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## EFREN PAREDES, JR. CASE HISTORY

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*NOTE: Efren's trial was held at the Berrien County Courthouse in St. Joseph, Michigan. The circuit court judge referred to in this section is Zoe S. Burkholz, who has since retired from the bench. The prosecutor referred to is Michael Sepic, Berrien County Assistant Prosecutor, who is still working in that capacity.*

### OVERVIEW

It all began in March 1989, when Efren was working at a grocery store named *Vineland Foods* as a grocery bagger. Wednesday, March 8, 1989, one of the store managers, Rick Tetzlaff (hereafter "*Rick*"), called Efren at his parents' home that afternoon to ask if he could work that day. Another bagger who was scheduled to work injured himself the previous evening and Rick needed someone to work in his place. Efren conveyed Rick's request to his mother. After receiving permission from her to work, Efren's mother drove him to *Vineland Foods*. (*Vineland Foods* is located in St. Joseph, Michigan.)

That evening, at approximately 8:45 P.M., Rick asked Efren to work later because Wednesdays were "*double coupon*" days and it was apparent he would not have completed his assigned tasks by the normal time the store closed, which was 9:00 P.M.

At this point Efren called his mother, a former employee of the store and frequent shopper who knew Rick personally, in order to receive permission to stay later. She agreed to let Efren stay, but insisted that he be home by 9:30 P.M. since he had to attend school the following day.

During the course of the phone conversation Efren was having with his mother, Rick stated he would drive Efren home after he completed his tasks. Efren's mother overheard Rick say this in the background during the phone conversation. These conversations were corroborated at trial by the testimony of two prosecution witnesses. One of the witnesses was a store cashier Efren worked with that evening.

Upon finishing most of the work Efren was asked to stay later to complete, he punched out of work at 9:22 P.M. Rick then drove Efren home, which was approximately one mile (or five minutes) from his parents' residence. Upon arriving home at 9:27 P.M. Efren's mother observed Rick's station wagon in their driveway. Rick then returned to the store and, according to testimony, sometime that evening between approximately 9:33 P.M. and the early morning hours of the next day, someone, or a group of people, murdered Rick and robbed *Vineland Foods*.

When Efren arrived home that evening he ate some pizza, talked to his parents for a little while—as he did virtually every evening he returned from work—and then laid down to sleep for the night. He never left his parents' home that evening after Rick dropped him off.

The next morning Efren's family was contacted by police and informed that Rick had been murdered the previous evening, and *Vineland Foods* had been robbed. A week later Efren was charged with both crimes.

## PROSECUTOR BEGINS CASE AGAINST EFREN

A few days after Rick's death, one of the individuals who voluntarily admitted to being involved in the planning of the murder and robbery, Steve Miller, grew nervous and feared being charged with the crime. But, rather than waiting to be charged—and in hopes of negotiating a "deal" with police and/or the prosecutor's office, and being granted immunity from being charged with the murder and armed robbery—Steve Miller's father called the local police posing as a confidential informant, and implicated four people in the crime: Alex Mui, Eric Mui, Jason Williamson, and Efren. Steve Miller later admitted his own involvement and his "tips" led to the arrest of all the individuals he implicated in the crime, except for himself.

At the time of the arrests, two of the suspects, Alex and Eric Mui, who are brothers, had their home searched by police. They were found to be in possession of newspaper clippings of the crime, the car which was used during the commission of the crime, and money from the robbery. Later that evening, police went to another home and acquired the murder weapon which belonged to Eric Mui, more money from the robbery and several other items in a gym bag which had been delivered to this residence the evening of the murder by Alex Mui.

The night of the murder Alex Mui gave Andy Dura, the person who lived at this residence, the gym bag and told him not to look in it or tell anyone about it. Eric Mui later told Andy Dura not to tell anyone about the bag or he (i.e., Eric) would "take him out." Andy Dura testified at trial he was frightened to death of the Mui brothers and believed they would kill him if he told anyone about the bag.

After all suspects in the crime were arrested, questioned and told that they were being charged with murder and armed robbery in circuit court (i.e., adult court), the suspects told police Efren was the person who committed the crime. Each suspect told the police a different story. Between the time of arrest and the time Efren went to trial, a series of more stories were told by the suspects, with none of them ever matching or even making sense.

The suspects alleged that Efren was with them two nights prior to the crime—Monday, March 6—and further alleged they were planning to rob *Vineland Foods* and kill Rick. The suspects claimed to have picked Efren up from a Junior Achievement<sup>1</sup> meeting at 9:00 P.M.

Some of the suspects alleged that after changing his mind and deciding not to rob the store or kill Rick that evening, Efren stated he would do it three days later, Thursday, March 9, because he didn't have to work that day. To illustrate the extent these individuals were going out of their ways to lie, take into account the following:

1) Rick was not even working, nor was he scheduled to work on Monday, March 6, the evening the suspects alleged Efren was with them plotting Rick's murder and the robbery of *Vineland Foods*; 2) Rick was not scheduled to work Thursday, March 9, the day the suspects alleged Efren said he would return to the store to commit Rick's murder; 3) Efren was, in fact, scheduled to work on Thursday, March 9, contrary to what the suspects stated; and 4) Monday, March 6, Efren was not with the suspects when they claim to have picked him up from a Junior Achievement meeting at 9:00 P.M.

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<sup>1</sup>Junior Achievement is an international non-profit organization dedicated to educating and inspiring young people about business and economics.

The evening of Monday, March 6, Efren was scheduled to be released from Junior Achievement early. He previously arranged for a friend named Karin to pick him up from Junior Achievement at 8:00 P.M. Trial testimony by persons who were at Junior Achievement that evening verified Efren left Junior Achievement at 8:00 P.M. or shortly thereafter. Karin also testified to being with Efren that evening during this time.

Efren was not at Junior Achievement at 9:00 P.M.—nor was anyone else—when the suspects claim to have picked him up.

Statements given by each of these suspects regarding the night of Monday, March 6, were obvious lies, not only because Efren was not with them that evening, but also because all the things they alleged he stated were completely false.

Efren worked at *Vineland Foods* and everyone who was employed at the store had their work schedules posted by the time clock for all employees to see. If Efren had an interest in doing harm to Rick and robbing the store he would have at least chosen to go to the store on a day that Rick was working. One of the suspects, Jason Williamson, even stated Efren wanted to kill a manager by an entirely different name; not Rick.

Another suspect, Alex Mui, went so far as to say he and his brother, Eric Mui, took Efren a gun during the late afternoon of Wednesday, March 8, while he was working at the store. He claimed that Efren placed it underneath his sweater, under his belt, and that's where he kept it the entire evening. Efren, however, wasn't wearing a sweater that evening; he was wearing a shirt and tie. The cashier he was bagging groceries for that evening testified to this as well. No one working at the store that evening or shopping at the store saw any gun transaction or observed Efren with a gun.

Another claim by Alex Mui was that he picked Efren up from work the evening of Wednesday, March 8, the night Rick drove Efren home after completing most of his tasks and was later murdered. Alex Mui stated Efren committed the murder by 9:10 P.M. and that by 9:15 P.M. he drove Efren home, where he should have arrived no later than 9:20 P.M. He was very certain about his times and emphasized this when testifying. But, there are several problems with this claim as well, and it can be proven to be most certainly a lie:

1. A number of people testified at Efren's trial to being in or around the store up until 9:15 P.M. and testified that Rick was alive at that time. There were still people shopping in the store after 9:00 P.M. and Rick was letting employees out of the store during this time also. He had to personally let people out because store managers would lock the incoming/outgoing front doors of the store at 9:00 P.M. so no new customers would enter the store after that time. One employee, Bryon Blurton, testified to being immediately outside the store in the parking lot warming his car up until around 9:15 P.M., and stated he never once saw Alex Mui's car driving around the store during that time.

