

The California Register

"Congress shall make no law ... abridging the freedom of speech, or of the press..." Ratified by Congress: December 15, 1791

"Facts do not cease to exist because they are ignored."

- Aldous Huxley

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NEWS from the California Central Coast

Pismo Beach &
Arroyo Grande
Edition

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Eyewitness Comes Forward - Believes He Saw Paul Flores Digging Kristin Smart's Grave

One week after Kristin disappeared, Paul Flores tells his college roommate: "Yes I killed her and brought her to my mom's, and she is still there"

Funds Denied is Justice Denied - The politics of the Kristin Smart case



By:
David Smallwood

The California Register decided to continue our unrelenting examination of the Kristin Smart case. We made a promise to Stan and Denise Smart (father and mother of missing Cal Poly student Kristin Smart) to help raise awareness about their daughter's disappearance. They believed that most everyone had completely forgotten about their daughter's disappearance, and they were right. Kristin Smart's disappearance and the lessons we can learn from it are vitally important to us all. Not only does Kristin's family need closure, but so do the residents of San Luis Obispo County. We therefore will not stop our coverage of the Kristin Smart case until closure is finally obtained.

Another reason for our focus on the Kristin Smart case is the insidious, seemingly impenetrable good old boy network that's alive and well in San Luis Obispo County. We believe that Kristin would have been found within a week of her disappearance, but there were too many people circling the wagons. Law enforcement's prosecution of the Kristin Smart case was pathetic. Aside from the actual loss of Kristin, the disappearance of the bloody earring from police custody is most disturbing. We must be guarded to never assume a conspiracy for what can be explained by incompetence. The turquoise earring believed to belong to Kristin and worn the night she disappeared had what appeared to be traces of dried blood. It was found on the backyard patio of the Flores' Arroyo Grande home. It's disappearance, after it was turned over to a sheriff's deputy is most suspicious indeed.

It's recommended that people new to the Kristin Smart case first start by reading the in-depth story found in the archive section of CaliforniaRegister.com. For others more familiar with the case, the following article is an update providing new information relevant to Kristin's disappearance.

EYEWITNESS BELIEVES HE SAW PAUL DIGGING KRISTIN'S GRAVE

With each passing year, the Kristin Smart case becomes more and more bizarre. After nearly twenty years since Kristin Smart disappeared from the Cal Poly campus on May 25, 1996, an eye-witness was found through Facebook by Smart family advocate Dennis Mahon.

On August 18, 2015, Dennis found this eyewitness who believes he may have seen Paul Flores along

with an accomplice digging Kristin Smart's grave. Our interview with him was nothing short of stunning. The discovery of this witness was important, the very next day, a sheriff's deputy drove three hundred miles to personally interview the witness in his living room. The witness was instructed by the sheriff's deputy not to speak any further with that pesky newspaperman at the California Register, or anyone else for that matter.

While we do not like law enforcement officials depriving our readers of pertinent information, their instruction to witnesses is wise counsel. Any case weakens when a witness tells us what he/she saw, then conveys the same story to a sheriff's deputy, with perhaps some slight variation. You can hear the defense counsel later barking in court to create doubt in the mind of jurors, "Well which version is correct, the version you told the newspaper, or the version you told law enforcement?"

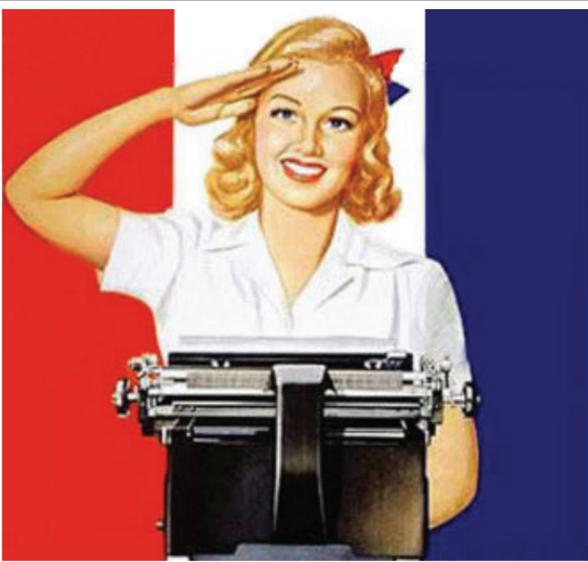
The sad part of all this, is that we are finding these witnesses before the sheriff does. What's wrong with that picture? What's worse is the fact that in two decades since Kristin Smart disappeared, no one from law enforcement has asked Dennis Mahon for information he possesses about the case. Dennis is a walking warehouse of knowledge regarding the Kristin Smart case. Law enforcement's action (and obvious lack of action) makes people wonder if they ever really wanted to find the body of Kristin Smart.

At the request of the sheriff's department, we are withholding the name of the eyewitness and the specifics of what he saw that evening. But rest assured dear readers, we are keeping a close eye on how law enforcement is prosecuting the case.

ANOTHER WITNESS HAS AN INTERESTING WAL-MART PARKING LOT CONVERSATION

On August 14, 2015, Christopher Garland pulled into a parking space at the Wal-mart in Santa Maria. He was approached by a man who saw the Kristin Smart bumper sticker on his car. The gentleman tells Chris Garland that he was once at a party also attended by Ruben Flores who is Paul's father). Ruben had a few drinks and suddenly blurted out that Kristin Smart was 'rolled up in carpet and covered with concrete,' or words to that effect. There's a Latin phrase which says, "in vino veritas," which means "in wine, there is truth." Did alcohol loosen Ruben's tongue causing the truth to come spilling out of his mouth?

On August 20, 2015, a detective from the sheriff's office spoke with Chris Garland, then tracked down the man who told Chris what he allegedly heard Ruben say at the



NBC affiliate - KSBY TV-6 has become "PBS" (The Parkinson Broadcast System)

Only reporting news the sheriff approves!

party. He corroborated with law enforcement officers word-for-word what he told the gentleman who relayed the conversation to Chris Garland. We have been asked by law enforcement to withhold the man's name.

Christopher Garland and his wife Lisa have six children, five of which are girls. The Kristin Smart story has a special meaning for the Garlands, as they could not bear the thought of losing any of their children. The Garlands are to be commended for doing something, and getting involved. There are many in our community who have information, but have thus far failed to come forward. They simply don't want to get involved.



INSIDE THE MIND OF PAUL FLORES

The more we dug into the disappearance of Kristin Smart, the more the focus was on Paul Flores as the prime suspect in Kristin's murder and disappearance. We believe Paul killed Kristin, because according to his college roommate, he said he killed her. Over the years, we have asked many people for their impression of Paul Flores and what makes him tic. A picture of Paul is beginning to emerge. Readers are encouraged contact us in order to add or correct our analysis of Paul. We have always had a standing invitation for Paul to tell his side of the story. That offer still stands.

Our analysis of the man Paul Flores is drawn from information received from those who have personally known him, or have information about him they believe is credible. You as the reader, can make your own conclusions about whether Paul Flores might be involved in the murder and disappearance of Kristin Smart. We believe that someone in the Flores family was responsible for Kristin's disappearance simply because BUSTER the cadaver dog has alerted multiple times behind the Flores' home in Arroyo Grande, California. His alerts are strong evidence that a human body is or

he was shunned, but sometimes other school chums would let him hang around for entertainment, or because Paul bought the beer.

It was readily apparent that Paul had difficulty with establishing healthy relationships, be it male or female. The boys would make fun of him, laughing at his braggadocios sexual conquests no one thought was true. He was viewed by many as just an oddball. The girls thought he was "creepy," a word that keeps coming up in virtually every interview we conducted. Paul lacked in the social graces and really didn't know how to start a conversation with a female.

In the years before Kristin disappeared, Paul Flores arrived at Lisa Obregon's home to attend a party. Lisa and Paul were coworkers at the local Jack-in-the-Box restaurant. Paul parked his truck in the driveway, but was asked to move it to the street. Brandi, a friend of Lisa's, was excited about soon getting her driver's license and asked Paul if she could move his truck for him. Paul tossed her the keys and got in the truck with her. He told her to drive around the block and park in front of the house on the street.

While she was driving, Paul kept slipping his hand between her legs and attempted to kiss her. She did her best to battle back his aggression while attempting to properly maneuver the vehicle. She was yelling at him to stop feeling her up. Paul grabbed the steering wheel and told her she could not go back to Lisa's house until she kissed him. Her battle against his unwanted touching continued for several minutes. Finally, Brandi shouted that she would crash his truck into a nearby home if he didn't get his hands off of her. Realizing that she could very well do that, Paul finally backed off. She couldn't wait to get out of his truck and get far away from Paul Flores.

Alcohol appears to be a major problem for Paul. He was generally very quiet and shy around people, but once he started to drink, it gave him liquid courage to be obnoxious. It wasn't uncommon for Paul to go up to someone's girlfriend at a party and begin rubbing her leg or pinching her rear end. His objectionable and annoying behavior got him tossed out of many parties.

Not long after Kristin disappeared, Paul attended a party at a friend's home. His friend's mother asked Paul point blank, "What did you do with Kristin Smart?" Everyone looked at Paul to see his reaction. Witnesses say Paul became suddenly



Susan Flores (Paul's Mother)



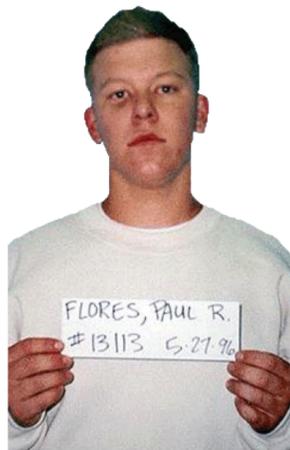
Eyewitness believes he saw Paul Flores digging Kristin Smart's grave; his name is being withheld at the request of law enforcement.

withdrawn. His face turned beet red for a few moments, but quickly turned pale. Someone at the party was videotaping and clearly recorded his response. After the party was over and he left, they played it over several times thinking it might be important for law enforcement to see his reaction. It was turned over to the sheriff's office, but only so they could make a copy. The owner of the video never got their video back from the sheriff's department.

A few months before Kristin disappeared, Paul was apprehended by San Luis Obispo Police for climbing up a second story balcony to the apartment patio where Cal Poly coeds lived. They weren't sure if he was planning to break in or was a peeping tom. The young women decided not to press charges.

Also, in the months leading up to Kristin's disappearance, Paul was suspected of making several harassing phone calls to Cal Poly coeds. The phone would chronically ring over and over again. The young woman could tell there was someone on the other end of the phone, but the caller would remain silent. This was in the day when people relied on landlines for communication. When Kristin disappeared, very few people owned a cell phone, and those who did have them suffered from limited coverage. Since it was near the end of school, the coeds elected not to have a phone tap placed on their apartment phone as suggested by police.

Several years after Kristin disappeared, Paul lived with a girlfriend in Lawndale, California. Some friends came over to their apartment for drinks. Paul's girlfriend and the others were teasing Paul about something he did or said that was funny. Suddenly, Paul decided he was being disrespected and grabbed a butter knife from the table. He moved behind his girlfriend putting his arm around her neck in a choke-hold position and placed the butter knife against her throat. The light banter of a party atmosphere came to an abrupt halt.



Paul Ruben Flores
May 27, 1996, two days after Kristin Smart disappeared. Paul's black-eye is plainly seen under his right eye.



The bumper-sticker seen on vehicles around the California Central Coast. If you want to join the effort, go to Find Kristin Smart on Facebook



Instantly, the mood turned dark. Everyone stopped smiling. Later, a friend told Paul's girlfriend to get out of that relationship as soon as she could. None of these people knew about Paul's past and his connection to the Kristin Smart disappearance. Paul's overreaction to the ribbing he was receiving frightened everyone. Eventually, the girlfriend dissolved her relationship with Paul. Investigators had discovered scratches on Paul's arm immediately after Kristin disappeared. The marks on Paul's arm appeared to be defensive scratches as if he had his arm around Kristin's throat and she was attempting to pull his arm away from her throat as she gasped for air. Or, maybe it was just as Paul told investigators, his arm scratches were the result of falling in some bushes.

Seasoned detectives know from experience that murder is an insidious thing. Once a man has dipped his hands in blood, sooner or later, he'll feel the urge to kill again.

If Paul did kill Kristin Smart as he told his college roommate, has he killed anyone else? The relatives of Amber Lee Hill believe that Paul was involved in Amber's 2007 murder and disappearance. Amber and Paul both worked for the Coca-Cola Company in Los Angeles. Amber was working on the same shift and in the same department as did Paul Flores, but at different bottling plants. Amber disappeared after leaving work on January 9, 2007. Her body was found on January 24, 2007, wrapped in bubble wrap used in the bottling plant. It still remains an unsolved mystery. Whittier Police say they have no connection between Paul Flores and the death of Amber Lee Hill, but Amber's sister believes Paul was indeed involved with her death.

