three which killed CHRISTOPHER MILKE - shines a completely different light on the true circumstances of the killing. LEVY diligently and desperately hid exactly that. On October 10th, 1990 - the last day of the trial deliberations - he objected to MS. PUGH'S appearance and testimony at trial and told Judge CHERYL K. HENDRIX in chambers :

"(...) And the essence of what they have to say is that they heard some shots at 10:30 in the morning on Saturday, December 2, 1989. And I submit that's irrelevant because we have repeated testimony by Debra Milke, the defendant, of her telling various detectives that they were watching TV and this and that, and it was over at 11:00 and Chris Milke goes out the door with Styers at 11:00 a.m. So if those people are hearing shots at 10:30 a.m., that has no relevancy on the case. (...)"

But LEVY knew very well that the timeline had a strong relevancy on the case, and he had every reason to avoid MS. PUGH'S testimony. Some days earlier Debra's fellow worker CARMEN SANTANA testified repeatedly at trial [in consistency with earlier interviews given to investigators] that she spoke to Debra on the phone at 9.00 a.m. on that Saturday, and that CHRIS and JIM had already left the apartment. All these indications actually show that no one watched the time carefully, because Debra had just gotten up. At his own trial ROGER SCOTT testified that JIM picked him up at 10.30 a.m., but this testimony only happened two weeks after Debra Milke had received her death sentence in January 1991. The jury heard none of these details.

Bottom line, LEVY was lucky with his efforts, because the jury members would unfortunately not comprehend the sudden change of KEN RAY'S defense 'story' on October 10th, 1990 - the last day of the trial. So far the public defender had no idea what had really happened when CHRISTOPHER MILKE was shot, but his last-minute realization because of MS. PUGH'S telephone contact wasn't diligently examined within only four days [plus examining the State's ambush witness DOROTHY MARKWELL, who still needed to be interviewed]. The speedy trial - especially in its final phase - caused the failure to find true justice, and eventually landed the innocent mother of the murdered 4-year-old victim rotting on death row. A dry-shut double-tragedy, sealed by a faulty and incompetent 'justice' system.

TYPE OF REPORT MISSING PERSON		SUPPLEMENT DATE 12-3-89	DR # 89-179406
VICTIM'S NAME MILKE, CHRISTOPHER		LOCATION OF OCCURRENCE 10002 N. METRO PARKWAY	
OFFICER WRITING REPORT'S # W. CRISWELL #3135		SUPPLEMENT # 89-179406.G	
DATE & TIME TYPED DECEMBER 5, 1989 10:48 AM	BUREAU GIB	CLERK A2663	

- IL: DARYL A. BARKLEY  
W/M, 7-17-69  
XXXX XXXXXXXX, 978-XXXX  
Work: Osco Drugs  
3415 W. Glendale, suite 18, 841-7865  
Clerk for Osco Drugs
- IL: TRINI R. STERN W/F, 4-30-68  
XXXX XXXXXXXX, 973-XXXX

- Work: Osco Drugs  
3415 W. Glendale, suite 18, 841-7865  
Clerk for Osco Drugs
- IL: PAUL GREBBA  
W/M, 5-26-55 XXXX XXXXXXX, 843-XXXX Work: Osco Drugs  
3415 W. Glendale, suite 18, 841-7865  
Manager of Osco Drugs
  - IL: EILEEN DOBERSTEIN  
XXXX XXXXXXX, 841-XXXX  
Work: Skipper's Lounge  
6124 N. 43 Avenue  
Bartender at Skipper's Lounge
  - IL: GEORGE CALLAHAN  
XXXXX N. XXXXXXX, 439-XXXX  
Owner of Arabian Room  
4318 W. Bethany Home Road, 939-6744
  - IL: BONNIE ENGSTROM  
W/F, 10-16-60  
work: Arabian Room  
4318 W. Bethany Home, 939-XXXX  
Bartender at Arabian Room
  - IL: MAXINE EDWARDS  
XXXX X. XXXXXX Lane, 934-XXXX  
Work: Circle K  
47 Avenue and Bethany Home, 939-8512  
Clerk at Circle K