2. Alex Mui alleged to have been driving around the store between 9:00 P.M. and the time he claims to have picked Efren up, around 9:10 P.M. or 9:15 P.M. However, as stated above, no one else saw him driving around the store at those times. Other witnesses, in addition to Bryon Blurton above, testifying to this were James Robinson, Jr. and Jason Keith. They testified to seeing Alex Mui driving around the store between 9:30 P.M. and 10:00 P.M. that evening, not between 9:10 P.M. and 9:15 P.M. This is consistent with when Rick would have returned to the store after dropping Efren off at home at 9:27 P.M. James Robinson, Jr. and Jason Keith were directly across the street from *Vineland Foods*—only a two-lane residential street separated them from a direct view of the store—and they were both certain about the times they saw Alex Mui driving around.

Alex Mui testified to also seeing James Robinson, Jr. and Jason Keith across the street from the store while he was driving around the store that evening. It is safe to say they did, in fact, see each other since it was admitted by all three parties.

These two witnesses who observed Alex Mui driving around the store that evening are not linked to the crime and they did not know anyone involved in the crime/case. Their testimony is very crucial to this case and should not be taken lightly, as they had no motive to lie. They took an oath to tell the truth about what they saw and were simply telling the jury what they observed the evening of Wednesday, March 8.

3. Another problem with Alex Mui's testimony is his claim that he was the only person in the car when he allegedly picked Efren up from *Vineland Foods* the evening of Wednesday, March 8. The two witnesses who directly observed Alex Mui driving around the store from across the street testified that there were one or two people in the car. They testified that the car drove past them three or four times and they were able to observe the number of occupants in the car.

In a statement to police, Alex Mui's mother stated that when Alex left her residence the evening of Wednesday, March 8, both her sons left, not just Alex. When Alex initially gave his statement to police he stated he spent the evening of the murder at home watching television with his mother.

4. Last, but not least, another problem with Alex Mui's claims is that Efren punched out of work at 9:22 P.M., which was reflected by his time card presented at trial. Upon arriving home, Efren's mother opened the door of their home for him at 9:27 P.M.

It would be impossible for Efren to have murdered Rick at the time Alex Mui alleged he murdered him. Efren could not have been at his residence at 9:20 P.M., according to Alex Mui, when he had not even punched out of work until 9:22 P.M. What Alex Mui alleged could not have taken place because it totally contradicts the testimony of every other person who testified about these times and events.

When Alex Mui initially gave a statement to police, he did not state the majority of the crime details he testified to at trial. It wasn't until after he was given a "deal" by the prosecutor to have his murder charges dropped in exchange for testimony against Efren, that he manufactured an elaborate, detailed story, which was so poorly told.

#### **PROSECUTOR INTRODUCES MISLEADING AND INFLAMMATORY EVIDENCE AT TRIAL**

*"The [prosecuting attorney] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he [or she] is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."*

—*Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 79 L.Ed.1314 (1935)—

The case against Efren was purely circumstantial, meaning the prosecutor's office didn't have a real case against him. The prosecutor hoped to secure a conviction based on the stories of people who were themselves fighting murder charges and attempting to avoid serving Life sentences in prison. The prosecutor even conveyed to the jury and news media that the case against Efren was circumstantial prior to, and during the trial. The prosecutor's case was so weak he had to gain every conceivable advantage possible if he was to secure Efren's wrongful conviction.

One tactic the prosecutor used to harm Efren's defense at trial was presenting inflammatory, false, and misleading evidence to the jury. Examples of such evidence presented to the jury were:

1. The testimony of two admitted participants in the murder and armed robbery plot, Alex Mui and Steve Miller, who were themselves fighting to elude murder charges and a lifetime prison sentence. Naturally, they had every reason to place the blame of the crime on someone else so they could go free. After all, they each admitted to being involved in planning the crime, which in itself carries a Life sentence in prison. In Michigan, the penalty for conspiracy to commit murder is tantamount to actually committing murder.

Alex Mui and his brother, Eric Mui, were caught red-handed by police and found to be in possession of evidence directly linking them to the murder and armed robbery. Steve Miller received immunity from the prosecutor's office and had nothing to lose by creating new testimony along the way, regardless of whether it made any sense. All he was concerned with was not being prosecuted for murder and armed robbery.

At the very least, Steve Miller could have been charged with conspiracy to commit murder and armed robbery, but was never charged with a single crime. The prosecutor's office knew if they didn't negotiate a deal with someone in the very beginning of building their case, they would not have been able to build a case at all. In the end they worked with Steve Miller to mislead and manipulate the community into believing they were doing their job.

2. Other misleading and inflammatory evidence the prosecutor used against Efren was that his fingerprints were found on a cash drawer at the grocery store. However, obviously Efren worked at the store and his fingerprints were all over the store. As a grocery bagger he performed various tasks which his job description entailed. The prosecutor knew this as well. But rather than saying Efren's fingerprints could have been found in various areas of the store, he elected to tell the jury they were found on a cash drawer.

Further, Efren admitted to touching the cash drawer and provided a logical explanation for his fingerprints possibly being on the drawer. Because of Efren's amicable relationship with Rick, he would enter Rick's office area to discuss things with him from time to time. Efren felt most comfortable discussing with Rick days he could change on his work schedule, or other work-related issues, as opposed to discussing them with the other

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store managers.

During these times in Rick's office, Efren occasionally touched items that may have been on the counter or near the entrance to the office door where he stood. On occasion, Rick would also ask Efren to hand him something he might be standing near and he (Rick) needed. On one occasion, one of the younger cashiers even handed her cash drawer to Efren to hand to one of the store managers while Efren was in the office doorway speaking to one of the managers.

Though it was against store policy to do so, this and other things were done on occasion in the evenings and on weekends when the store owners were not present. No business is devoid of its employees periodically parting with established business procedures, even if the incidents are minor; however, the prosecutor at Efren's trial tried to portray otherwise.



3. The prosecutor brought into evidence a case of money that was found in the residence of Efren's parents. However, at the time of Efren's arrest on Wednesday, March 15, eight police thoroughly searched his parents' home and took numerous photographs, pursuant to a warrant secured via an affidavit<sup>2</sup> of Steve Miller. Absolutely nothing was found during the search that implicated Efren in Rick's murder or the robbery of *Vineland Foods*.

At approximately 10:00 P.M. that same evening, after the initial search of the home, Efren's parents went to visit him at the county jail where he was being held by police. During this time, Efren's two younger brothers were at his grandparents' home and his parents' residence was unoccupied.

Upon returning home that evening, Efren's parents noticed a door to the home had been unlocked while they were visiting him at the county jail. They were certain no doors were left unlocked prior to them leaving the home that evening because they checked to ensure the house was fully secure before leaving. This was especially necessary since police had been in every conceivable part of the home and could have possibly left doors and/or windows unsecured earlier that day.

On March 16 or 17, Steve Miller, who lives very close to Efren's parents' home, provided information for a second affidavit. Two days after the initial search, a second search warrant to search Efren's parents' residence was signed and executed. As affiant<sup>3</sup> for this second warrant, Steve Miller stated, "*I forgot to tell you that when Efren was planning all this stuff he also told me where he put the money,*" and provided police with a description of the exact area where the money could be located.