Paul may have been deeply affected by the way his father treated him and his mother. After a few drinks, Ruben would occasionally use his wife (Susan) as a punching bag. At one time she was admitted to an Arroyo Grande hospital because of an alleged beating she received from Ruben. Sometimes, young men grow up believing that abusive behavior towards women is acceptable conduct, especially when they witness verbal or physical abuse from their own father towards their mother. Did Paul pick up some of daddy's bad habits with regards to how he treats women?

The picture of Paul Flores is that of a mixed up young man. He tried desperately to fit in and be accepted, only to be rejected and ridiculed. Paul probably felt that no one understood him, or cared about him personally which could have resulted in angry outbursts from time to time. Some of us are good managers of anger, and others are not. Aristotle said, "Anyone can become angry, that is easy...but to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way...this is not easy."

SUSAN FLORES

Paul's mother Susan Flores may have been deeply protective of her son. She may have even stepped in on several occasions to protect Paul from his father's physical or verbal abuse. Susan may have gone so far as to protect Paul from the law as well. We have some readers who fervently believe in psychics. It's interesting to note that, a psychic told one of our readers that Susan Flores is the one who came up with the idea to bury Kristin in the backyard, that she is the one who "wears the pants" in the family and makes all the decisions. While we don't necessarily believe in psychics, it may be indeed true that Susan was the main decision maker. It may have been her idea to bury Kristin under the backyard patio.

There are those who believe that Susan Flores is the nicest person you would ever want to meet. Others, believe she is the devil incarnate. Years ago, the Flores family endured a tragedy when Susan's 91-year-old grandmother was burned to death. Susan's mother, Ruth Kinsley was battling cancer and could no longer care for Susan's grandmother, Erma Gilbert. The decision was made to have grandma Erma move in with Susan at her home on 529 E. Branch Street. Whether she liked it or not,

Susan had to become grandma Erma's primary caregiver. Susan had a nurse look after grandma when she had to go out of town. In one particular case, Susan was in a hurry to get on the road and decided to leave before the nurse arrived. After Susan departed, Grandma Erma attempted to make breakfast for herself. During the course of making breakfast, her robe caught fire from the stove or toaster or something. Because it's difficult to shed clothing quickly at 91-years-of age, Erma was burned over 80% of her body. When the caregiver arrived, grandma Erma was sitting in a chair writhing in pain from second and third degree burns. She was rushed to the burn center in Fresno where she later died. People close to the family say it all could have been avoided had Susan waited an additional twenty minutes for the caregiver to arrive before departing on her trip.

THE SHERIFF'S CONUNDRUM

There is mounting evidence that Kristin Smart was murdered on the Cal Poly campus, and buried in the left rear corner of the home belonging to the Flores family at 529 E. Branch Street, Arroyo Grande, California. There is also mounting evidence that law enforcement entities, know Kristin is or was buried behind the Arroyo Grande home, but do not want to retrieve Kristin's body (at least not right now).

Specifically, these are the reasons we believe Kristin Smart is buried in the backyard of the Flores' Arroyo Grande home?

1. Paul's college roommate Derrick Tse said Paul told him he killed her (Kristin), and she is at his mom's.

2. Paul lied about how he received his black-eye noticed by fellow students the day after Kristin disappeared. Furthermore, Paul had no plausible explanation for the scratches on his arm. The scratches may have been made by Kristin as she attempted to pull his arm away from her throat gasping for air.

3. The bloody earring found on the backyard patio of 529 E. Branch Street by Mary Ann Lassiter. When it was described to Kristin's mother she remembered a similar set of earrings that were Kristin's favorite pair. The turquoise earrings were never found in Kristin's personal belongings. The earring was received as potential evidence by the San Luis Obispo County Sheriff's Department, and then carelessly or intentionally "lost."

4. Paul's father, Ruben Flores allegedly tells a phone contractor by the name of Gus, "That bitch deserved to die."

5. Eyewitness came forward who believes he may have actually witnessed Paul Flores digging Kristin's grave the weekend she disappeared.

6. A witness said Ruben Flores told him at a party that Kristin was rolled up in carpet and buried in concrete.

7. FBI Special Agent Jack Shafer said the failure to dig up the concrete planter box in the left rear corner of the property was a "missed opportunity."

8. Six cadaver dog alerts on the soil around the left rear corner of the Flores' home, four from BUSTER, and one from two other cadaver dogs each, both of which are certified.

9. Even though the Flores family allowed a voluntary provisional search of their property in 2007,

they have not demanded a complete search to fully exonerate their name and determine once and for all, that Kristin Smart is not buried on their property. The common human reaction from anyone who is innocent, is to act innocent. An innocent person, beset with allegations there is a body buried on their property, would scream at the world and demand the property be completely excavated to prove that no one is buried there. Local contractors have offered to excavate the property for free, and if Kristin is not found, they will repair any damage making the property just as they found it.

The bottom line; Kristin Smart is buried in a clandestine grave in the Flores backyard, and three sheriffs in a row, have always known it. But, if Sheriff Parkinson knows she's there, why in the world isn't he bringing in his own cadaver dogs and getting a warrant to finally clear that backyard? Any rookie cop would know that backyard must be cleared first before moving further with the case.

If the Sheriff Parkinson digs up the Flores backyard and finds Kristin, he's got another problem. A tremendous public outcry will rise up to demand that Paul Flores be arrested and charged with murder. If Sheriff Parkinson has insufficient evidence to prove murder, the jury will find Paul "not guilty." This means that Paul might receive minimal time in jail for burying a body, then set free. Can we now see the importance of the "bloody" earring which was allegedly "lost" by the sheriff's department about six months after Kristin went missing?

Sheriff - Coroner Fiscal Year 2015-16 Proposed Budget		Fund Center 136
Gross: \$60,000 General Fund support: \$0	Purchase 2 Crimepoint Grab and Go Portable IP Surveillance System kits.	1. Provide a multiplier to aid in early detection of joint operations directed at maritime smuggling. 2. Allow the Sheriff's Office to prospectively identify and offload the most serious offenders.
Gross: \$65,000 General Fund support: \$0	Purchase graphic arts and engraving equipment.	1. Operate a vocational graphic arts and engraving program for the inmates at the County Jail. 2. Partially offset the costs of the program by offering the products and services generated by the program for sale to county and state agencies, Federal government, municipalities, and qualified nonprofit entities.
BUDGET AUGMENTATION REQUESTS NOT RECOMMENDED		
Unit Amount	Description	Results
Gross: \$178,787 General Fund support: \$178,787	Add 1.00 Sheriff's Deputy dedicated to unsolved/cold case homicides.	Provide the Sheriff's Office a valuable position focused on homicides and other high level unsolved crimes that might now be solvable through DNA examination and current investigative techniques.

Excerpt taken from page C-125 of the proposed county budget where the budget office recommended the County Board of Supervisors **NOT FUND** the sheriff's request for a full-time cold-case detective. On June 16, 2015, the San Luis Obispo County Board of Supervisors approved the budget, thereby approving the recommendation denying Sheriff Parkinson the cold-case detective he requested.

FORMER SHERIFF EDWARD C. WILLIAMS

There are those who believe that Paul's father Ruben Flores had some sort of association with former Sheriff Ed Williams when the Flores family lived in the LA area. All we know is that the Flores family and Ed Williams once lived in the Los Angeles area, beyond that, any association they may have had is unknown. Williams was the sheriff when Kristin disappeared and when the earring was found on the patio behind the Flores home, which disappeared from the sheriff's custody. Williams was sheriff of San Luis Obispo County from 1986 to 1998.

LA Times Reporter Peter H. King wrote in a June 18, 2006, article...

In the end, (Paul's) black eye and bad body language and barking (cadaver) dogs, the radar anomalies

and lost earring never added up, in the view of those who would make the decision, to a case that supported an arrest. On the one-year anniversary of Kristin's disappearance, the sheriff of San Luis Obispo County, whose department had come aboard at Cal Poly's request about a month into the investigation, made a staggering admission.

"We need Paul Flores to tell us what happened to Kristin Smart," then-Sheriff Edward C. Williams told the San Luis Obispo Tribune. "The fact of the matter is we have very qualified detectives who have conducted well over a hundred interviews, and everything leads to Mr. Flores. There are no other suspects. So absent something from Mr. Flores, I don't see us completing this case."

Even a student with a 0.6 grade-point average could grasp the implications of the sheriff's remarks.

Flores invoked his 5th Amendment right against self-incrimination before a grand jury. He followed the same course in a deposition conducted by the Smarts' attorneys. He rejected a deal that had been put together in conversations between the district attorney and his lawyer.

The terms required Flores to plead guilty to involuntary manslaughter, reveal what happened to Kristin and lead authorities to her body. In exchange, he would receive a six-year sentence and the Smarts would agree not to go after him in civil court.

The Smarts, in fact, have filed a wrongful-death suit, but it has been stalled by the refusal of law enforcement officials to turn over evidence gathered in an active case. In response to the lawsuit, Flores has denied "both generally and specifically

but found not-guilty of having anything to do with Kristin's death? Should that happen, Paul could walk the streets proudly boasting into a bull horn, 'I killed Kristin Smart and there's nothing anyone can do about it.' Because of the double jeopardy rule, it would be true. Paul Flores would risk no legal repercussions by admitting openly that he killed Kristin Smart. Would that make the public feel more secure knowing law enforcement just put a known murderer on the street?

Should Parkinson initiate any action to dig up Kristin's body before he has gathered enough evidence to prove Paul killed Kristin, Paul would literally get away with murder. The situation could be politically catastrophic for Parkinson. Some people would hold him accountable for completely screwing up the case and putting an admitted murderer back on the streets. Can we see the sheriff's legal and political dilemma?

Paul Flores has already been walking the streets for two decades with complete impunity. At this point, some would say, 'what difference does it make?' Simply stated, there are two aspects to the Kristin Smart case;

1. Retrieving Kristin's body to give her family the long-sought closure they need and deserve.
2. Holding those who killed and buried Kristin accountable for their heinous crimes.

Law enforcement only gets one shot at this thing. We understand that! Presently, the sheriff and district attorney obviously believe they will not be able to get a conviction for murder even if Kristin's body is removed from Susan's backyard. This begs the question; do they think waiting twenty or thirty more years will improve the chances of a conviction? Some people are at the point where they just want closure for the Smart family more than punishment for the perpetrators.

That, my friends, is probably the reason Parkinson has not obtained a warrant to dig up the suspicious concrete planter box in the Flores backyard. If he digs, it's highly likely Parkinson will find Kristin's body in Susan's backyard and he will then be compelled to arrest Paul Flores. So is this a stalemate? Is there nothing that can be done? How about more deputies to investigate, would that help? Read on McDuff, read on...

FUNDING DENIED
is JUSTICE DENIED
*The Politics of the
Kristin Smart Case*

Actions always speak louder than mere words. The San Luis Obispo County Board of Supervisors may tell you they are genuinely concerned about the Kristin Smart case, but their recent actions tell a much different story. Most people will admit that good police work and effective crime fighting costs money. The lead investigator in the Kristin Smart case has other duties which apparently does not allow him to give the Kristin Smart case the focus it demands.

On page C-125 in the proposed 2015-16 county budget, the sheriff requested funds to hire a full-time detective to focus on homicides and other high level unsolved crimes that might now be solvable through DNA examination and current investigative methods. While he could not request a full-time detective to work specifically on the Kristin Smart case, it was understood by all, the requested funds were earmarked to help solve the disappearance of Kristin Smart. Our sources tell us

that it was County Administrator Daniel Buckshi who recommended to the County Board of Supervisors the sheriff's request for a full-time detective **NOT BE FUNDED**. We called Mr. Buckshi several times for his comment, but he did not return our call. Instead another individual from the budget office was gracious enough to call us back. Buckshi's recommendation was published in the proposed budget which normally comes out every year in late April to early May. On June 16, 2015, the San Luis Obispo County Board of Supervisors voted to approve the county budget thereby denying the sheriff's request for a full-time cold-case detective.

For proper perspective, it's important to understand that San Luis Obispo County is coming off of seven straight years of budget cuts. Even with seven years of budget cuts, we as citizens know that government waste continues unabated. Something stinks to high Heaven. Did the sheriff genuinely and sincerely submit his request? We happen to know that Sheriff Ian S. Parkinson is held in very high regard by virtually every one of the County Board of Supervisors. If the sheriff really wanted his cold-case detective position funded, all he had to do was to pick up the phone and it would have been funded. For some reason, the sheriff didn't pick up the phone. Why? But let's say that he did pick up the phone and all the supervisors told him, 'sorry sheriff, there's no more money to help you solve the Kristin Smart case? What then?

