

EXHIBIT K

"Foreign Language Memo"

Foreign language: Lee wondered if they were speaking in a foreign language because he could not understand the mumbling. The voice sounds were thick and muffled like a sound consistent with slovik type speech, sound or accent. I asked him if it sounded like both were speaking with an accent. He said that he believed it was the shooter. I asked him why he believed it was the shooter. He said because the shooter said "hey" and appeared to be in control and Dolezsar was holding out his hands. That he did not see Dolezsar say much. I asked Lee what was happening when he heard the noises that might sound like an accent and he said that the shooter and Dolezsar were moving in front of his car. I asked him if he was looking at the face or mouth of either when he heard the noises that might have sounded like an accent and he said he was not. I asked him if he saw either the shooter or Dolezsar's mouth moving when he heard voice-type noises that might be have an accent and he said no. He said he was starting to look at the shooter's head and hair when he heard the voice-type noises that may have an accent but did not see any indication that the shooter's mouth moving.

He said after that, when he was looking at Ken Dolezsar right before he was shot - he heard some additional voice like noises but there was no voice-type noises that may have an accent associated with them that he can remember.

When Lee was subsequently asked about what he heard or if he thought it might be in a different language, he was bothered that he could not. Lee took his car and his buddy down to the Village Inn. Lee sat in the car and had his buddy talk outside the car. Lee said he could not hear his buddy other than muffling. Lee could not make out what his buddy would say.

Google: After the line-up and before the prelim Lee googled Chris Wright's name and eventually discovered that Chris Wright had a prior drug case in the federal courts that was dismissed because of a problem with the search warrant. Lee said that information made him think that perhaps Chris Wright was more likely to be capable of doing something like that.

Press - arrest coverage (Internet): When pictures of the Defendant were placed on the internet - Lee electronically cut out the picture and took it to a website showing wigs. Lee put an electronic wig on the defendant's picture and claims it looked more like the defendant on the day of the shooting. Lee claimed that he knew that the identification was a big deal and he was not 100% at that point (he believes prior to prelim) and was curious. He wanted to see if the wig would help him get higher than the 80% to 90%.

This is similar to the time prior to the preliminary hearing when Lee asked Vaun if there was any other evidence against the defendant. Vaun indicated that there was some other evidence. Lee claimed that he asked that because it was nervous if the entire case was relying on him. He indicated that it did not believe that learning that there was other evidence affected his level of confidence in his identification of the Defendant.

Line-ups: When going over potential trial questions, Lee asked to see the photo lineups again. I showed him the lineups I had with me -

Lee
available

X

black and white versions. He looked at the photos, commented on a few face styles (like this one is round) and then pointed out several reasons he picked Wright such as his nose, his eyes, face type. He reiterated that when he picked Wright out of the lineup he was 80% to 90% confident in his pick. I asked him why he wanted to see the photo lineups again. He said he wanted to see if it would jog his memory and for reassurance (I am not sure what that meant).

I asked him if his concerns were alleviated when he saw the Defendant at the prelim. He said they were and that he was 100% confident that it was the defendant he saw shoot Dolezar.