However, prior to the execution of this second warrant, Efren's father found a case containing money in the same location Steve Miller told police it could be located. The case was discovered while Efren's father was rearranging boxes and organizing the basement after the initial search by police.

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<sup>2</sup>**Affidavit:** A written statement made or taken under oath before an officer of the court or a notary public or other person who has been duly authorized so to act.

<sup>3</sup>**Affiant:** The person who makes and subscribes to a statement made under oath [affidavit].

Without hesitation, Efren's father turned the case and money over to police in hopes that they could lift fingerprints off the case. He did this prior to having any knowledge of Steve Miller's statement or the impending second search warrant.

The area where the money was found was photographed and thoroughly searched earlier during the execution of the first search warrant. There were cobwebs in this area which, according to testimony of the officer who searched this part of the home using a step ladder and flashlight, indicated no one had been in this area *"for quite some time."*

According to testimony at trial there were four officers who searched this same area of the home on Wednesday, March 15, after Efren was arrested and being held in the county jail. One officer testified at trial to searching the exact location where Efren's father found the case of money, and stated the case of money was not there during the first search.

The case of money was not in any of the photographs taken of the residence on March 15, when police executed their first search warrant. Obviously, if police searched the area and the case of money was not there on March 15, then two days later it appeared and previously undisturbed cobwebs were now disturbed, logic dictates someone must have placed it there.

Efren was in the county jail during the time all of this occurred and could not possibly have been near the home. Eight qualified, experienced, veteran officers who are well-trained in the execution of search warrants would have certainly seen or located the case of money if it was present during the execution of the first search warrant.



It is noted that a key from Efren's parents' home had been missing prior to these events and reappeared in the home after someone entered the home on March 15. Upon finding the key, Efren's parents turned it over to police to have it fingerprinted, but police could not lift any prints from the key. The key was found in the home after the case of money was found. Ironically, no fingerprints were found on Eric Mui's gun which was used to kill Rick, or the case of money which was placed in the home of Efren's parents after he was arrested.

During the trial Andy Dura, the individual whose home Alex Mui drove to after the murder and armed robbery, testified that he *"wiped the prints"* off the gun after Rick's murder. Apparently the people Alex Mui, Eric Mui, and Steve Miller associated with had knowledge of fingerprint identification and the need to wipe fingerprints off potentially incriminating evidence.

The only person linked to the murder and armed robbery that was free and not in police custody during the evening of March 15 was an openly admitted participant in the planning of the murder and armed robbery, Steve Miller. This was the same person who, after Efren's parents' home had been entered, and the case of money placed in their basement, went to police and stated, *"I forgot to tell you that when Efren was planning all this stuff he also told me where he put the money,"* and gave police a description of the exact area where Efren's father found the money.

This, coupled with the fact that no fingerprints were found on the murder weapon, no fingerprints were found

on the case of money, and no fingerprints were found on the key that had been missing from Efren's parents' home for some time, which reappeared right after the home had been entered, is not a coincidence.

At no time (i.e., in police reports, at the preliminary examination, or at trial) did Alex Mui, or any of the other admitted participants in the conspiracy to murder Rick and rob *Vineland Foods*, state or even attempt to substantiate Steve Miller's allegations that Efren told him where he supposedly was placing money from the robbery.

It would be very strange for five people to all be in the same automobile, driving around for some time, planning this murder and robbery, but only one person hearing what was going to be done with the money from the robbery; money they allegedly were going to each share.

It should be noted that Efren knew the suspects as acquaintances from school. He was not friends with them and did not participate in activities with them, with the exception of once attending a girl's high school volleyball game.

Efren was an honor student. He played on the high school soccer team, and was a member of the school track team, Key Club,<sup>4</sup> and a foreign language club. Efren also participated in Junior Achievement. None of the admitted participants in the crimes Efren was charged with were involved in any of these activities.



It was widely recognized that Efren and Steve Miller did not even get along. In spite of this, Steve Miller still attempted to convince Efren's trial jury into believing Efren confided in him plans to commit a murder and armed robbery.

4. The prosecutor also used as evidence against Efren lyrics from a popular rap song he had copied from a magazine and had in his school papers. There were several pages of different types of popular rap lyrics in Efren's school papers, however, the prosecutor elected to only show one page among the numerous pages of lyrics to the jury.

The lyrics in this particular song contained profanity and depicted life in the ghetto. Because one portion of this song made mention of violence, the prosecutor used it against Efren claiming it reflected his state of mind. This, in spite of the fact that Efren was not even the author of the lyrics and the song that contained the lyrics was, and still is, a very popular song. The album/tape/compact disc has since reached platinum status and sold millions of copies.

Every person who enjoys listening to rap music certainly does not have the mentality of a murderer. The introduction of this evidence at trial by the prosecutor was totally unrelated to the crime Efren was charged with and served no purpose other than to inflame the jury.

The damage done by the prosecutor introducing rap music lyrics as evidence in Efren's trial was compounded

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<sup>4</sup>Key Club is the oldest and largest service program for high school students. It is a student-led organization that teaches leadership through serving others.

by the fact that of the 12 jurors hearing the case, 11 of them were White and one was an African-American. The judge presiding over the trial was White, the prosecutor was White, and all members of the law enforcement agencies who investigated Efren's case and arrested him, were also White.<sup>5</sup>

5. In a move of desperation, the prosecutor attempted to use against Efren a set of missing keys from the robbery/murder which still to date have never been located. The day after the robbery Efren turned in a set of keys, that he had found on school grounds a few weeks earlier, to the principal at his school, Ed Reilly. Efren personally handed the keys to the principal, and the principal called his mother to inform her Efren had given him the keys. At Efren's trial the principal testified that sometime after personally coming into possession of the keys they mysteriously disappeared.

The principal stated he could not remember what he did with the keys, but believed he gave them to the school employee in charge of the lost and found office, Ms. Rosenthal. However, Ms. Rosenthal stated the principal did not give her the keys. There was no dispute over the fact that the keys were never returned to Efren and they were lost after being in the principal's possession.

Further, when Efren first turned the keys over to the principal, the principal stated they appeared to be "*school keys*." He also conveyed this to Efren's mother. During testimony at trial, the principal stated that Ms. Rosenthal told him if the keys belonged to someone and they went to her claiming the keys, they would have received them. So, it is very likely that the rightful owner of the keys claimed them. This would also mean the owner of the keys would have had to provide Ms. Rosenthal valid proof of ownership to receive the keys.

The prosecutor told the jury that the keys Efren turned in to the school principal were the missing keys from the murder/robbery. The image the prosecutor attempted to paint for the jury was that Efren planned and carried out this senseless murder and armed robbery, took the keys that belonged to the store, and that he voluntarily gave them to his school principal as evidence directly linking him to the murder/armed robbery.

If the principal would have produced the keys Efren gave him, it would have revealed they had absolutely nothing to do with the murder/robbery. After all, the keys had been found at the school a few weeks prior to Rick's murder while Efren was on his way to get on a school bus. It was improper for the prosecutor to use against Efren evidence that didn't even exist.

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<sup>5</sup>You are encouraged to read *The Other Side of the River: A Story of Two Towns, a Death & America's Dilemma* by Alex Kotlowitz (Anchor Books, 1999) for a history about how race has played a role in the manner justice is dispensed in St. Joseph.