An impassioned, leadership-driven sheriff would request Stan and Denise Smart drive to San Luis Obispo for a press conference. At that point, the money necessary for a team of detectives is guaranteed. No one wants to tell a crying mother that fixing sidewalks in Paso Robles is more important than finding her daughter. It's safe bet that upon closer examination, we would discover many things were funded in the 2015-16 budget far less important than solving the Kristin Smart case.

One person we spoke with was far more cynical saying the sheriff probably made the request to give him cover with the parents. In this way, he can tell Stan and Denise Smart, 'See, I'm doing all I can to find Kristin. The politicians are your enemy, not me.' While we have been highly critical of Parkinson handling of the Kristin Smart case, we doubt he would use the budget process as a ploy for political cover. But, we still don't know why the sheriff did not pick up that phone to get his cold-case detective position funded.

FINAL RESULT: the San Luis Obispo County Board of Supervisors rejected funding that would have helped the sheriff solve the Kristin Smart case.

Had it been approved, the sheriff planned to pay that cold-case detective \$178,787 per year or \$14,899 per month. Nearly \$15,000 per month is excessive. We could hire three seasoned detectives for the same amount of money and solve this case very quickly.

We won't be so crass as to insinuate our supervisors don't care if the Kristin Smart case is ever resolved. But, we can say without a doubt, that solving the Kristin Smart case is just not a very high priority.

FBI SEARCH WARRANT

FBI Special Agent Jack Shafer drafted a search warrant back in the year 2000. It was a fill-in-the-blanks form, so all the sheriff's department had to do was enter the proper dates of when they planned to conduct the search and file it with the court. Why in the world it took over four years before sheriff deputies decided to search the Flores' property on East Branch Street is still a mystery. The foregoing is Shafer's exact warrant he gave to Sheriff Hedges to effect a search of 529 E. Branch Street in Arroyo Grande belonging to Susan Flores.

BEGIN WARRANT: *****

On May 28, 1996, California Polytechnic (Cal Poly) State University Police Officer R. Cudworth took a missing person report. The missing person, Kristin



SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS



Denise Smart (DOB: 2-20-77), was last seen on May 25, 1996 at approximately 2:30 a.m., when Paul Flores (DOB: 10-22-76) and Cheryl Anderson, (DOB: 10-10-77) escorted Kristin Smart, who appeared to be intoxicated, to Muir Hall, the dormitory in which she resided.

The Cal Poly missing person report indicated that Cheryl Anderson last saw Kristin Smart at the intersection of Grand Avenue and Perimeter Road whereat Cheryl Anderson separated from Paul Flores and Kristin Smart. Cheryl Anderson walked on Grand Avenue toward Sierra Madre Hall, the dormitory in which she resided, and Paul Flores and Kristin Smart walked on Perimeter Road toward their respective dormitories. As Cheryl Anderson departed, Paul Flores told Cheryl Anderson that he would ensure Kristin Smart got to her room.

The Cal Poly missing person's report indicated that Paul Flores last saw Kristin Smart as they neared the conjunction of the walkways leading to Santa Lucia Hall and Muir Hall. At this intersection, Paul Flores walked toward his dormitory and Kristin Smart walked toward her dormitory. Kristin Smart has not been seen since that date and time. Muir Hall and Santa Lucia Hall are next to each other, with Muir Hall being slightly uphill from Santa Lucia Hall.

The Cal Poly missing person's report indicated that, Kristin Smart's roommate, Crystal Calvin, said that none of Smart's personal property, including identification, personal toiletries and clothing were missing from her room (Refer to Attachment 1, the Cal Poly missing person report).

On June 29, 1996, a search was conducted on the Cal Poly campus, using search members from the California Rescue Dog Association (CARDA). The CARDA members used cadaver dogs in their searches. These dogs are trained to search for human remains.

On June 29, 1996, a search of the Cal Poly campus was conducted with members of CARDA and their search dogs. Four dogs searched Santa Lucia Hall separately. Each dog alerted to room #128. The door to room #128 was opened and the dogs were allowed to enter at separate times. Each dog alerted on a corner of a bed mattress on the north [left] side of the room. The dogs showed no interest in the other mattress or any other part of the room.

On June 29, 1996, the mattress on the left side of Santa Lucia Hall Room #128 was seized as evidence and removed from the room. The cadaver dogs were brought back to Santa Lucia Hall. The four dogs again alerted on Room #128. The dogs were allowed into the room at separate times and all four dogs alerted on the left side of the room, where the mattress had been removed.

Adela Morris, a CARDA dog handler said the dogs are trained to alert to human remains. Adela Morris said human body begins to decompose the moment death occurs and the cadaver dogs detect changes that take place the moment death. Adela Morris said the cadaver dogs' alerts indicated a strong possibility that a deceased body had been in that room.

Andy Rebmann of Canine Specialty Search Associates in Redmond, Washington has been training cadaver dogs since 1978. Andy Rebmann said cadaver dogs have the capability to detect bodies from right after the time of death to one documented case where a cadaver dog confirmed the location of a body 26 years after death. Andy Rebmann said the dogs detect human decomposition, through either fluids or odors. Andy Rebmann said that the dog's performance correlates to the training and experience of the handler. Andy Rebmann said the circumstances regarding the dogs alerting to Room #128 and no other rooms indicated that some odor related to a cadaver was strong

enough in the room for the dogs to detect.

On May 28, 1996, Investigator Kennedy spoke to Paul Flores in room #128, Santa Lucia Hall. During this conversation, Paul Flores was sitting on the bed located on the north [left] side of the room and indicated that the bed he was sitting on was his bed.

Cal Poly Police conducted a records check and determined no reported deaths occurred in Room #128. Cal Poly Police Detective Mike Kennedy conducted a records check and determined Paul Flores resided in Santa Lucia Hall, Room #128 during the spring semester 1996 (Refer



to Attachment 2, Search Warrant Affidavit for 50 Shooting Star, p.15).

On May 30, 1996, Cal Poly University Police Investigators Mike Kennedy and R. Cudworth interviewed Flores. This interview was tape-recorded. Investigator Kennedy asked Paul Flores to describe his activities from the last time he saw Kristin Smart and go backwards. The following excerpt reflects Paul Flores' answer:

"Okay uhm, she walked that way, I walked that way. That's the last time I saw her. Then the other girl left at the--at the corner over there and then uh--and--and a couple times like on the way, maybe probably twice you know, I went like that, just gave her kinda like a hug, 'cause she was freezin'. I---I---I remember that.

And then I thought--I remember one time over the --it probably was about the health center, like I told uh--because uh--because Roxy [Kristin Smart's nick name] was walking real slow and so then uh--I--I told the other girl that she can go if she wanted to. I remember saying that to her.

And then uh--be--'cause I was like--and then uh--and I don't even remember what we were talkin' about during the whole time. We were just--we were just walking (unintelligible)."

On June 19, 1996, San Luis Obispo District Attorney Investigators Lawrence Hobson and William Hanley interviewed Paul Flores. This interview was videotaped. Investigator Lawrence Hobson asked Paul Flores to describe the place up to where he walked Kristin Smart on May 25, 1996. The following excerpt reflects Paul Flores' answer (Refer to Attachment 5, a copy of the interview transcript, p. 13):

"Up to, um...cause--well, it has the driveway. (UNT) must be over there and just like I remember...I--I walked with her to where the driveway was and then I went up to my dorm because the walkway goes that way towards my dorm and then she started walking that way."

On July 12, 1996, San Luis Obispo Sheriff's Detective H. Stewart interviewed Derrick Tse. Derrick Tse said he asked Paul Flores about Kristin Smart's disappearance. Derrick Tse said Paul Flores just joked about it and said, "Yeah, she's at my house eating lunch with my mom" (Refer to Attachment 6, SLOCSO report of interview of Derrick Tse).

On September 30, 1996, FBI Special Agent Kevin MacGinnis spoke with Paul Flores' roommate, Derrick Tse. Derrick Tse said he spoke with Paul Flores one week after the disappearance of Kristin Smart. During this conversation Tse joked with Flores saying "You killed her and drug her body off," Flores replied,

"Yes I killed her and brought her to my mom's and she is still there."

On May 30, 1996, Cal Poly University Police Investigators Mike Kennedy (K) and R. Cudworth interviewed Paul Flores (F). This interview was tape-recorded. The following is an excerpt from that interview:

K: Take your hat off for a second Paul. (Unintelligible) ... what happened to your eye?

F: I got elbowed playing basketball.

K: Oh you did.

F: (unintelligible)

K: Okay. Uh, who were you playing basketball with?

F: Uh, I was playing with my friend Jeremy and uh--and two other guys.

On June 19, 1996, DA Investigators Lawrence Hobson (LH) and William Hanley interviewed Paul Flores at the Arroyo Grande Police Department. This interview was videotaped. During this interview, Paul Flores admitted he lied about how he received the injury to his eye. The following is an excerpt from that interview:

LH: Now, one thing—one thing that really does look bad—I don't know if you want to discuss this now...but we might as well. Um...that we—we need to really get clea—cleared up is... last time we talked to you, you had a black eye.

F: Yeah.

LH: Remember that?

F: Yeah.

LH: Okay. What did you tell us?

F: I told you I got it playing basketball.

LH: That's right. And where did you get it?

F: In my car.

LH: What car?

F: My...Ranger.

LH: Un-huh. The Ranger? And when did it happen?

F: On, uh...on Memorial Day? What? Or Labor Day, whatever it was.

LH: Monday?

F: Yeah. Happened about two o'clock in the morning.

LH: Why two in the morning?

F: 'Cause I was, um, installing my radio, cause I' selling the truck

LH: UH-huh And where were you workin' on your car?

F: In my garage.

LH: In the garage? And how did you get the black eye?

F: I hit the steering wheel. That's about it. But-but like how often do people hit their eye on the steering wheel? So..

LH: I don't know.

F: ...see. It—it was like right here so then I—went like that, popped that up and then—

LH: Ok. Let me ask you this.

F: What?

LH: Listen to me. Why didn't you tell us that?

F: Be—because it doesn't sound like a very likely thing.

Later, during the same interview, Paul Flores gives another explanation for his eye injury. The following is an excerpt from that interview.

BH: We're not making this--yeah, we're not making this stuff up.

F: (AST) Yeah.

BH: Okay? It's--we see you with a black eye...

F: Yeah.

BH: ...Cal Poly sees you with a black eye. Friends of yours sees you with a black eye. As a matter of fact, one of your friends asks you how it happened. And you know what you say to them?

F: I say I got an elbow playin' basketball.

BH: No. No. Absolutely not. Unless they're lying. Maybe this is a big conspiracy against PAUL. I don't think so.

F: And--oh --.

BH: You said, "I don't know how I got it." Exact words. "I don't know."

F: I--I might have said that but I know --I --I know I didn't tell anyone that I hit it on a steering wheel though.

LH: Why?

F: Because I make me sound like a klutz.

LH: Okay. You tell us you got it playin' basketball. Then you tell us you got it hitting it on the steering wheel. What do you tell your friends how you got it?

F: I told some of them, I guess-- I guess, um, maybe I said to someone, you know, I was telling people I just got it playin' basketball.

LH: Well, what else did you say? You just woke up with it? (UNT)

F: Yeah. I--well--well, b--because I woke on, um...

LH: PAUL, why--why do you ...

F: ...on Monday.

LH: ...tell a lie about something that means nothing? It's very important, why lie about it?

F: Well--well, it was on Monday, I guess, you know, that's that's the way I figured, it was on the steering wheel and like the day later.

LH: Can you see where we're coming from?

F: Yeah.

Paul Eckman, a professor of psychology at the University of California, San Francisco, is a noted researcher in the field of detecting deception. Paul Eckman wrote Telling Lies - Clues to Deceit in the Marketplace, Politics, and Marriage. In this book Eckman wrote: "When there is a choice about how to lie, liars usually prefer concealing to falsifying. There are many advantages. For one thing, concealing usually is easier than falsifying. Nothing has to be made up (page 29)...By falsifying only a failure to remember, the liar avoids having to remember a false story; all that needs to be remembered is the untrue claim to a poor memory" (page 30).

Ekman continued, "Another, related technique is to tell the truth but with a twist, so the victim [person lied to] does not believe it. It is telling the truth...falsely (page 37)." Based on Paul Flores' evasive answers regarding the last time he saw Kristin Smart and his evasive explanations as to how he sustained his eye injury suggests that Paul is deliberately withholding critical information regarding Kristin Smart's disappearance. Based on Paul Flores' answers to Derrick Teas' inquiry, suggests Paul Flores is "telling the truth falsely" in such a manner as to make Derrick Tse believe that Paul Flores is merely joking.