On 12-3-89 I contacted DARYL BARKLEY at Osco Drugs, 3415 W. Glendale. I showed DARYL photographs of JAMES STYERS, ROGER SCOTT and CHRIS MILKE. I asked DARYL if he had seen any of the three subjects inside the Osco store yesterday. DARYL said I have not seen the boy before and I am not sure about this guy (pointed out photo of JAMES) but I remember him (pointed to photo of ROGER). DARYL said I was in the cosmetic section and he asked me about our three packs of Yardley Soap. DARYL said he spent about 8 to 12 minutes with the customer (ROGER) but determined the store was sold out of the soap. DARYL said there was another man with ROGER but he could not be sure it was JAMES. DARYL said he did not see a child with the men. DARYL said ROGER was upset so he asked the manager PAUL GREBBA to speak to him.

I spoke to clerk TRINI STERN at Osco Drugs. TRINI stated she thinks ROGER (pointed at photograph of ROGER) was in the store at about 1:15 to 1:20 PM in the liquor department. TRINI said she was concerned he was going to steal liquor. TRINI said she did not recall seeing a young boy or another man with him.

Comment : ROGER SCOTT repeatedly stated to police that he had been running errands on that Saturday 2nd, 1989. Indeed, his shopping at a 'Walgreen's' store at 11.52 a.m. that day is undoubtedly proven. Here we learn that SCOTT was most likely at an 'Osco Drugs' store. Whether or not JIM STYERS accompanied him remains unclear, yet, it seems reasonable to assume that STYERS drove ROGER. As the map of Phoenix depicts at the bottom of this page the distances were most likely made with the car, driven by STYERS. This must have taken place after the two men left the 'Peter Piper Pizza' place.

DARYL BARKLEY said he believes ROGER was inside the store between 11:00 AM to 12:00 PM. TRINI then reminded DARYL of a phone conversation he had at 11:40 AM. DARYL said yeah that is right. DARYL then said he must have talked to ROGER at about 11:30 AM to 11:40 AM, yesterday.

I then contacted PAUL GREBBA, manager of Osco Drugs. I showed him the photograph of JAMES STYERS, ROGER SCOTT and CHRIS MILKE. I asked PAUL GREBBA if he recalled seeing any of the three in the Osco store yesterday. PAUL said no. I explained DARYL BARKLEY had waited on one of the men and requested his assistance in explaining why the store was out of Yardley soap. PAUL said, I was very busy yesterday, I do recall DARYL asking me to open the perfume case at about noon. PAUL said he does not remember seeing either of the men or the boy in the store.

I stopped at Skipper's Lounge and spoke with the bartender, EILEEN DOBERSTEIN. I showed EILEEN the three photographs. She pointed at the photograph of ROGER and said, he came in Friday evening, maybe about 10:30 PM. EILEEN said he walked in the door, looked around and left. EILEEN said she is certain it was Friday evening. She said she does not recall seeing either subject in the bar last night.

I then went to the Arabian Room. at 4318 W. Bethany Home Road and spoke to the owner, GEORGE CALLAHAN. GEORGE said he arrived at the Arabian Room. at about 5:15 PM, yesterday. I showed GEORGE the photographs of JAMES STYERS, ROGER SCOTT and CHRIS MILKE. GEORGE said, I have seen both of these guys in here before, especially this guy (pointed to ROGER SCOTT). GEORGE said he did not see ROGER in the bar last night. GEORGE said he was definitely not in here after 5:15 PM yesterday. GEORGE explained he makes it a point to look at everyone who comes into the bar. GEORGE then said, if he was in here, my bartender would know. GEORGE called the bartender, BONNIE ENGSTROM, and requested she come to the Arabian Room.

When BONNIE ENGSTROM arrived, I showed him the photographs of JAMES STYERS, ROGER SCOTT and CHRIS MILKE. BONNIE pointed at the photograph of ROGER SCOTT and said he was in here

yesterday afternoon, early. BONNIE said she does not know the subject but believes he has been in the bar before. BONNIE said he drank a "short" rum and Coke. She said he sat at the bar and was only there for 15 to 20 minutes. BONNIE ENGSTROM said she did not see the subject leave. BONNIE said she is not sure what time the subject was in the bar but she thinks it was between 1:30 to 2:00 PM. BONNIE said she knows he was not in the bar after 4:00 PM. BONNIE said ROGER entered the bar alone and left alone. BONNIE said the guy was kind of quiet, he was not nervous and he did not talk to anyone.