## PROSECUTOR LIES TO MEDIA AND WITHHOLDS EVIDENCE<sup>6</sup>

Efren was denied his due process rights when, before the inception of the trial, the prosecutor gave false and misleading statements to the media, which were broadcast on at least three different television stations and printed in the newspaper.

One such statement was that police found a rag in Efren's bedroom which contained "*reddish stains*" believed to be blood. Later it was discovered that the rag was Efren's shoe polish rag which had shoe polish stains on it. The prosecutor never made an attempt to clarify this.

Another thing the prosecutor deliberately did to handicap Efren's defense attorney was withhold information from the court and Efren's attorney's that he was informed before trial began a man on the jury, Brian Marsh—who later became the jury foreman—knew the deceased widow's aunt, Valerie Bunnell.



The jury foreman worked with Valerie Bunnell and she frequently personally gave Brian Marsh his paycheck. Brian Marsh also observed her sitting with Rick's family during the trial but claims he did not think anything of this. During testimony at a post-trial hearing, Valerie Bunnell testified that when she heard of Rick being murdered she was at work. Upon hearing the news, she screamed and became hysterical. She later went home.

Logic dictates that what took place with Valerie Bunnell at work became common knowledge among the employees at her workplace. There were approximately 125 employees on the shift Valerie Bunnell and Brian Marsh both worked. Such news spreads rapidly, and certainly people where Valerie Bunnell and Brian Marsh worked quickly discovered Valerie Bunnell's relationship to Rick. There hadn't been a murder in the town in over ten years and the crime rate was very low. It is almost certain there were numerous discussions about the crime.

There was only three months between the time Rick was murdered and the time Brian Marsh served for jury duty at Efren's trial. During this time, dozens of newspaper articles were printed in the local newspaper alone—not counting other newspapers in the surrounding areas—numerous news clips were shown on three different local television news channels, and there was frequent coverage of Rick's murder on a number of local radio stations. Rick's murder received so much media coverage it was overwhelmingly voted the top local story of 1989 by the editorial staff of *The Herald-Palladium*, a newspaper based in St. Joseph, Michigan.

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<sup>6</sup>The Center For Public Integrity released a June 26, 2003 report titled "Harmful Error," a review of prosecutor misconduct in over 11,000 cases nationwide covering a time period from 1970 through mid-2003. The Center found that in at least 2,017 of the 11,000 cases judges reversed a conviction or took other corrective action due to prosecutors' behavior inside or outside a courtroom. Researchers found that only two prosecutors were disbarred for misconduct during the study period, nationwide. The misconduct catalogued ran the gamut, from suppression of evidence supporting innocence, to prejudicial closing arguments. The Center, a private watch-dog group, found 28 cases involving 32 defendants in which judges concluded that misconduct by prosecutors contributed to the convictions of innocent people. Considerable detail is provided in the report, which appears at [www.publicintegrity.org](http://www.publicintegrity.org).

Brian Marsh's claim of not knowing Valerie Bunnell's relationship to Rick, in spite of all of this, is astonishing to say the very least. It is fair to conclude that sometime within the three months between the murder and the trial when he was chosen as a juror, Brian Marsh not only observed something was wrong with Valerie Bunnell, but more than likely discussed it with her.

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***The prosecutor also deliberately withheld forensic evidence from Efren's defense attorney which would prove 1) the victim was murdered at close range; 2) Alex Mui was lying once again about how Rick was murdered and the events leading up to his murder; and 3) would negate the prosecutor's theory of the crime.***

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After the trial Valerie Bunnell walked up to Brian Marsh, gave him a hug, and told him what a "good job" he did and how pleased she was that it was all over. She testified and admitted to this in a post-trial hearing. The prosecution's claim was that Brian Marsh had absolutely no idea of the relationship between Valerie Bunnell and Rick.

During the course of the same hearing it was also discovered that the second day of the trial Rick's widow personally spoke with the prosecutor and told him that her aunt knew one of the jurors, Brian Marsh. Obviously the relationship between Valerie Bunnell and Brian Marsh was more than just a mere acquaintance. Rick's widow learned about this information only after Valerie Bunnell personally conveyed it to her.

Why else would Rick's widow go out of her way to convey this information to the prosecutor if she didn't feel something was improper about it? And, why would Valerie Bunnell tell Brian Marsh what a good job he did and give him a hug if she didn't know him? She didn't hug any of the other jurors, and when asked why she didn't do so she was unable to respond with an answer other than stating she didn't know.

The prosecutor also deliberately withheld forensic evidence from Efren's defense attorney which would prove: 1) the victim was murdered at close range; 2) Alex Mui was lying once again about how Rick was murdered and the events leading up to his murder; and 3) would negate the prosecutor's theory of the crime.

The reason for withholding this evidence was because the prosecutor's version of the crime was that Rick was shot from a distance. However, according to a July 8, 1992 affidavit by Bader Cassin, a forensic pathologist and Wayne County Chief Medical Examiner, Rick could not have been shot from a distance because large amounts of gun powder residue were found on his clothing, which indicated Rick was shot from within two feet of the gun. The prosecutor knew he couldn't present his theory of the crime to the jury if he revealed this evidence.

The three suspects (i.e., Eric Mui, Alex Mui, and Jason Williamson) originally charged with crimes in connection with the murder and robbery pled guilty to various charges. One of the suspects, Eric Mui, even pled guilty to second degree murder and armed robbery.

Eric Mui's initial first degree murder charge was reduced to second degree murder in exchange for his guilty plea. Eric Mui entered his guilty plea *after* Efren was convicted of Rick's murder and the robbery of *Vineland*

*Foods.*

The latter is significant because it was the prosecutor's theory of the crime that there was one gunman and robber. Therefore, if Efren was convicted as the sole gunman and robber, there was no need for the others to plead guilty to the charges they pled guilty to *after* Efren was convicted. They would have each had a valid defense to use at a trial. They could not have been charged with murder if "*the murderer*" had already been convicted.

Interestingly Eric Mui, Alex Mui and Jason Williamson maintained they were innocent and not guilty of anything. However, if someone is innocent of something and can defend themselves against charges which could claim the entire rest of their lives, why wouldn't they go to trial to defend themselves against such charges? In hopes of getting murder charges dropped and being charged with lesser offenses in exchange for testimony, the suspects agreed to plead guilty to various charges and place the blame for their crimes on Efren.

Innocent people do not normally plead guilty to murder and armed robbery charges they are not guilty of. The suspects charged with various crimes in this case did not go to trial because they did not have a defense for their actions other than to say someone else was responsible.

Every suspect that was charged pled guilty to a crime, except for Efren. He refused to plead guilty to something he did not do. Efren is adamant that if offered the opportunity to plead guilty—even at this stage of his incarceration—in exchange for being released from prison in the next couple years like the others who entered guilty pleas related to Rick's death and the robbery of *Vineland Foods*, he would still refuse to do so. Efren refuses to plead guilty to something he did not do and vows to continuing fighting to prove his innocence until he is exonerated of the false charges against him.

To further illustrate how unjust the courts acted in this case, consider the following sentences that were imposed on the three suspects who pled guilty to various charges:

1. Eric Mui, a Chinese male, pled guilty to murder and armed robbery and received two sentences of 18 to 45 years, which will run concurrent. He was 17-years-old when he was charged. His outdate, according to Michigan Department of Corrections records, is February 10, 2004.

2. Alex Mui, a Chinese male, pled guilty to armed robbery and received a sentence of 18 to 45 years. He was 16-years-old when he was charged. His outdate, according to Michigan Department of Corrections records, is October 28, 2003.