On November 14, 1997, Paul Flores' father, Ruben Flores, appeared for a civil deposition (Smart vs. Flores, San Luis Obispo County Superior Court case #CO79998) and deposed on May 25, 1996 he was living at 710 White Court, Arroyo Grande,

California and his wife, Susan Flores, was living at 529 East Branch Street, Arroyo Grande, California. Therefore, when Paul Flores stated to Derrick Tse "**Yes I killed her and brought her to my mom's and she is still there**" and "**Yeah, she's at my house eating lunch with my mom,**" Paul Flores made reference to 529 East Branch Street, Arroyo Grande, California, his mother's residence.

On January 24, 1997, Lauri Quinn, Susan Flores' neighbor living at 531 East Branch, appeared for a civil deposition (Smart vs. Flores, San Luis Obispo County Superior Court case #CO79998) and deposed she saw Paul Flores and his father, Ruben Flores, constructing lattice work in the backyard of 529 East Branch. After the construction work ceased, Lauri Quinn deposed she saw newly constructed concrete planter boxes cut into the existing cement. Lauri Quinn could not fix the date of this construction.

On June 19, 1996, San Luis Obispo County District Attorney Investigators William Hanley and Lawrence Hobson (LH) interviewed Paul Flores(PF). This interview was videotaped. In the following excerpt from the transcript of videotaped interview, Paul Flores fixed the time of construction at 529 East Branch as on or before June 19, 1996 (Refer to Attachment 8, the transcript of Paul Flores videotaped interview, page 48):

F: Well, there isn't anything but--but as I said, I already have to go. So, is it alright then.

LH: No. Not yet. We're not through yet. We haven't worked this out. Okay? Where do you gotta go at four o'clock?

F: I just have to go.

LH: Where?

F: What?

LH: Where?

F: I have to clean up some stuff. Some concrete.

LH: Where?

F: My mom's house.

On January 24, 1997, Joseph Lassiter (JL) appeared for a civil deposition (Smart vs. Flores, San Luis Obispo County Superior Court case #CO79998) and deposed he and his wife, Mary Lassitor, rented the house at 529 East Branch Street, Arroyo Grande, California on October 1, 1996. The following questions were asked by claimants' attorney, Jim Murphy (M):

M: Any construction or improvements that you are aware of as having been done, let's say, within six months of your moving in



there?

JL: Somebody just cut planters in the cement. I think their son-in-law or something.

M: Where is the cement at?

JL: The whole back yard is covered with cement. And like up against the fences, they cut square boxes out to put plants in.

M: Do you know where the cement was installed?

JL: It wasn't installed. It was taken out.

M: I mean.

JL: They cut holes in it.

M: They cut holes in the cement, but

the cement itself had to have been poured at some time. Do you have any idea when it was poured?

JL: A guess is about 10 years. It's old cement.

Jim Murphy continued his questioning of Joseph Lassiter (page 29):

M: How wide--what are the dimensions of the planter boxes?

JL: They're all different sizes. They range--the biggest one is probably about the length of your desk, say, six feet.

M: Really?

JL: Yes.

M: Does it look like it was dug up or tilled or anything like that?

JL: No, but I've already gone out there, and it only goes six inches deep. Then it's cement underneath it.

M: Is that the same for each of the flower boxes?

JL: It's for the whole block. It's got a big retaining wall, and the cement shoots out like eight, nine feet underneath, I guess.

M: Did you ever dig up the dirt to see the condition of the cement that was underneath?

JL: No.

On May 20, 2000, FBI Special Agent Schafer spoke with Phillip Sheppard, the owner of Shepard Construction. Phillip Sheppard has been continuously engaged in the construction and the cement laying business for 22 years. Phillip Sheppard was presented with Joseph Lassiter's description of the flower boxes in the backyard of 529 East Branch. Phillip Sheppard said something is "fishy" if the bottom of the flower box is filled with cement and only six inches of soil on top the cement. Phillip Sheppard said that cutting and removing the existing concrete for the construction of the flower box retaining walls is consistent with standard practice.

Phillip Sheppard said that pouring concrete inside the bottom of the flower box after the construction of the retaining walls is not consistent with standard practice in that the flower box will not drain properly thus, promoting mold growth and root rot. Phillip Sheppard said the proper construction procedure is to remove the existing cement, construct the retaining walls, fill the bottom of the flower box with gravel, placed mulch on top the gravel, and then place soil over the mulch.

On January 23, 1997, Mary Lassiter appeared for a civil deposition (Smart vs. Flores, San Luis Obispo County Superior Court case #CO79998) and deposed she and her husband, Joseph Lassiter, rented the house at 529 East Branch Street. While washing the car in the backyard Mary Lassiter found a woman's earring.

On January 24, 1997, Joseph Lassiter appeared for a civil deposition (Smart vs. Flores, San Luis Obispo County Superior Court case #CO79998) and deposed he and his wife, Mary Lassiter were in possession of a woman's earring Sue Lassiter found in the backyard of their residence at 529 East Branch Street. Joseph Lassiter described the earring as hooped with beads with a flat piece which connects to the ear and a "little beaded thing that hangs down." Joseph Lassiter said the earring had red "stuff" on it that, according to the people to whom he showed the earring, resembled blood. Lassiter tendered the earring to the San Luis Obispo County Sheriff's Office for examination. During the course of processing the earring, it was misplaced by San Luis Obispo County Sheriff's deputies and has yet to be found.

On March 4, 1997, San Luis Obispo County Sheriff's Deputy H. Stewart spoke with Gary Mann. Gary



Mann said he conducted a ground-penetrating radar (GPR) search at 529 East Branch Street. Gary Mann said he felt there was an older man-made type excavation below the second step on the east side of the house. Gary Mann said it does not look like a natural geographic feature and is about six feet long and five and one half feet deep. Gary Mann said he would run the data again to confirm his findings, but felt the easiest way to rule out this feature would be to see if it continues on the other side of the fence (Refer to Attachment 10, Mann's statement to Investigator Stewart).

On March 10, 1997, San Luis Obispo County Sheriff's Deputy H. Stewart spoke with Gary Mann. Gary Mann said he conducted additional GPR testing at 523 East Branch Street, the house adjacent to 529 East Branch Street. Gary Mann said the feature he detected in the backyard of 529 East Branch did not appear to be a natural geographical feature since it did not continue under the fence to the adjacent property.

On April 8, 1997, San Luis Obispo County Sheriff's Deputy H. Stewart spoke with Gary Mann. Gary Mann said he felt the feature he discovered in the back yard of 529 East Branch Street was backfill of some kind and looks to be man-made.

On November 27, 1998, FBI Special Agent Amy Willeke spoke with Gary Mann. Gary Mann said he conducted a ground penetrating radar (GPR) search at 529 East Branch Street and discovered some anomalies on the west side of the backyard. Gary Mann said he revised his earlier findings and was 85 to 90 percent sure that his conclusions that the anomaly he discovered were a natural excavation or erosion. However, Gary Mann said he harbored a slight doubt as to the origin of this anomaly because this was the first search he conducted for a grave site and because he did not own the ideal equipment for such a search. Gary Mann said, as he understood, a 200-megahertz radar can image the edges of an excavation while a 400 megahertz shielded radar will image a skeleton. Mann used a 200 megahertz unshielded unit.

Gary Mann said while conducting the GPR search, he saw broken pieces of concrete he understood were placed there by Ruben Flores and Paul Flores about the time Kristin Smart disappeared. Mann said he considers 529 East Branch Street "unfinished business" as he was troubled by stains on the west side of the house that showed dirt had once been piled against the house and by "splatters of dirt" on the fence four feet from the house.

On March 3, 1997, CARDA members using cadaver dogs conducted a search of the backyard of 529 East Branch Street. The dogs showed interest in a corner of the yard, where trash cans had once been kept, but they did not alert to any specific area or make any significant finds. The cadaver dog handlers speculated that the dogs showed interest in the corner of the backyard because trash cans were once kept there and the dogs were stimulated by the residual odor of rotting refuse.

Gary Mann's initial findings and the cadaver dogs' interest in a corner of the backyard at 529 East Branch Street were discounted because investigators believed, at the time, Paul Flores' mother, Susan Flores, did not reside at 529 East Branch Street at the time of Kristin Smart's disappearance. Later investigation determined that, in fact, Susan Flores did reside at 529 East Branch at the time of Kristin Smart's disappearance. Given this new information, it is possible Kristin Smart's dead body was temporarily placed in the corner of the backyard and subsequently buried therein.

Based on the information in this affidavit, it appears as if Kristin Smart disappeared under suspicious circumstances and/or foul play. Based on the information in this affidavit, Kristin Smart is deceased and either died in Paul Flores, dormitory room or was placed there

for an unknown period of time. Based on the information in this affidavit, Paul Flores is responsible for or has direct knowledge of Kristin Smart's disappearance and/or death. Reasonable cause exists to believe that Kristin Smart's body is buried in the back yard of 529 East Branch Street. This belief is based on the following:

1. Kristin Smart left behind all of her personal property, including but not limited to: personal identification,



personal toiletries, and clothing;

2. Kristin Smart has not been seen or been in contact with anyone since the date of her disappearance;

3. Paul Flores admitted to and was identified as being the last person to be with Kristin Smart on the date she disappeared;

4. Paul Flores made inconsistent statements to investigators regarding the last time he saw Kristin Smart and about the eye injury he received on or about the date Kristin Smart disappeared. In fact, Paul Flores admitted that he lied to investigators about how he sustained the injury. A person who was not involved in the disappearance of Kristin Smart would have no reason to deliberately withhold information or make inconsistent statements or lie to investigators.

5. Court certified cadaver dogs from CARDA alerted on Paul Flores, room and more specifically on the mattress used by Paul Flores. These dogs walked through the dormitory, passing by numerous other rooms, and did not alert on any room but Room #128 where Paul Flores resided.

6. Susan Flores' neighbor, Lauri Quinn, saw Paul Flores and his father, Ruben Flores, constructing lattice work in the backyard of 529 East Branch. After the construction was completed, Lauri Quinn saw new concrete flower boxes cut into the cement.

7. Joseph Lassiter deposed that within six months of renting the residence at 529 East Branch Street, flower boxes and cement steps were installed. Joseph Lassiter deposed that one of the flower boxes is approximately six feet long and the bottom of this flower box is filled in with cement.

8. Phillip Sheppard, an experienced cement worker, said that the presence of cement in the bottom of the flowerbox is "fishy" in that the flower box in the backyard of 529 East Branch will not support healthy plant growth without proper drainage.

9. Mary and Joseph Lassiter deposed they found an earring in the backyard of 529 East Branch Street with an unknown red substance on it. Lassiter said this substance was not on the metal of the earring where rust would appear but on the turquoise stone which cannot rust.

10. Cadaver dogs showed interest in a corner of the backyard at 529 East Branch Street.

11. Gary Mann conducted GPR search of the backyard at 529 East Branch Street and initially discovered what he thought to be a man-made excavation approximately six feet long and five and one-half feet deep. Although Gary Mann later revised his findings because he was inexperienced and did not use the right equipment, he considered the backyard at 529 East Branch Street

"unfinished business."

12. Gary Mann saw that dirt in the backyard at 529 East Branch Street was disturbed and appeared to have been piled up next to the house and residual dirt splattered on the cement block fence located on the Westside of the property.

13. Gary Mann observed pieces of cement which were supposedly placed there by Paul Flores and his father, Ruben Flores, at or near the time Kristin Smart disappeared.

14. Paul Flores sets the date for the construction of the cement work he did in the backyard at his mother's house, 529 East Branch Street to on or before June 19, 1996. In that Paul Flores said he had to clean up, the actual construction took place at least several days before June 19, 1996.

Based on the information in this affidavit, I believe that Kristin Smart is deceased and that her death and/or the disposal of her remains are a result of a criminal act. Therefore, I request to search 529 East Branch Street for Kristin Smart's remains, personal effects and other items that constitute evidence pertaining to this case and previously mentioned in this affidavit.

END WARRANT *****

The California Register has a standing request with the sheriff for the actual search warrant that was filed with the court. The court where the actual warrant was filed said they did not have a copy. According to court procedures, unless an arrest is made, all documents are destroyed after ten years. We then went to Sheriff Parkinson requesting a copy of the warrant under the California Public Records Act. The reason for our request was that a comparison of the warrant drafted by the FBI, and the warrant that was actually filed with the court, may shed light on why the suspicious concrete planter box behind the Flores home was never excavated. There seems to be lots of finger-pointing going on and we wanted to get to the bottom of it.