Comment : SCOTT was a frequent visitor of the 'Arabian Room', which makes sense in light of the close proximity to his apartment. BONNIE ENGSTROM also stated that STYERS had also been seen there before, which matches with statements of STYERS'S neighbors, JOHN CIULLA and PATRICK MURPHY, who both told police that the two men spent a lot of time together throughout the day [while Debra was at work].



The Arabian Room, where ROGER SCOTT had been seen sometime around 1.30 to 2.00 p.m. - the time frame in which - according to the State's contention - 4-year-old CHRISTOPHER MILKE had been shot. The State failed to demonstrate at Debra Milke's trial, how SCOTT could be in a bar and in a remote desert area at the same time.

I then contacted MAXINE EDWARDS at Circle K, 42 Avenue and Bethany Home Road. I showed MAXINE the photographs of JAMES STYERS, ROGER SCOTT and CHRIS MILKE. I asked if she recognized any of the subjects. MAXINE pointed at the photograph of ROGER SCOTT and said he comes in here all of the time. MAXINE then said he was in here yesterday afternoon. MAXINE said ROGER purchased a can of Shasta pop and stood outside the door of the store for a short time. She said he came back inside and asked if I knew if there was a nice bar nearby. MAXINE said she informed him about the Arabian Room being close but she did not know how nice it was. MAXINE said he walked out of the store and walked across the parking lot towards Bethany Home Road. MAXINE EDWARDS said he was carrying a blue athletic type bag and he was wearing a red plaid shirt and a ball cap.

Comment : Here we learn how SCOTT inquired for a place to go and have a drink. The timeline would suggest that this happened after STYERS accompanied him to the 'Osco Drugs' store, and after driving ROGER to the 'Circle K' store [which fully matches STYERS' own statements]. The blue athletic type bag is also interesting. SCOTT most likely hid the tennis shoes of STYERS in it, which he later discarded in a dumpster on the parking lot of the Metro Center/Sears store. The agreement between the two men must have been that STYERS would drive to the Metro Center and report CHRISTOPHER missing. SCOTT was to show up there a little later, supporting JIM'S story and thus be a witness that he was at the mall with the little boy. This was STYERS' perfect was out, not only towards police, but also towards the boy's mother, Debra Milke. It would explain why SCOTT felt compelled to come to STYERS' aid, because it was SCOTT who had shot the boy, not JIM. SCOTT later confessed the killing to a fellow inmate, ROBERT E. JOHNSON. JIM STYERS was responsible for the little boy when he took him out of the apartment earlier that day. But STYERS' irresponsibility in subjecting the child to the presence of a gun and an irrational individual like ROGER led to the - for JIM - unforeseeable murder without any comprehensible 'motive' or purpose.



The Circle K store where SCOTT was identified, shortly prior to his stopover at the Arabian Room.

Investigation Continuing.

The map below is helpful for the reader of this website to comprehend the coherences of the various locations. We can see here that the true route - opposing to what was told by the State to the jury at Debra's trial - was most likely this one :

- STYERS together with CHRISTOPHER left the apartment (1) and went to ROGER SCOTT'S apartment (2). They arrived there at approximately 10.30 a.m. STYERS gave SCOTT the gun which he had purchased previously.
- As three they drove north to the desert, 99th Avenue and Happy Valley Road (3).
- After the murder had taken place SCOTT and STYERS drove back to Phoenix. SCOTT'S purchase at a Walgreen's store (4) took place at 11.52 a.m. After that they two men checked out a 'Pizza Hut' but decided that it was too expensive. They crossed the road and entered the 'Peter Piper Pizza' place.
- After lunch and concocting their plan there, STYERS drove SCOTT to an 'Oscro Drugs' store on W. Glendale Ave. (6) After that he dropped ROGER off at the 'Circle K' store (7) 47th Ave. and W. Bethany Home Road, in close proximity to SCOTT'S apartment. STYERS next drove to the Metro Center (5).
- On his own now, SCOTT decided to have a drink and went to the 'Arabian Room' (8), which is probably a 15-minute walk away from the 'Circle K' store. After having his drink SCOTT used public transportation to go to the Metro Center himself in order to provide the prearranged alibi to STYERS.