3. Jason Williamson, a White male, pled guilty to conspiracy to commit armed robbery in juvenile court and received a sentence of six months in the juvenile detention center. He was 16-years-old when charged with his offense. Jason Williamson has subsequently been convicted both in state and federal court on other unrelated

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***Innocent people do not normally plead guilty to murder and armed robbery charges they are not guilty of. The suspects charged with various crimes in this case did not go to trial because they did not have a defense for their actions other than to say someone else was responsible.***

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charges and spent time in state and federal prisons.

4. Lastly, Steve Miller, a White male and admitted accomplice in the murder and armed robbery plot, was not charged at all nor was he required to plead guilty to anything by the prosecutor. He was 16-years-old when the others were charged.

All the suspects were older than Efren, yet his sentence was Life without parole for two counts of first degree murder (i.e., premeditated and felony) and Life for the armed robbery charge. This, despite the voluntary admissions of guilt by those who played a role in Rick's murder and the robbery of *Vineland Foods*. The prosecutor wants everyone to believe all the suspects in the case were following 15-year-old Efren and carrying out his planned crimes without question.

After Efren's trial it was discovered that the first vote of the jury was 9 to 3; with 9 people voting for acquittal. If we take into account that one of the three voting in favor of conviction was the jury foreman who knew a member of Rick's family, that leaves 9 people in favor of acquittal and only 2 people in favor of conviction. Obviously the jury foreman was very influential in changing the minds of the other 9 jurors.

Brian Marsh was very passionate about wanting Efren to be convicted. Had he not sat on the jury with his resolve to convict Efren, because of all the evidence pointing to Efren's innocence, it is highly unlikely either of the 2 jurors who initially voted in favor of guilt would have persuaded the other 9 jurors to convict him.

In many ways, Efren was convicted because of a jury that unknowingly allowed themselves to be tainted by a person with a hidden resolve to convict him. After Efren's trial, one of the jurors even wrote his sentencing judge, Zoe S. Burkholz, requesting that Efren be sentenced as a juvenile.

#### **NEWLY DISCOVERED INFORMATION**

**T***he compelling information in this section is relevant as it relates to credibility. Illicit drug sale and usage, a history of assaultive behavior, and acts of dishonesty weigh heavily against witnesses testifying in court proceedings and establishing the veracity of their statements. Judges often instruct juries that such testimony should be regarded as highly suspect.*

January 7, 2000 Steve Miller was arrested as the result of a federal grand jury indictment which read in part:

*From in or about the Spring of 1997, to in or about August of 1998, in the Western District of Michigan, Southern Division, and elsewhere,*

*Christopher Quiroga, a/k/a "Chino," Steven Michael Miller, James Michael Miller, a/k/a "Mike," Aaron David Greene, Scott Aaron Mabrey, Scott Michael Brockelbank, Donald Eugene Lucas, and James Joseph Carlson,*

*Defendants herein, did knowingly, willfully and unlawfully combine, conspire, confederate and agree together, and with each other, and with other persons known and unknown to the grand jury, to possess with intent to distribute and distribute methamphetamine, a schedule II controlled substance, in violation of Title 21, United States Code, section 841(a)(1).*

## MEANS AND METHODS

*The purpose of the conspiracy was to make money from the illegal sale and distribution of methamphetamine.*

*It was part of the conspiracy that CHRISTOPHER QUIROGA, a/k/a "Chino," would obtain, sell and supply, on consignment and otherwise, significant quantities of methamphetamine to STEVEN MICHAEL MILLER, JAMES MICHAEL ("Mike") MILLER, AARON DAVID GREENE, SCOTT AARON MABREY, and others, for further sale and distribution.*

*It was further part of the conspiracy that STEVEN MICHAEL MILLER and AARON DAVID GREENE would obtain portions of this methamphetamine for distribution to JAMES MICHAEL ("Mike") MILLER, and others, and that JAMES MICHAEL ("Mike") MILLER would, in turn, sell and distribute portions of this methamphetamine to other individuals, including DONALD EUGENE LUCAS and JAMES JOSEPH CARLSON, for further resale.*

*It was further part of the conspiracy that SCOTT AARON MABREY would obtain portions of this methamphetamine for resale and distribution to SCOTT MICHAEL BROCKELBANK and another individual, for further resale.*

FBI agents went to the home of Steve Miller's parents to arrest Steve and his father, James Miller, for the federal indictment on January 7, 2000. When they arrived they were met by Judy Miller, Steve Miller's mother, who stated that Steve Miller and his father were not home. FBI agents requested permission to search the home and Judy Miller agreed to the search. Possibly realizing she could be charged with obstruction of justice or harboring a fugitive for misleading FBI agents about the whereabouts of Steve Miller, upon the agents entering the home Judy Miller turned to them and stated that Steve Miller *was* indeed home.

# End Efren's Wrongful Incarceration

As FBI agents searched the home for Steve Miller, his mother assisted in the search. During one point of the search Judy Miller entered Steve Miller's bedroom and looked for him under his bed and in his closet. She then told FBI agents Steve Miller was not there. After Judy Miller searched these areas FBI agents again searched the same areas and found Steve Miller in the same closet Judy Miller stated he was not in.

When Steve Miller was arrested FBI agents seized several weapons and ammunition, a police scanner, narcotics paraphernalia, two weight scales, a personal planner and mail, including bank statements and a phone bill, all in his possession and relevant to the indictment.

Two FBI agents testified at trial that at the time of his arrest Steve Miller expressly stated he had purchased 50 kilograms—110 pounds—of methamphetamine from Christopher Quiroga, a Chicago gang leader and drug dealer. After a hearing on the matter, Judge Richard A. Enslen determined, *"The statement given was completely voluntary."*

According to FBI Special Agent Robert Allan Jones, Steve Miller admitted to meeting Christopher Quiroga in 1987, after which time he began purchasing cocaine from him. At one point during his testimony Steve Miller

stated that his parents provided him with money for his drug habit. He indicated between 1996 and 1997 his parents gave him between \$25,000 and \$30,000.

Between 1989 and 1997 Steve Miller was arrested numerous times for charges including domestic violence, assault and battery, drugs and driving infractions. By his attorney's own admission, Steve Miller "*has a lengthy history of prior criminal acts.*" One assault and battery charge against a family member was reduced to disorderly person, and at least two other assault and battery charges were dismissed as part of other plea dispositions.

At trial it was revealed that Steve Miller was frequently referred to as the "Son of Sam" by associates and fellow drug dealers. The "Son of Sam" was the name used by David Berkowitz, a New York City serial killer who murdered several innocent persons during the summer of 1977.

Steve Miller was described by witnesses at trial as being violent, erratic and a "crazy" drug user. Perhaps he displayed this behavior to live up to his image of being a gang member like fellow drug dealer, Christopher Quiroga. Steve Miller did get a tattoo on his arm of the same gang of which Christopher Quiroga was the leader, which Steve proudly displayed to people, according to trial testimony.

During his trial Steve Miller admitted to using cocaine and marijuana when he was younger and using cocaine heavily during his adult years. Witnesses countered by testifying that Steve Miller was a heavy methamphetamine user, in addition to being a frequent user of other illicit drugs. FBI agents testified at trial that between 1987 and 1997 Steve Miller admitted to making over 1,000 trips to Chicago to purchase illicit drugs, which he later began selling to his father, James Miller, and other drug dealers. According to trial testimony, Steve Miller's father also sold drugs to Steve. An FBI agent testified that Steve Miller would sell drugs to his father to distribute and re-sell to fellow members of a Lawton, Michigan motorcycle gang.