COUNTY LAWYER ANN
DUGGAN SAYS NO

Deputy County Counsel Ann Duggan representing Sheriff Parkinson denied our request for a copy of the 15-year-old search warrant filed in year 2000, pertaining to the search of 529 East Branch Street, Arroyo Grande. Duggan stated the documents we requested are protected from disclosure pursuant to Penal Code section 6254 (f). She went on to say, the documents we requested were previously the subject of two subpoenas from 1996 and 2002, which also sought disclosure. The subpoenas were in connection with two different civil cases; Smart vs. Flores, Case No. CV79998, and Smart vs. Flores, Case No. 20315.

The first involved a case which was dismissed by the Smart family in 2000. The second (2002) subpoena was also denied, but appealed. The court handed down a decision saying the criminal file on the case should be protected from disclosure to the parents as well as the general public. According to Duggan, the court's decision prevents disclosure because the public's interest in protecting the integrity of the criminal investigation outweighs the parents' desire to know.

Since the court's decision was "unpublished," it meant the court would consider reviewing the case again in the future. It's been well over a decade since the court heard the case and they might be willing to revisit the issue. If you are an attorney who believes in Freedom of Speech, contact us immediately. The parents wanted a release of the entire sheriff's file. We, on the other hand, requested only the search warrant on the Flores home (and all related documents). This included the affidavit, all attachments, return to search, police report and service of the warrant.

SEARCH WARRANT
IMPORTANCE

The sheriff's office can obtain a search warrant within fifteen minutes if they really wanted to. For some reason, it took the San Luis Obispo Sheriff's department over four years to get a search warrant for the backyard of the Flores' home. This is especially disturbing when law enforcement knew that concrete was poured in the backyard the same weekend Kristin disappeared. They also knew the alleged bloody earring was found on the back patio of the Flores' Arroyo Grande home about six months after she disappeared. Law enforcement also knew the last person to see Kristin alive received a black eye and scratches on his arm that weekend, which he lied about twice. When law enforcement finally got around to requesting to inspect Paul's mini-pickup truck, Paul said he lost his pickup or it was stolen or some other ridiculous explanation.

When law enforcement finally searched the Flores home over four years after Kristin disappeared, Undersheriff Steve Bolts told Dennis Mahon "we took a vote" on whether to dig up the suspicious concrete planter box. When the "ballots" were tallied, it went against digging up the suspicious planter box. When a San Francisco Chronicle reporter asked why deputies did not dig up the planter box, the Undersheriff's story changed. This time he blamed it on a poorly written search warrant. The new excuse for not digging up the planter box was because the warrant was written too narrowly, which prevented deputies from digging further. The author of the warrant, FBI agent Jack Shafer emphatically disagreed. Shafer said he wrote the warrant specifically to dig up the suspicious concrete planter box.

When criminal suspects begin changing their stories, it's a warning flag. When law enforcement officials begin changing their stories, it's no less suspicious.

Why are the search warrant and related documents so important? The California Register believes that new information could be surmised by comparing the search warrant drafted by the FBI with the warrant which was actually filed. Did the filed warrant exclude the planter box? Or, did law enforcement basically use the warrant drafted by the FBI which called for digging up the planter box? A search warrant is a command of the court. Law enforcement had no choice in the matter but to execute the warrant as it was drafted and approved by the court. Did sheriff's deputies comply with the command of the court and fully execute the warrant, or did they pick and choose what areas of the property they were going to search? A comparison between the draft and the warrant which was actually filed might answer that question.

FBI TO MRS. SMART

On Mar 01, 2007, FBI agent Jack Shafer wrote an email to Kristin's mother...

As I recall, Susan's (Flores) backyard was almost completely filled in with cement. Centered at the far end of the backyard there was planter measuring approximately 6 feet by 3 feet. This planter was unusual in that it was built directly on the cement. I went to a landscaper and asked him if this was the correct way to build a planter.

He said definitely not because the planter could not drain properly; the plants must have access to the earth below the cement to drain and grow properly. In other words, the bottom of the planter must not be filled with cement.

As I recall, the planter was built the weekend after Kristin disappeared. Paul even mentioned this fact during an interview he did with the police. Additionally, the neighbors saw Paul and others building the planter and thought it was unusual because they worked late into the night to get it built.

I also recall that there were three smaller planters adjacent to the main planter. At the time, I recall thinking that the 6' by 3' dimensions of the planter was eerily similar to the dimensions of a grave. During the search warrant, they used GPR

(ground penetrating radar) to look for abnormalities, but did not find any.

Also someone pointed out that the retaining wall has a very wide base that would have extended underground to support the volume of earth on the hill on the other side of the wall. And this wide underground base support would preclude someone from burying a body there. I disagreed and still disagree. I learned that the real reason was that the police did not want to break up the concrete under the flower box because they did not want to pay to replace the cement in the event Kristin's body was not found. My contention all along was that Paul with the help of his father (Ruben) and, at least, with the knowledge of (his mother) Susan, buried Kristin under the flower planter. I was disappointed when I learned that they did not look under the flower box.

I was not there for the search warrant, so much of my information is hearsay and the two times I looked into her backyard in order to prepare the search warrant. If the flower box has been altered or not there anymore, then I can see why Susan would allow a second search because Kristin's remains would have been removed during the renovation.

I also recall that a dog hit on the corner of the yard where the trash cans were located. This spot is some distance from the flower planter. I spoke with a dog expert and she told me that with concrete is not unusual for the scent to migrate under the concrete until it hits a crack or a seam, which was formed in the corner of the yard where the trash cans were located.

Another dog expert said that the dog hit on rotten animal bones and possibly chicken, beef, or pork bones that were thrown out. The first dog expert told me that dogs are taught to discriminate between animal remains and human remains.

I also recall that a police officer found a piece of Southwestern-type jewelry in Susan's backyard with a brownish reddish dried substance on it. Unfortunately, the police officer lost this evidence on his way to the police station. I believe it was an earring. Did Kristin like Southwestern-type jewelry? Nonetheless, I think the police missed an opportunity to resolve this question one way or the other. I hope this helps. Just remember I'm relying on my memory of several years ago.

KSBY BECOMES "PBS"
(Parkinson Broadcasting System)

More and more, it appears that KSBY TV-6 news division has become nothing than a mouthpiece for Sheriff Parkinson. We are told by our NBC contacts in Los Angeles that many dedicated and



professional people work at KSBY. We must therefore be guarded not to stereotype an entire organization because a few people are making bad decisions with regards to the Kristin Smart case. Each year, since Kristin Smart disappeared; KSBY-TV, and other news-gathering organizations, have provided their viewers, readers and listeners the annual obligatory news segment on the disappearance of Kristin Smart, on or near the anniversary of her disappearance. According to a former KSBY employee, the first airing of anything on Kristin Smart occurred on July 23, 1996. We could never find out why in the world it took two months before KSBY aired anything on Kristin's disappearance from Cal Poly. KSBY's reporting has always regurgitated the same information; Kristin is still

missing, her parents still grieve and the sheriff is still searching. Year after year, it's the same old thing over and over again; blah, blah, blah. There is no real news, just a painful yearly reminder that a college coed vanished from the Cal Poly campus.

Retired police detective Paul Dostie who brought his cadaver dog BUSTER to sniff the area around the Flores' Arroyo Grande home contacted KSBY news journalist Amanda Starrantino in May 2015. Dostie both emailed and spoke with Starrantino saying he was glad to give KSBY the "Holy Grail" on how cadaver dogs work and the significance of the alerts behind the Flores home. Starrantino responded back to Dostie saying she would 'chat with her managers' and get back to him. Dostie never got a returned call. KSBY was simply not interested.

In small communities like San Luis Obispo, people in authority tend to look out for each other. This means the rule-of-law frequently takes a back seat to protecting "good time Charlie." It also means that local news-gathering organizations prefer to accept official statements from local governmental authorities, and pass it along to their viewers, readers and listeners as truth. Why conduct an investigation, when parroting official statements is faster, easier and cheaper? No muss, no fuss. The people are happy, the college is happy and the sheriff is happy, even the suspects are happy. Everyone is happy, except the Smart family and those of us who believe in the reason for our First Amendment.

We are certain that Amanda Starrantino is sincerely interested in doing an intellectually honest and professional job as a video news journalist. Unfortunately, the decision-makers at KSBY made the decision to limit Amanda's reporting and provide KSBY viewers with only a sanitized version of the Kristin Smart story, thereby omitting critically important information. Were they told by the sheriff's department not to mention BUSTER's alerts? Or, did they decide on their own to ignore BUSTER's alerts.

Perhaps, KSBY has such a tight budget that taking the extra time to make phone calls and more interviews would have been too expensive. Maybe their budget did not allow for an adequate investigation of the Kristin Smart story. Of course, that's a very weak defense. It doesn't take very much money or time to make a simple phone call. Had they done so, they would have discovered the fact the most famous cadaver dog in the world has alerted four times behind the Flores' home in Arroyo Grande. They would have discovered also that soil samples from the area were sent to other police officers, and their dogs also alerted. In other words, KSBY would have discovered that a human being is buried behind the Flores' home in Arroyo Grande.

Not only is it easier and cheaper to ignore these cadaver dog alerts in the Kristin Smart case, it's also politically wise. Ignoring multiple dog alerts and the soil forensics, made it not only less expensive to produce the television segment, but it also keeps the sheriff on your side. Again we ask, has the sheriff's spokesperson who used to work for KSBY requested the station not mention BUSTER's alerts? Once again we have to ask, is the KSBY news division an extended mouthpiece for the sheriff's office?

What does KSBY risk by going along to get along? The only risk we envision is that KSBY could end up with irate parents screaming in the lobby and demanding to know why they are not telling the whole story about their daughter's disappearance. What if diehard supporters of the effort to find Kristin descended on KSBY with their signs and bullhorns demanding to know why they are not telling the whole story about Kristin Smart.

Because of the obvious embarrassment, we doubt KSBY would air any video of upset parents in their lobby. Nor would they interview any of the protesters in their parking lot. KSBY's reporting on Kristin Smart's disappearance is severely lacking and material facts affecting the case. For some unknown reason, the truth of what is going on behind the scenes is being



denied to their viewers. KSBY finds themselves in a difficult place. The station is walking a tightrope. On the one hand, they need to appease Stan and Denise Smart along with their die-hard supporters, while preserving a good relationship with the county sheriff. It appears that KSBY's strategy has worked perfectly for two decades. If ignoring material facts of the case is a business decision to save money, that's one thing; but, if ignoring material facts is being orchestrated to prop up the integrity of a dubious investigation, that's quite another matter.

Make no mistake, KSBY has many dedicated and professional people, but their investigation of the Kristin Smart case has been pathetic at best. We think it's time they start really investigating the Kristin Smart case and provide their viewers with a clear picture of what is going on, and more importantly, what's not going on. If for no other reason, do it because **"The people have a right to know."**

SUBTLE VISUAL DECEPTIONS

As viewers, we must be very careful when we watch television not to be lead down a primrose path by deceptive editing. In the June 20, 2015, segment aired by KSBY-TV, they briefly showed some video of a large piece of excavation equipment digging away in the backyard of the Flores' home. This made the viewers believe that no stone was left unturned to find Kristin Smart. Visually, it appeared to be a thorough search of the property. The deception works well until you realize that over nineteen years and two alleged searches of the Flores' property, they always avoided digging up the suspicious concrete planter box tucked in the left, rear corner.

When any news-gathering organization intentionally ignores important material facts, they are practicing the art of lying by omission. Facts omitted by design to deceive people in the hope they will embrace a certain version of a story or narrative. Lying by omission is an art that politicians use to guide people to a desired conclusion. Seldom are fact-omitters ever accused of lying. But make no mistake; omitting facts with the intent to deceive is simply another form of lying. It's just as wrong as direct, bald-faced lies.

There's generally a tacit policy in small towns across America, which basically states that the good name and reputation of the town along with its leaders are to be protected from scandal at all costs. Truth and justice go right out the window. With the Kristin Smart investigation, now going on two decades, it's painfully obvious that San Luis Obispo is stricken with the same disease. The tacit policy of silence is understood by everyone, without being openly expressed. The rule-of-law is cast aside when any event occurs which might taint the idyllic vision people have of their town and university.

A DATE RAPE DRUG SOLD IN CAL POLY'S BOOK STORE

Here's more information you wouldn't hear from KSBY. If you can believe it, a popular date-rape drug was actually sold at the Cal Poly bookstore in 1996. All you needed was your student ID card to purchase the product.

It was called "Ketamine" (street name: special "K"), and was primarily used by veterinary students. Ketamine is often used for its anesthetic and analgesic effects on cats, dogs, rabbits, rats, and other small animals. It is an important part of the "rodent cocktail", a mixture of drugs used for anesthetizing rodents. Veterinarians often use ketamine with sedative drugs to produce balanced anesthesia and analgesia, and as a constant-rate infusion to help prevent pain wind-up.

Ketamine was a popular date-rape drug because when ingested orally, it takes effect within about ten minutes and lasts about two hours. The drug also causes confusion and amnesiac effects, which was very good for the rapist. If a female victim found herself on the witness stand her recollection of events could be detrimentally affected helping the perpetrator(s) to introduce doubt

in the mind of the jury. The drug not only makes the victim unable to resist, but makes it more difficult to remember the specific details of the rape. In that regard, it was a perfect date-rape drug. The victim cannot resist, nor can she bear witness either.

Did Paul Flores buy Ketamine from the Cal Poly campus book store to keep in his pocket for a target of opportunity? Did Kristin Smart become that target of opportunity that night at the party in 1996? Did Paul stalk Kristin during the party and successfully dope up her drink with a plan to get laid that night? Were cash-register tapes from the campus bookstore retrieved after Kristin disappeared to see if Paul Flores was a purchaser of the Ketamine drug? The truth of what really happened may never be known because so much time has elapsed, and due to law enforcement's bungling of the case. Some believe it was "bungling" and poor police work, others believe the entire Kristin Smart case was intentionally covered-up?

WHO WOULD GAIN BY COVERING UP THE KRISTIN SMART CASE?

When things don't make sense, ask yourself who would gain or lose if Kristin Smart was found. If Kristin was found, would there be any other losers besides the people connected with her death and disappearance? If Kristin's drinks were laced with a date-rape drug (Ketamine) purchased at the university bookstore, the liability for her death would go into the ozone. If Ketamine was purchased from the campus bookstore and contributed to Kristin's death, could Cal Poly be considered an accessory to murder before the fact? Or, was it just a case of simple negligence?

If a student purchased a date-rape drug at the campus bookstore resulting in the death of a Cal Poly coed, the public relations hit could potentially have been catastrophic. There might be a precipitous fall off of recruiting with each headline, as the trial would drag on in the courts. For example; if a rape and murder trial dragged on in the courts for three years or more, recruitment of new freshmen, especially coeds, might suffer badly, lasting many years during and beyond the trial. Or, maybe Cal Poly officials weren't worried about recruiting deficits at all. Cal Poly annually receives about 17,000 enrollment applications and accepts only about 3,000 to 4,000.

With a hard-hitting Madison Avenue advertising firm hired to counter truth-driven, chronically-bad headlines, maybe Cal Poly would simply view all of it as the cost of doing business. On the other hand, the revelation that students can be murdered in Cal Poly dorms, and the extent to which Cal Poly will go to cover-up such crimes, could possibly become a problem no advertising firm could quickly reverse.

Aside from a possible public relations hit, the university would have to contend with a wrongful death lawsuit from the parents. Cal Poly could be viewed as aiding and abetting the killer by carelessly selling date-rape drugs from the campus book store with wanton disregard for what could happen. A lawyer representing Kristin's family would have no qualms about dipping into Cal Poly's coffers. According to a November 2014 report, Cal Poly contributes more than \$1.4 billion to the economy of San Luis Obispo.

If Kristin Smart was a victim of a stalker who purchased his drugs from the campus bookstore, it would explain why Cal Poly authorities possibly took overt steps to destroy evidence, first by sanitizing Paul's dorm room, then sending in a contractor to completely gut his dorm room, ensuring all evidence of a crime had been destroyed.

Intentionally destroying evidence of a crime would make the university guilty of murder after the fact. Did these things really happen? Have law enforcement authorities conspired with local power brokers to protect the good name and reputation of Cal Poly and San Luis Obispo? No one knows, because no one is policing the police. Trust me folks when I say, our law enforcement members are so good, they can solve a crime

within the first two hours if given the leeway and money necessary to do it. Unfortunately, there's no urgency to solve the Kristin Smart case. There never has been.

People are torn between whether the Kristin Smart case was just poor police work by the Keyston Cops, or something more sinister. We believe that someone inside the sheriff's office back in 1996-97, knows what happened to the earring found on the backyard patio of the Flores' home. The earring was allegedly turned over to a sheriff's deputy by Mary Ann Lassiter who was renting the home at the time. While repeated attempts to get Mrs. Lassiter to talk about the earring have failed, there may be others who have information as to what happened to the earring once it got to the station.

THE IMPORTANCE OF CLOSURE

The primary goal is to give the Smart family the closure they desperately need and deserve. The second goal is to hold everyone involved with Kristin's death accountable. All of us know (or should know) the importance of holding people accountable for criminal acts. But, most people don't realize the importance of closure in cases such as these. Even though we touched upon this in our first article about Kristin Smart, we think it's important to once again address the vital importance of "closure" for us humans.

In life, we expect everything to inevitably end. It's part of the natural order of things, part of the circle of life which is so important to us psychologically. When there isn't a proper end, there is no closure, which is unnatural and unhealthy. Having closure allows us to let go. Letting go in this case, does not mean forgetting Kristin, nor does it mean no longer caring for Kristin. It means caring for her in another way, and on another level. Closure means being at peace with the parting, or a particular outcome or decision. Truly letting go is one of the hardest things to do in the world, but letting go without closure is virtually impossible. It's an open psychological wound that never heals.

Sadness, fear of separation, and change; all make it tough to truly let go. When one lets go, it means overcoming that particular life episode and moving on with life. In the process of "letting go," we draw lessons from it and grow as a result.

Only when we let go of the past, can we move on to the next chapter in life. Closure allows us to clear the path and open the next door. And that's the point; the Smart family cannot open that next door, until Kristin comes home. The crime committed against Kristin Smart was also committed against everyone who knew and loved her.

Closure is a time set aside for grieving. The loss or end of anything deserves enough time for grieving in order for a fitting closure to occur. When there is proper closure, we feel satisfied even though there is a sense of profound loss. The disappearance of Kristin Smart has both delayed and prolonged the grieving process for two decades.

When a loved-one passes on, we mark the occasion with some sort of ritual or ceremony we commonly refer to as a "funeral." Funerals are symbolic gestures that mark the end of a person's life. The traditional funeral is a formal farewell in a proper and dignified manner, which provides a fitting 'closing ceremony'. These ceremonies help to give human beings the closure they need to move on with life.

It's hard to achieve closure when one remains puzzled, or can't find logical and reasonable answers to a sudden end (or disappearance) of a person's life. When there is no closure, but only many unanswered questions, it's like emotionally bleeding to death and dying from a thousand cuts. In that sense all of us have been harmed to one degree or another by the knowledge that a young woman could simply vanish from the Cal Poly campus.

As crazy as it sounds, the Flores family needs closure also. For almost twenty years, the whole Flores family keeps looking over their shoulder to see if they are being followed. They

need closure, but do they deserve closure. The injured party would probably say no. In the final analysis, it's about law and justice, but it's also about closure. One thing is for sure, until Kristin comes home, there will be no peace and no closure for anyone; the Smart family, the community and Flores family as well.

We offer a special invitation to the Flores family: Contrary to what you may think, *The California Register* endeavors to be as fair as possible to all parties in any dispute. If you have a rebuttal, we will print it. If your rebuttal is clean enough for family consumption, it will be printed unedited. The only stipulation is that you stand behind what you say. We will need a recent picture of the person who wrote the rebuttal.

And to anyone out there having information about Kristin's disappearance; as the publisher of this newspaper, and someone who has defended whistle-blowers before, you have my personal guarantee for complete anonymity.

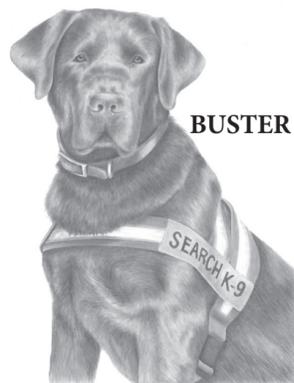
Again, all signs say that Kristin is buried in the left rear corner of the Flores property. Keep that in mind when you drive through Arroyo Grande and pass 529 E. Branch Street. The body of a Cal Poly coed is entombed 75 feet from the road you're driving on. Kristin is there alright, and always has been.

DET. DOSTIE AND BUSTER CONTINUE TO SERVE

Paul Dostie and his incredible dog BUSTER are working two missing person cases in Trinity County, California. In violation of the law, the sheriff of Trinity County failed to enter data into the missing person's database on one of the cases. In both cases, BUSTER has proven the sheriff of Trinity County is either corrupt or inept.

BUSTER found victims murdered in the 1940's behind George Hodel's house who is believed to be the Black Dahlia killer. BUSTER also found a victim in the backyard of Mack Ray Edwards who happens to be one of Los Angeles' most prolific serial killers.

BUSTER has also discovered three more bodies from the Barker Ranch where the Manson family lived. In a phone call from prison, Charlie Manson told Detective Dostie, "I don't want to talk anymore. BUSTER is going to get me the gas chamber if I keep talking."



BUSTER

On June 25, 2015, BUSTER arrived in Oakland, California and alerted in the basement of the home where Kristen Modaferrri had rented a room in 1997. Modaferrri disappeared after her shift at a coffee house in San Francisco on June 23, 1997. After BUSTER alerted, soil samples were taken and shipped to Dr. Vass in Tennessee who leads the world in soil forensic detection. The sample from the basement was tested and found to have traces of human decomposition. With that information, Oakland police can now declare the area a crime scene and dig up the basement floor.

In November 2015, Dostie and BUSTER are headed to Europe on another missing person mission. There are many cases which could be solved, but for the barriers created by politics. In one particular egregious case, BUSTER has found a location where as many as thirty young women were believed raped, tortured and murdered then tossed into a mine shaft. The local sheriff has refused to investigate, because the property is owned by a powerful politician who is currently a sitting Member of Congress. And folks, the hits just keep rolling in. \$\$\$

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The Amazing Life Story of Lynsie Ekelund & Excellent Investigative Talent of Detective Larry Montgomery



By: Nelson Sloan

Lynsie Leigh Ekelund was the apple of her mother's eye. They were as close as any mother and daughter could possibly be, because of tribulations they endured together.

Lynsie's mother Nancy made plans to drive on Christmas Day from their home in Placentia, California to see Lynsie's grandparents who lived in Placerville, California. Mother and five-year-old Lynsie set off early in the morning, well before dawn for their nine-hour trip.

They made it as far as Bakersfield at 7 AM when an inattentive driver, traveling at a very high rate of speed, rear-ended their car with such force, that Nancy's car rolled over several times. Lynsie was asleep when the car was struck. As the car began to roll, Lynsie was ejected from the vehicle. As a result of the accident, Lynsie suffered severe brain injuries, her lungs were collapsed and her leg was broken.

Lynsie was not expected to live. First responders quickly recognized Lynsie was near death and ordered her airlifted to the Kern Medical Center where they conducted immediate brain surgery. Two weeks later, once Lynsie was stable enough to travel, she was transported to Children's Hospital in San Diego. It would be five long months before Lynsie left the hospital, but she would return dozens of times for corrective surgeries related to those sustained in the accident.

As a result of her brain injury, Lynsie had several strokes resulting in her left side being partially paralyzed. Her left leg was in a brace for about four years, from age five to nine. Lynsie also had three tracheotomies over a four year period, which her mother would tend to 24/7, getting only cat naps when she was able to do so. Nancy would have to be ready with a syringe to remove mucus should Lynsie begin to choke. Lynsie had pretty much lost the use of her left hand, and was forced to drag her leg as she walked.

Other children were unmerciful in their mocking of her disabilities. Their laughter was sometimes more painful than the injuries themselves. Lynsie was forced to endure many painful surgeries to help her gain back a reasonable quality of life. Her mother had lost count, but believes it was over fifteen major surgeries. Nancy remembers that even with all the vile insults from fellow classmates and excruciating surgeries, Lynsie always had a big smile. Through it all, somehow she developed a wonderful personality. Instead of feeling sorry for herself, she rose above her disabilities.

THEIR BOND BECAME STRONGER

Lynsie was an inspiration to everyone who took the time to know her. She was happy even though she endured continual physical pain. Her chronic discomfort was exacerbated from the cruel comments of other children. The near-death experience and agonizing recovery pulled mother and daughter together into a bond that was as strong as anyone could imagine. It was them against the world, struggling physically, financially and emotionally. They would tell each other with deepest sincerity, "You are my best friend."



Lynsie at 5-months

Lynsie at 18 in her backyard
Placentia, California

Since Nancy never had much in the way of money when she was growing up, she raised her daughter Lynsie to become very budget conscious. The two enjoyed cutting out coupons from the paper and going shopping together. Trader Joe's was one of Lynsie's favorite stores.

Nancy would give Lynsie twenty dollars to spend in Trader Joe's and told her to consider the tax and not to exceed her budget. Nancy watched her daughter as she discriminatingly selected items and brought them to the checker. A trivial routine for the rest of us, such as simple shopping and going through the checkout, was a major achievement for Lynsie. Simple, sweet moments as these would bring tears to her mother's eyes who witnessed her daughter's struggle to function and be accepted by society.