During Steve Miller's sentencing hearing his attorney stated Steve Miller deals with reality and issues in his life "extremely immature and foolish," and that talking to him "is like talking to a 10- or 12-year-old." These statements, however, did not prevent Steve Miller from being convicted by a jury for distributing large quantities of methamphetamine. Steve Miller was convicted of distributing methamphetamine and sentenced to 21 years and 10 months in federal prison. His father was sentenced to 15 years in federal prison.<sup>7</sup>

## RELEVANCY OF INFORMATION

The information in this section is of significant importance because it provides insight into the true mentality, motivation, and character of Steve Miller and his father, James Miller. It cannot be refuted

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<sup>7</sup>The information in this section was extracted from various court documents in the case of *United States of America v. Christopher Quiroga, a/k/a "Chino"; Steven Michael Miller; James Michael Miller, a/k/a "Mike"; Aaron David Greene; Scott Aaron Mabrey; Scott Michael Brockelbank; Donald Eugene Lucas; and James Joseph Carlson*. The case was tried in the United States District Court for the Western District of Michigan, Southern Division, before Judge Richard A. Enslin. The case number is 1:99-CR-234.

Sources include the indictment in the case, pre-trial hearing transcripts, trial transcripts, sentencing transcripts, and motions filed on behalf of Steve Miller prior to, during and after his trial. Arrest history information was acquired in part from Lincoln Township Police Department reports.

that James Miller initially telephoned police regarding the *Vineland Foods* incident posing as a confidential informant. Perhaps unbeknownst to police was Steve Miller and James Miller were both drug dealers and drug users.

Then there is the issue of money. Steve Miller began purchasing cocaine from Christopher Quiroga in 1987, according to FBI Special Agent Robert Allan Jones. By 1989, after two years of buying drugs from his Chicago drug supplier, Steve Miller was already reported to be heavily using cocaine. He was subsequently arrested a number of times for assault and battery charges. One Lincoln Township Police Department report indicates that Steve Miller assaulted family members. Another report states Steve Miller demanded his parents take him to the bank to withdraw money for him.

Steve Miller's drug purchasing and usage began *prior* to him becoming involved in the Rick Tetzlaff murder/*Vineland Foods* robbery case. This information was unknown to Efren or his trial attorney at the time of the initial Rick Tetzlaff murder/*Vineland Foods* robbery trial. If this information had been revealed during trial, it would have seriously impacted the credibility of Steve Miller's testimony. As previously stated, much of the prosecution's case was built around the key witness testimony of Steve Miller, who was not charged for his admitted involvement in the Rick Tetzlaff murder and robbery of *Vineland Foods*.

Serious doubts exist about Steve Miller's whereabouts the night of Rick Tetzlaff's murder and robbery of *Vineland Foods*. Approximately one week after the crime occurred, during police questioning of where Steve Miller was the night Rick Tetzlaff was murdered, Steve Miller indicated he was almost certain he stayed home the entire evening, but he had to ask his mother, Judy Miller, to be sure.

At trial, when Steve Miller was asked where he was the evening Rick Tetzlaff was murdered and *Vineland Foods* was robbed, he stated he checked with his mother, Judy Miller, who said Steve attended a church function that evening. Judy Miller is the same person who attempted to mislead police about Steve Miller's whereabouts when FBI agents went to their home to arrest him for the methamphetamine distribution indictment on January 7, 2000.

No evidence was ever produced at Efren's trial to support the claim that Steve Miller attended a church function the night Rick Tetzlaff was murdered and *Vineland Foods* was robbed. Most church functions involving school age youth end before 9:00 P.M., particularly on school nights.

### **CONCERNS ABOUT EFREN'S DEMEANOR AT TRIAL**

Much has been written about Efren's "*lack of emotion*" during his trial. Family members of Rick Tetzlaff wrote impact statements to the court indicating Efren showed no emotion during any court proceedings. Michael Sepic, the assistant prosecuting attorney, spoke about it in closing arguments at trial. During sentencing, Judge Zoe S. Burkholz repeatedly made mention of Efren's lack of emotion displayed at trial. St. Joseph Township Police Department Sergeant Randy Leng, an investigator in Rick's homicide and the robbery of *Vineland Foods*; Stephen C. Cook, a forensic child psychologist who interviewed Efren for competency prior to sentencing; and Roger and Pam Seeley, owners of *Vineland Foods*, made an issue of it as well in letters they submitted to the court for Efren's sentencing hearing.

This issue contributed significantly to Efren's conviction. It certainly was not the "*evidence*" or false and misleading testimony provided.

Unfortunately, what no one excluding Efren's family, has been told about his *"lack of emotion"* during any of the court proceedings in the case of *People of the State of Michigan v. Efren Paredes, Jr.* was that he was given explicit instructions by his trial attorney, Andrew Burch, not to show any emotion.

During meetings he had with his attorney before and during court proceedings, Efren was repeatedly told not to show emotion because it would hurt his case. Efren being young, having little knowledge about the criminal justice system, and wanting to do what was best for his situation and prove his innocence, honored his attorney's instructions. As a result, Efren was forced to suppress natural tears, frustrations, hurt, fear, and a host of other emotions. His naivete was made to look like cold-blooded callousness.

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***The tragedy of Rick's death overshadowed the other injustice taking place simultaneously: a teenager being put on trial for a murder and armed robbery he did not commit.***

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Because the public was misled by the prosecutor and media into believing Efren was guilty of the crimes he was charged with, little concern was shown for his age and innocence. Anyone taking this fact into consideration would have come to the realization that something was definitely wrong with the picture of a 15-year-old of normal upbringing and no psychological problems showing little or no emotion during the traumatic experience he was compelled to endure (i.e., stand trial for a crime he did not commit). Even for a troubled child such exhibited behavior would have evoked a number of questions.

The tragedy of Rick's death overshadowed the other injustice taking place simultaneously: a teenager being put on trial for a murder and armed robbery he did not commit. How experienced professionals in the criminal justice system believed a normal 15-year-old child had gone through such a traumatic experience visually unaffected raises real concerns about the motives of the judges who presided over Efren's case and the prosecuting attorney's office. Clearly justice was not part of their agenda.

Statements by the judge and prosecutor, and letters written to the court asking that Efren be sentenced to life imprisonment, were based primarily on the lack of emotion Efren exhibited during the court proceedings. Even Stephen Cook, the child psychologist who tested Efren for competency to be sentenced as an adult, failed to offer a professional opinion about Efren's lack of emotion expressed during the entire ordeal. All Cook stated was that Efren was not amenable to treatment because 1) he showed no remorse for the crime he was convicted of, and 2) he would not admit to the crime.

Some of the statements made by Judge Zoe S. Burkholz at Efren's sentencing hearing were:

*"You had a very caring and stable upbringing, according to what I have been told in these reports. Your family lives in a nice house in a nice neighborhood where the homes are well maintained and order is maintained over the youngsters. Both [your parents] appear to be very interested in your school activities and your extracurricular activities. ...*

*"The record shows that you lack any prior record of any kind and you have done exceedingly well in the community. You have a glowing school record. You were an honor student at ... Lakeshore Stevensville High School. And you were involved in many extracurricular activities."*

Judge Burkholz again:

*"[The] report from the Department of Social Services indicates that you were well-behaved, well-mannered and cooperative in your classes ... Not only did you have a good record at school, you held part-time employment at Roger's Vineland [Foods]... You also had good reports from your ... prior employers."*

At his sentencing hearing, Judge Burkholz had the option of sentencing Efren as a juvenile or as an adult. Instead, she used Stephen Cook's recommendation to sentence Efren as an adult to three Life sentences in adult prison. This, despite Judge Burkholz acknowledging Efren's positive behavior and accomplishments prior to his arrest and wrongful conviction.