Lynsie loved to watch Wheel of Fortune and the Golden Girls on television with her mother. Every Friday for many years, going back to when Lynsie was still in a wheelchair, Nancy and Lynsie would have fun going out to dinner. While the two would try different types of cuisine at various restaurants, Lynsie loved Mexican food. As Lynsie was growing older, she participated in various events that made her mother realize that her daughter was becoming more independent. The traditional Friday night dinners with mom would occasionally give way to other work or school related engagements that lured Lynsie away.

Nancy works at the corporate office of Mercury Insurance in Brea, California. Lynsie's father Stewart Ekelund is a successful international banker, presently working with Citibank in Orange County. Stewart blamed the automobile accident on Nancy. If she had not attempted to drive such a long distance on Christmas Day, the accident would have never occurred.

Their marriage fell apart not long after the accident. While Stewart was Nancy's first marriage, Nancy was Stewart's fourth marriage. Nancy had no knowledge of the first two marriages Stewart had. Stewart ended up living only five miles away, but was not part of Lynsie's life. As Nancy looked back upon it, Lynsie would occasionally receive a letter or card from her father about every six months or so, but that was the extent of it.

Fifteen years, a multitude of surgeries and hundreds of doctor's visits later, Lynsie Ekelund was a twenty-year-old young woman attending Fullerton College. She had her heart set on becoming a journalist. Having a flare with the written word, she entered contests at various state and county fairs where she usually won first or second prize. Lynsie was very good at typing, even though she only could use her right hand. She didn't let a little thing like not having two hands interfere with



Lynsie at 9-months

Lynsie at 18
High School Picture

her dream of becoming a journalist. She was smart with a charming personality and a gift to write.

THE NIGHT LYSNIE DIED

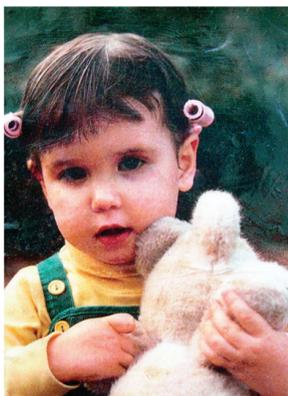
On Friday, February 16, 2001, Lynsie told her mother she was going to spend the night at girlfriend Andrea's home, then tutor some young Vietnamese children in English at 11 AM the next day. Nancy had come home from work on Friday and was talking with Lynsie on the floor of her room when the doorbell rang. Lynsie had her small, overnight duffel bag packed, ready to go.

A young man, Christopher Michael McAmis was at the door, ostensibly to take Lynsie over to Andrea's house. Nancy had never really met Chris, but on four or five occasions in the past, she drove Lynsie over to his apartment when other friends were there. Normally, she dropped Lynsie off at 6 PM, then picked her up at 10 PM. Occasionally, Lynsie's visit would last late into the night, and she'd crash on the couch. Lynsie and Chris were friends and nothing more. Since Chris lived on Ball Road in Anaheim, Nancy and Lynsie would refer to him "Ball-Road-Chris" to distinguish him from other people with the same name.

Nancy's first impression of Chris was that he looked like a clean cut young man, lacking the long hair and tattoos that other twenty-somethings proudly displayed. Nancy walked out to Chris's truck with Lynsie to give her daughter a hug goodbye and because she forgot to lock her own car after coming home that afternoon. Lynsie got in Chris's white, extended cab pickup truck and the two drove away. Nancy would never see Lynsie again.

The first inkling Nancy thought something was wrong occurred the following day when she got a call from the mother of the Vietnamese children saying Lynsie failed to show up for her 11 AM English tutoring session. That was the moment when Nancy's heart sank, she knew as only parents know, that something was terribly wrong. In a panic, Nancy began calling all the friends that she and Lynsie knew, but no one had seen Lynsie.

Nancy went to the Placentia Police Department to file a missing person's report, but was told she could not file a missing person's report within 48 hours of a person's disappearance. The police said, "She probably just



Lynsie at 12-months

Lynsie at age 4 in the neighbor's
pool, before the auto accidentLynsie at Graduation
El Dorado High School in 1999
Last graduating class of the
century

could get the word out about Lynsie's disappearance. With each passing year, Nancy went to the state fair in Sacramento and Orange County Fair where she would pass out fliers all day long. Nancy's hopes were given a boost when she received notice that a non-profit foundation wanted to help her keep awareness alive about Lynsie's disappearance. About six months after Lynsie disappeared, the Carole Sund/Carrington Foundation offered police \$5,000 to keep the Lynsie Ekelund investigation alive. Nancy was in the city council chambers to witness the official disbursement of funds to help find her daughter. The news cameras also were there to record the acceptance of the grant money to the Placentia Police Department. Nancy was utterly shocked when the police department spokesman rejected the \$5,000 offer saying, the police deemed Lynsie to be a runaway and not a victim of a crime. Nancy's excitement and hope was converted to despair when police incredibly rejected additional financial help to find Lynsie.

COOKIES FOR COPS

Nancy recalled that one afternoon, about a year or so after Lynsie had disappeared, police called her and said that a new detective was working the case and they were coming over to introduce him. She was excited to know the police were still actively looking for her daughter and decided to bake some cookies for the police to enjoy when they arrived.

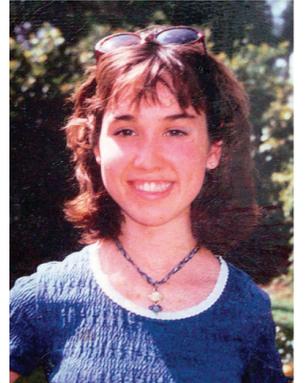
Nancy did not know it was a setup. Police suspected her of killing her own daughter and possibly burying her in the backyard. Placentia police units descended on her home with a document they demanded she sign which was given them "permission" to search her home. With nothing to hide, Nancy signed the document and the police began tearing up property looking for clues of a murder.

Police tore Lynsie's bed apart and dug up the backyard area slinging dirt everywhere. A stunned Nancy watched as the overbearing police muscled their way through her home converting it into a disheveled mess. The search turned up nothing, and police closed the case believing that Lynsie was a runaway and had not been murdered. After tearing up her home and treating her like a murder suspect, Nancy had absolutely no communication from the Placentia Police Department.

About five years after Lynsie disappeared; Nancy heard on the radio that an unidentified female body had been found along the I-5 freeway. She immediately contacted Placentia Police and asked them to find out if the body found along I-5 was Lynsie. The Placentia Police Department didn't even extend her the courtesy of calling her back. It's suspected they didn't lift a finger to check into it. Nancy felt truly abandoned by everyone. She was deeply offended by the callous, insensitive way in which police were ignoring the entire case.

WHAT HAPPENED TO LYSNIE

Lynsie may have originally planned to spend the night at Andrea's home, but instead went with two other girls and Chris McAmis who drove them down to San Diego to go clubbing that Friday night. Nancy knew nothing about the trip to San

Lynsie at 7 years of age
with SallyLynsie at 15 in the backyard in
Placentia, California

Diego, which may have been a last minute decision by Lynsie. As far as Nancy knew, Lynsie was going to sleepover at Andrea's home, and then tutor her Vietnamese students. Nancy assumed Lynsie would return home after her tutoring session ended on Saturday afternoon.

The San Diego clubbing thing didn't happen. Chris and the three girls wound up eating at a San Diego Denny's around 3 AM, then drove back home. Chris dropped off one of the girls in Corona, CA, and the other girl in Anaheim. Chris later said he dropped off Lynsie at her home in Placentia, CA, and drove to his apartment in Anaheim. He said he got home as the sun was rising on Saturday morning. Chris told investigators he slept until about noon on Saturday and stayed home all day.

A BEAUTIFUL LIFE WAS TAKEN

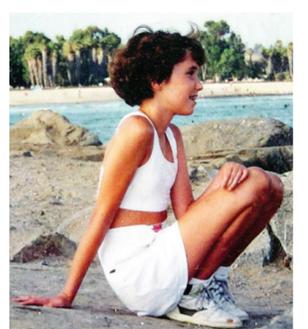
Lynsie did not consider herself to be Chris's girlfriend. Once or twice before, Lynsie slept on the couch at his apartment because it was too late to go home. She didn't want to wake up her mother who would be forced to get up to unlatch the security latch on the door. Unfortunately, Chris was an individual with anger management problems. For example: a few months before Lynsie disappeared, Chris came home to see some fish in his aquarium dead. Feeling that the crab in the tank had killed his fish, he exploded in a violent tirade grabbing the crab from the aquarium and smashing it on the floor with a hammer.

Chris's favorite movie was American Psycho. The main character in the movie would go "psycho" if he perceived he was being disrespected. The woman Chris married after Lynsie disappeared said he would frequently go into a rage if, for example someone got to a parking space before he did when they were out shopping. He'd say things like, "I have to go lock myself in a room, so I don't hurt you."

Chris and Lynsie, after dropping people off from their night out, had gotten back too late from San Diego. Lynsie did not want to go home at four in the morning. Not only would she have to wake up her mother, but probably wanted to avoid twenty questions as to why she skipped the sleeper in favor of a late-night trip to go bar-hopping in San Diego.

Lynsie thought she would catch a few hours' sleep at Chris's apartment before heading over to her tutoring session. Unfortunately, Chris didn't want to sleep and made a move to have sex with Lynsie. She resisted his advances by hitting him in the head with a phone receiver. In a fit of rage, Chris strangled Lynsie to death. He then placed her body in his truck and drove sixty miles North to the Santa Clarita where he buried Lynsie under approximately four feet of earth with a front-end loader.

Chris got back in his pickup truck to return to his apartment in Anaheim but stopped at a convenience store before heading back. The use of his credit card at this store would come



Lynsie at Dana Point, CA



Lynsie at 16 with Molly

back to haunt him later. Chris went on about his life continuing to work for his dad during the week at the Lark Ranch in Santa Clarita. When construction debris needed to be discarded, Chris piled it on top of Lynsie's grave site in an effort to make it harder for anyone to discover her tomb. He knew that as long as no one found Lynsie's body, he would remain a free man.

DISTRICT ATTORNEY ASSIGNS THE CASE TO LARRY MONTGOMERY

Eight long years elapsed when Lynsie's case was handed to Detective Larry Montgomery. Larry had retired from another police department, but was asked to come back and work with the Orange County District Attorney's Office. For a while he worked in the DA's homicide division, but asked to review unsolved cases, one of which was the disappearance of Lynsie Ekelund.

Larry did as he always does; he painstakingly went through the entire case mapping out a course of action of places to visit and people to interview or re-interview. According to the police file, Chris said he hung around the house all day on Saturday, but paged Lynsie twice leaving messages on her pager. Chris said he left messages asking Lynsie if she wanted to go dancing with him and his girlfriend. By leaving messages on Lynsie's voicemail pager, Chris was merely attempting to establish a false alibi. When questioned by investigators, Chris told police he dropped all the girls off at their respective homes and went home to sleep. He also told investigators, he was unemployed and collecting unemployment insurance.

Larry Montgomery discovered from police reports that one of the girls who went down to San Diego with Chris and Lynsie mentioned Chris stopped at a gas station on the way back. Montgomery wondered if Chris stopped anywhere else that day or that weekend and studied financial documents to verify where he had used his card that weekend. Larry noticed that Chris used his credit card on Bouquet Canyon Drive in Santa Clarita the morning when he said he went straight home and went to sleep. Larry now knew Chris had lied about going straight home. From Chris's home in Anaheim to Santa Clarita was another 1.5 hours driving time North on Interstate 5. The truth was that for at least three hours of driving time alone when Chris said he was at home sleeping, he was actually in Santa Clarita.

This turned Detective Larry Montgomery's attention to the Santa Clarita area and Chris's relationship to that area. Larry wondered what Chris was doing up there the morning Lynsie disappeared. Montgomery also noticed Chris used his credit card in the Santa Clarita area both before and after Lynsie's disappearance, but on week days only, never on a weekend. Montgomery discovered Chris's father had a project going on in the Lark Ranch area near Santa Clarita. Upon reading the police file, Montgomery noticed police interviewed Chris's father a



Lynsie at Placentia Linda Hospital for surgery to lengthen her wrist muscle and tendons.

year after Lynsie disappeared who confirmed that his son occasionally worked for him during the week as a heavy equipment operator. Chris's bank account showed that he was depositing his unemployment checks and some cash as well, because he was receiving money from his father under-the-table as compensation for his work in Santa Clarita.