To discover the true reason(s) behind Efren's lack of emotion during court proceedings would have forced Judge Burkholz to abandon her plan and desire to sentence him as an adult. Probing into the cause(s) would have revealed Efren was not even responsible for his prescribed mannerisms. Instead, Judge Burkholz carried out her carefully calculated, insidious plot to destroy the life of an innocent child.

#### **SERIOUS QUESTIONS RAISED ABOUT EFREN'S INNOCENCE**

**I**f Efren was truly guilty of the crimes he was charged with, along with the other suspects, why did he not—like the others—make an attempt to have charges against him reduced in exchange for testifying against the others who were charged?

Efren had the same opportunity to have charges against him reduced but he never made any such attempt because of his innocence. Had he been truly guilty of the crimes he could have provided more information to the prosecutor and police than the other suspects and used it to negotiate a "deal" similar to, or better than, the ones negotiated by others. After all, he was accused of being the mastermind and actual perpetrator of the crime.

And, if Efren was truly guilty, after the others implicated him in the crimes, why did he not testify about *their* involvement in the crimes? Efren could have easily created stories about them similar to the ones they told about him—especially since he was the youngest person charged with a crime. He could have also lied to the prosecutor and police to ensure everyone charged would be charged with murder along with him, including Steve Miller, who testified against him and was never charged with a crime. It would have been more credible for the jury to believe that Efren was manipulated into committing the crimes he was charged with by the older suspects in the case, as opposed to believing the converse.

That Efren never made a statement regarding the other suspects who testified against him, even after they testified against him and he knew he was facing a Life sentence in prison, says a lot about his innocence. No 15-year-old child who has never been arrested or placed in police custody would have willingly allowed himself to go to prison for a crime others accused him of doing, particularly if he *knew* his accusers—who were not even friends, but mere school acquaintances—were guilty of the same crimes and they were placing all the blame solely on him.

Instead, he would have done what others his age would have naturally done, testified against everyone

involved out of total fear for what may lie ahead (i.e., life imprisonment), out of anger for feeling betrayed, and in hopes of having his charges dropped or reduced, or being charged as a juvenile. Many adults charged with murder and/or armed robbery would have done the same thing. In fact, they do it daily in courtrooms all across the country (i.e., make every effort to have criminal charges against them dropped, or reduced, at all costs).

The fact of the matter is Efren had absolutely no knowledge about the crimes he was charged with. He could not testify against anyone because he had no information to testify about.

It is interesting to note the Michigan Supreme Court has ruled that a juvenile with Efren's unblemished criminal record and positive upbringing—who commits a homicide and admits responsibility for the crime—is amenable to treatment and should not be sentenced as an adult to life imprisonment. Instead, the juvenile offender should be sentenced as a juvenile and receive appropriate treatment and programming. In Efren's case had he entered a guilty plea he would have been released from a juvenile correctional facility by age 21.

**A**nother issue of great concern is the handling and storage of evidence collected by police investigators at the Rick Tetzlaff murder/*Vineland Foods* robbery crime scene, and the veracity of audiotaped interviews investigating officers conducted with individuals.

Persons have attempted to obtain copies of audiotaped interviews investigating officers conducted with individuals prior to his trial for the past 14 years, to no avail. In response to a Freedom of Information Act request submitted to the St. Joseph Charter Township Police Department, the police department stated in a letter dated September 18, 2001:

*"The St. Joseph Charter Township Police Department has no audiotapes or videotapes of interviews held in evidence at this department. Any taped interviews were transcribed during the course of the investigation, and those tapes would have been erased or recycled following transcription."*

A cursory review of the audiotaped interviews that were transcribed in the Rick Tetzlaff murder/*Vineland Foods* robbery reflects witnesses being presented with leading questions by interrogators, omissions being made in statements, and police officers admittedly rearranging questions and responses from their original sequence.

The accuracy and truthfulness of the interviews is significant because Eric Mui, Alex Mui and Jason Williamson contend their statements were obtained by force and threats by police officers. The possibility of this occurring is very likely because Efren, too, was threatened when brought into custody at the Berrien County Jail by the same police officers and told if he did not provide police with a statement he would go to prison for the rest of his life. However, unlike the other convicted individuals, Efren made no statement to

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***A cursory review of the audiotaped interviews that were transcribed ... reflects witnesses being presented with leading questions by interrogators, omissions being made in statements, and police officers admittedly rearranging questions and responses from their original sequence.***

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police. Whatever statements were *truly* made by witnesses/potential witnesses during the audiotaped recordings, and how those statements were acquired, can never be challenged now because that evidence has been destroyed.

In response to a recent Freedom of Information Act request submitted to the Michigan State Police requesting to review fingerprint evidence from the Rick Tetzlaff murder/*Vineland Foods* robbery crime scene the Michigan State Police Criminal Justice Information Center responded in a communication dated July 26, 2002 stating:

*"They should have been in the folders you had gone through, if they were not, 'they are lost.'"*

These photographs have been requested because a Michigan State Police fingerprint expert claimed the only fingerprints that were found at *Vineland Foods* were that of Efren and one of the cashiers—both who regularly worked at the store. There were logical explanations for their fingerprints being found at the store. What is not explained is why the fingerprints of other cashiers, managers and even the store owners were not present or could not be identified.

The fingerprint expert who examined the fingerprints, Jerry Disler, stated there were other fingerprints found at the crime scene which could not be identified. Quite possibly an examination of the fingerprints by an independent expert, or the use of new fingerprint analysis technology, could help identify these fingerprints.

In what can only be viewed as an attempt to cover-up evidence in the Rick Tetzlaff murder/*Vineland Foods* robbery, crime scene investigators and forensic experts also did not photograph or fingerprint Rick's car. This, despite investigators being told by Efren and his parents the morning after Rick's death that Rick had driven Efren home the previous night. Investigators knew this information *hours* before Rick's body or the car were removed from the crime scene, according to crime lab reports.

Rick's car was in the *Vineland Foods* parking lot while the store was being processed as a crime scene. A forensic expert testified at Efren's trial that he removed a piece of tape from Rick's driver's side rearview mirror. A review of all crime scene photographs reveals the forensic expert did not photograph the area of the car the tape was removed from, nor any other part of the car for that matter. The forensic expert who videotaped the crime scene also did not include Rick's car in the videotape. These actions are a break from crime scene evidence gathering procedures and could be responsible for critical evidence being overlooked in the Rick Tetzlaff murder/*Vineland Foods* robbery.

The disappearance and destroying of evidence in the Rick Tetzlaff murder/*Vineland Foods* robbery—whether intentional or otherwise—raises serious questions about the handling of the crime and why such actions were committed. If the evidence still existed today it is quite possible through DNA testing or other new technology the true person(s) who committed the crime could be brought to justice. Why crime scene investigators or forensic experts would have wanted to prevent that from occurring is unknown.

## **CENTRAL PARK JOGGER CASE**

April 19, 1989 a young, white investment banker, jogging in New York's Central Park, was bludgeoned, raped, and left to die. Four Black and Latino males were arrested and convicted based on alleged confessions each made to police. The case sent shockwaves throughout the nation and received extensive international media

coverage for several months. It would go on to be known in history as the "Central Park Jogger Case."

The Central Park Jogger Case drastically affected the way many juvenile cases were handled in the media and in court rooms across the country. It also resulted in the implementation of tougher laws on juveniles in nearly all 50 states. Henceforth, children on trial became routinely branded as "superpredators" by the media and politicians.

Some scholars have argued that the Central Park Jogger Case was directly responsible for the 600% surge in media coverage of juvenile crime. Consequently, the public has been under the false illusion that juvenile crime has been on the rise when, in fact, it has not. The only increase in juvenile crimes has been the extensive media coverage of juvenile crime. For nearly two decades juvenile crime has been on the decline.

The Central Park Jogger Case resulted in the wrongful conviction of the four boys who police alleged committed the crime. In 2002 the true perpetrator of the crime confessed to the crime and DNA evidence cleared the four Black and Latino juveniles. Though the boys were exonerated and freed from prison, the damage had already been done. Not only to the four wrongly convicted boys who spent several years in prison, but to the rest of the nation's juveniles as well.

The Central Park Jogger Case is very significant in relation to Efren's case because it occurred only a month after his arrest. Coverage of the case was being incessantly broadcasted by the media while Efren awaited trial, during his trial, and at the time of his sentencing. It is certain to have adversely affected the way Efren was portrayed in the local media and how his case was handled.

A number of references to the extensive print, television and radio media coverage in Efren's case were made by his trial judge throughout his trial. Efren's trial judge even publicly acknowledged that inaccurate information was being broadcasted in the media. The statements by Efren's trial judge are available on our web site by viewing the link "Judge Zoe Burkholz Media Statements."

To read a very well-written account of the injustice that took place in the Central Park Jogger Case, and how the media's irresponsible reporting can lead to a wrongful conviction, you are encouraged to view the link "The Press and the Central Park Jogger" on our web site. The link is an article written by Lynnell Hancock.

## **PARTING THOUGHTS**

**I**f still imprisoned, March 15, 2004, will mark Efren's fifteenth year of incarceration. Despite his wrongful conviction, Efren maintains faith that he will have another day in court to prove his innocence. Only this time he will express his feelings and emotions as appropriate, and will be able to provide more evidence of his innocence.

Efren's prayers are still with the Tetzlaff family as they were when this tragedy began. Both Efren's and the Tetzlaff family have been victimized. Because of the actions of those who actually murdered Rick and robbed *Vineland Foods*, all involved have suffered immensely: the Tetzlaff family by the loss of Rick, and Efren's family by his long-term, wrongful incarceration. Efren's life was sacrificed by the Berrien County courts so Rick's family and the community could find closure. A heavy exchange for an innocent life.

In spite of all he has gone through the past 14 years, Efren always expresses to people that we can never

overlook what has occurred to Rick and his family. Rick was someone Efren trusted, looked up to, and considered to be a friend. They often joked and talked about different things in life and it was always a pleasure for Efren to speak with him. The following are a few of Efren's sentiments regarding Rick and the ongoing injustice:

*"One thing I will never forget is that Rick and I both played soccer and joked about competing against each other. Rick always told me when I got older and felt I could competitively play against him, he invited me to the challenge. Unfortunately we never got that opportunity. I feel sorry for his parents, wife and children who lost such a caring person that loved his family dearly. I can never begin to imagine what a tremendous loss they have suffered.*

*Rick often spoke about his wife and child and expressed how much they meant to him. If there had been any way I could have prevented Rick from being harmed I would have done it because I know he would have done the same for me. We might not have been best friends or even real close friends, but I knew Rick well enough to know he cared a great deal about people and that he would do anything he could for someone who requested his assistance.*

*I ask that we all pray for Rick's family and ask God to comfort them. We can never bring Rick back, but we can support his family and ask God to look over them. Whether or not Rick's family truly believes I am responsible for his murder, I will continue praying for them and wishing them the very best always. I know eventually the truth surrounding Rick's murder will be revealed.*

*I understand the prosecutor in my case manipulated the pain of Rick's family and did his best to convince them I was the person responsible for Rick's murder. The prosecutor sought to ease their pain by providing them false information and misleading them to believe the police had captured the person responsible for Rick's death.*

*The prosecutor and other members of law enforcement felt that if Rick's family knew his murderer had been brought into custody it would at least make them feel something was being done to solve the case. Little did they know that this man was manipulating their feelings and emotions. It was truly a wicked and malicious thing to do.*

*It is my fervent prayer that one day the Tetzlaff family will be able to view my case unprejudiced by the thoughts and feelings of others and come to the realization that something is most certainly not right.*

*No one can say in good faith, after being presented with all the compelling evidence I presented at trial (and afterwards as well) to prove my innocence, that they truly feel I am responsible for Rick's murder. No unbiased person could sit through my trial and believe that unless they wish to convict me based solely on the prosecutor's baseless claims.*

*We must pray that God will touch their (i.e., Rick's family) hearts and minds and bless them with the vision to see through this horrible tragedy, which has not only victimized them, but also victimized my family and me as well."*



**W**e have provided you with just a brief overview of Efren's case. It would take an entire book filled with hundreds of pages to truly convey what occurred in his case, which continues to this day. We have only attempted to provide you with an outline of what took place in hopes of obtaining your support to help us bring this injustice to an end.

If you read this information with an open mind and read it enough times to properly digest it, you will see that a grave injustice has taken place. We are appealing to each and every citizen of this country to assist us in bringing an end to this nightmare.

The handling of Efren's case by the State of Michigan is a disgrace to the United States judicial system. How else can we describe the actions this state has taken to deprive a 15-year-old child of his entire life and future by holding him responsible for a crime he did not commit; a crime others have admitted participation in and responsibility for?

One day the truth will become manifest and the guilty parties of the crime will be revealed. It may yet take more time, nonetheless, the truth concealed will one day come to the light. Then, the principles of truth and justice will be vindicated.

If you wish to inquire about more information regarding Efren's case, feel free to contact Efren or his friends and family at any of the addresses contained earlier in this writing.

Thank you for reading these words. ■

Last updated 12/10/06 @ 1347 hours

## A DESPERATE TIME

by Rosh Holmes

A shivering hand—outstretched in hope, fingers spread wide, grasping only air and vain wishes. Heart beats like drums, pulse quickens, sweat assaults my furrowed brow!

Child innocent, accused, charged, convicted—child sentenced so wrongly as an adult—constricted.

Face flush, confusion reigns, reality reveals harsh truths of injustice—no lies here—just pain, pain, pain.

Enter tears, behind sorry, behind grief, behind cold and bitter anguish, followed ever so closely by dejection and burdens.

Stars dancing in pools of salted mist, burning tired and reddened eyes. Those dedicated stand, fist clenched, arm raised high, whispering through pursed lips, "We shall see justice, or our fight will never end!"

Child spectates as seconds turn to minutes—to hours, to days, to weeks, to months, to years—time lost—never to be visited again.

How relentless she is, ever ticking, kicking, screaming, swinging, hitting, destroying—no respecter of persons—she rains equally down upon the rich and the poor, the strong and the weak, and as well, the guilty and the guiltless; she rained on me.

Man-child sits hopeful, still fighting, no surrender, still innocent and praying for his most deserving resurrection.

Imagine the terror—the land mines every step—the troubles, the carnage, the innocent wept.

A shivering hand—outstretched in hope, fingers spread wide, grasping only air and vain wishes. Heart beats like drums, pulse quickens, sweat assaults my furrowed brow!