Chris became a suspect of high interest because he lied about being home all day when Lynsie disappeared. Montgomery suspected that something happened that night and Chris knew more than he was telling. Logic dictated that if Chris was involved in Lynsie's disappearance or demise, there's a good possibility her body was buried in close proximity to where Chris had access to earth-moving equipment. To find Lynsie's body, Larry Montgomery summoned the help of Detective Paul Dostie from Mammoth Lakes, California and his famous cadaver dog BUSTER.

BUSTER and other police dogs alerted in an area about 100 yards from where Chris worked at the Lark Ranch work site. Montgomery obtained before-and-after aerial photographs which revealed large chunks of concrete and other debris being disposed of near a dry riverbed. Larry surmised that Chris was continually dumping debris on top of Lynsie's grave site in an effort to make it much harder for anyone to find. Soil samples from where the dogs alerted were sent to Dr. Arpad Vass in Tennessee for analysis which came up positive for human specific VOC's (Volatile Organic Compounds). Dr. Vass flew out to help in the effort to locate Lynsie's body.

All during this time, as the investigation was beginning to yield information, Nancy knew nothing about Detective Montgomery's work on the case. She was intentionally kept out of the loop to avoid the torment associated with a ride on yet another emotional roller-coaster. It was better that she not know in case their leads went no where.

For three days, Montgomery's team dug in the area where cadaver dogs alerted, but found nothing. Dr. Vass said that because of the sandy, porous nature of the soil and being near a riverbed, contaminants from a decomposing human body may have migrated and could be many yards away from their target site. Dr. Vass had invented a machine that can detect 17 volatile organic chemicals (VOC's) given off by a human decomposing body. To effectively use it, you only need to dig down about a foot or two and quickly insert the machine's sensors into the hole to detect human-specific chemicals. Many holes were dug reducing the area down to a large oval. The movement of the human chemicals through the porous, sandy soil was making it difficult to pinpoint Lynsie's hidden grave.

TAILING THE SUSPECT

Even though narrowed down, the search area was too large to excavate, so Larry Montgomery got creative by having a police woman assume the role of a journalist. She knocked



Lynsie at Del Mar, California The location where she tossed her leg-braces in the ocean several years prior

on Chris's door telling him that a body believed to be Lynsie had been found in the Santa Clarita area. Since he was the last person seen with her alive, did he have any comment for her article? Montgomery hoped the suspect would get very nervous and drive out to where he buried Lynsie to verify if she had been found.

Police placed a tracking device on Chris's truck which was parked on the street. As fate would have it, Chris decided to drive his wife's car which was in the garage. He dropped his wife off at work, but while driving noticed he was being followed. Why and by whom was unclear, so Chris drove to a nearby police station to report the fact he was being followed. Montgomery's tailing team immediately contacted the police station where Chris had entered, so police would know they were talking to a potential murder suspect. Chris was asked to file a written complaint. The police women he spoke with asked if he was on disability. Chris confirmed he was. She told Chris it's common for fraud investigators to follow people on disability to see if they really are disabled. Chris apparently believed the people following him were fraud investigators. After



Lynsie always trying to maintain a smile even under a mask while she endured one of her many fifteen surgeries

leaving the police station, he drove around a bit to determine if he was being followed, then headed up to Santa Clarita to check on the location where he buried Lynsie. Unfortunately, the police felt their cover had been blown and stopped tailing Chris. Police did not know he went up to check the grave site. When Chris filed his complaint that people were following him, he put his cell phone number on the form which was information Montgomery did not have. A new strategy emerged. Montgomery went to obtain a tap on his cell phone for GPS information which might help them pinpoint Lynsie's location should he ever go back to her grave site.

REVERSE MIRANDIZING

Detective Montgomery decided to interview Chris utilizing a method he calls reverse Mirandizing. Most every American knows that when a suspect is arrested, he/she is given their Miranda warning. We've all heard it a thousand times on TV, "You have the right to remain silent. Anything you say or do can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be appointed to you. Do you understand these rights as they have been read to you?"

The Miranda warning is what every police officer should say before they begin questioning any suspect. What if the detective doesn't want to ask the suspect any questions, but wants the suspect to listen to the evidence they have amassed against him/her. This is sometimes referred to as



Christopher Michael McAmis



Lynsie at 13 on vacation in Puerto Vallarta, Mexico

reverse Mirandizing. The suspect suddenly discovers much of the information the police have gathered and begins to realize, "They're on to me." It's a bucket of cold water. The suspect begins to accept that it's only a matter of time before they clamp on the "bracelets."

Montgomery shared some, but not all of the information he had with Chris. His evidence was very strong and it all pointed to Chris as being responsible for Lynsie's disappearance. The more Larry spoke, the more Chris began to realize the walls were closing in around him. Chris was beginning to weaken, but not yet at the point of confessing the crime. That's when Montgomery got even more creative. Everything he told Chris was the truth and Chris knew it to be so. That's when Larry conjured up a story he hoped Chris would also believe was true in order to finally get him to capitulate and confess to the murder of Lynsie Ekelund. Detective Montgomery told Chris that a human arm had been found in the area where the dogs had alerted



Lynsie at the Pumpkin Patch located at Cal Poly Pomona

Santa Clarita where he buried her corpse utilizing the earth-moving equipment he operated for his dad during the week.

Nancy knew nothing about all the effort the Orange County DA's office was expending on her behalf. She didn't know Detective Larry Montgomery had been working on the case for over two years. All she knew was Placentia police had given up on the case. Montgomery notified the Placentia Police Department to let Nancy know they had found her daughter. On October 27, 2010, Nancy received a call at work from the Placentia Police demanding that she come home immediately, and saying "There has been a break in the case."

It was the first time she had heard from anyone in six or seven years. Nancy's heart began to race. She thought that maybe the police were right all along, her daughter was a runaway and now she was found alive. Nancy had been confronted with several "Lynsie sightings" from people who were very sure they had spotted Lynsie. One of Lynsie's own teachers said that she saw Lynsie at a Michaels store saying, "I know it was her, I know her walk." Without any information her daughter was dead or alive, Nancy began to believe that maybe those "Lynsie sighting" were valid. Maybe her daughter was alive and the police have brought her home. Maybe she was only minutes from hugging her beloved daughter again. Even though Nancy knew that her daughter would surely never let her mother languish in pain year after year, she still wanted to believe that no one could possibly kill such an innocent, beautiful young woman. Nancy got it into her head that police found her daughter alive and when she got home there she would be.

As she drove home, she became more and more excited about the prospect of holding her sweet Lynsie in her arms. Nancy plunged from the indescribable excitement and joy, into an ocean of despair when police disclosed Lynsie's body had been found. The harsh reality that Lynsie was gone forever enveloped her soul. The original determination from the Placentia Police Department that Lynsie was a runaway turned out to be completely false. It gave Nancy false hope that her daughter was still alive and contributed mightily to her deep despair.

At this writing, Nancy Ekelund continues to work at the corporate office for Mercury Insurance in Brea, California. She has always appreciated all that her employer has done for her during the years. "They have been so very good to me," she said. The loss of Lynsie scarred her life forever. There is not a day that goes by that she does not think about her courageous daughter and all the good times they shared together.

To help Nancy move on with her life, it's been suggested that a permanent dedication be created, such as a park bench with a plaque bearing a laser-etched photo of Lynsie, be installed in an area befitting her daughter's memory. Nancy has attempted to have a plaque on a bench at the local police department but so far, Placentia Police are not interested in having a permanent and daily reminder



Lynsie at 10 enjoying the soothing effects of the Pacific Ocean

of their bumbling ineptitude and screwed-up determination as to what happened to Lynsie Ekelund.

During her impact statement in court when Chris stood before her wearing his prison jump suit, Nancy said in a low voice, "I don't know if you're sorry for this, but it doesn't make any difference anymore." Nancy explained to the court that her daughter was a loving, naive person who trusted everyone. Unfortunately, she trusted Chris.

Christopher Michael McAmis is a 36 year-old inmate at the Correctional Training Facility located in Soledad, California serving an indeterminate sentence of 15 years to life, CDCR #AL3891. Chris has a minimum eligible parole date (MEPD) of October 26, 2025. Thirteen months prior to his MEPD date, (approximately September 26, 2024), Chris will have his first parole hearing to be considered for release back into society. Within ninety days prior to his parole hearing date, approximately June 30, 2024, anyone can write to the parole board expressing their desire that he be released or kept in prison. We reached out to Chris for this article but he never responded.

Detective Larry Montgomery was very disappointed with Chris's sentence. He felt the sentence should have been more commensurate with the heinous crime he committed. Montgomery, an "aw shucks" kind of guy, is the consummate professional who seldom is recognized for his remarkable police work. His dedication to his profession is stellar and unsurpassed by many in law enforcement.

We were disappointed to learn from our sources in Placentia, California that Detective Corine Loomis with the Placentia Police Department, took all the credit for finding Lynsie's body. But, Montgomery never gets upset when other people wrongfully claim credit for his extraordinary police work. He's content to stay quietly in the background, doing the hard work, which good investigating always demands. Montgomery is the best of the best, and Californian's thank him profusely for ending his retirement to go get the bad guys. He continues to work on unsolved California cases for Orange County District Attorney Tony Rackauckas. The citizens of California can be justifiably proud of detectives like Larry Montgomery and district attorneys like Tony Rackauckas.

Finally, this article is dedicated to warm and beautiful spirit of the loved and lost. Lynsie Ekelund's life changed forever when she and her mother were going to see grandma and grandpa early one Christmas morning. Lynsie rose above calamity, enduring physical agonies that most of us thankfully, will never know.

We can choose to remember Lynsie as a victim, or celebrate her amazing life story, a story about a courageous little girl with an indomitable spirit that flowered into a wonderful young woman well on her way to be a respected journalist. Lynsie's story is about endurance and determination in the face of overwhelming adversity.

The story of Lynsie Ekelund is also about the boundless nature of a mother's love and its remarkable power to comfort and soothe through a painful journey in life. May the memory of their treasured time together extinguish all bitterness and give Nancy Ekelund the peace necessary to move forward with her own life. \$\$\$



Lynsie in the Backyard - Age 9 Just before getting braces on her teeth (Her mother's favorite picture)



Detective Larry Montgomery Orange County District Attorney's Office



Lynsie's photo on the hood of a race car at the Irwindale Speedway courtesy of the Missing Angels Foundation



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From the Editor



David Smallwood

The California Register provides in-depth stories that others newspapers simply cannot provide. We are a story-driven paper which means we publish when the story is ready.

All of our articles may be considered "Op-ed" which is short for "opposite the editorial page," later paired down to, "opinion editorial." Op-eds express the opinions of the author. The proverbial "Op-ed" began in a 1921 daily newspaper called, *The New York Evening World*. Beginning in the 1930s, radio began to threaten print journalism, which was later accelerated by the rise of television. To fight back, newspapers such as The New York Times and Washington Post began including more openly, subjective and opinionated journalism.

We utilize the op-ed style because it gives us more flexibility. It allows us to convey more of the story by interpreting the validity of information we receive.

We prefer to steer clear of politics. Politics is the art of deception. These days, no matter what is said (or written), 50% or more will hate you for saying it. Unfortunately, our society has become terribly intolerant. Sometimes people use tactics designed to shut down debate. If they don't agree with it, they don't want to hear it. And worse yet, they try to deprive others from hearing the opposing side. We try to avoid the entire political mine field, but we are not naive enough not to realize that virtually everything is laced with politics.

The articles we like to publish are about people with captivating personal histories, who quietly live among us. Does that mean we only write stories only about senior citizens? No. Anything is fair game. Email us with ideas for stories. If you know of someone with a colorful and interesting past who might be willing to give us their full story, please contact us. We cannot publish all suggestions, but we do guarantee all suggestions will be seriously considered.

The California Register believes in the rule-of-law. Regardless of who you are in society, if you break the law, you should be held accountable. As a newspaper, we have a serious responsibility to demonstrate intellectual honesty at every turn. The ultimate check on our government is a free press. The framers wanted the American press to be unbiased referees of the government.

We have a free press, but unfortunately, the press is also free to be unfair. The American people have routinely been lied to through omission and commission by corrupt politicians. Now it's worse, because many referees are corrupt. The most insidious power the news media has, is the power to ignore. When the American news media ignores facts in favor of the narrative, they lie by omission like the politicians do, and hurt us all. The California Register will always endeavor to be honest brokers of information. We will do our best to steer clear of politics, but may jump into issues that may be politically sensitive and need to be discussed.

Concerning the Kristin Smart case: when I last met with Stan and Denise Smart, I promised them I would do my best to raise awareness about their missing daughter. We will continue to raise awareness until Kristin Smart is found, and questions about her disappearance are finally answered. The more we dig into the Kristin Smart case, the more interesting it gets.

With our small staff, it's difficult to return everyone's call or email. We ask for your understanding and patience. We love people who love to read, and thank you for your continued support.

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