

1 PLAINTIFF: Ms. Murray

2 WITNESS:

3 COURT:

4 DEFENDANT: Ms. Norman

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6 WARM UP

7 THE COURT: Sergeant, please have a seat on the witness  
8 stand. State your full name and spell your first and last  
9 name for the record.

10 THE WITNESS: Raymond Lake, / L-A-K-E.

11 THE COURT: Counsel, proceed.

12 DIRECT EXAMINATION

13 Q. BY MS. MURRAY: Good morning, sir.

14 A. Good morning.

15 Q. What police department do you work for?

16 A. Orange County Sheriff's Department.

17 Q. How long have / you worked as a sworn police  
18 officer?

19 A. 22 years.

20 Q. All right. Are you the lead investigator in the  
21 case that we have heard testimony on / this morning?

22 A. Yes.

23 Q. When did you first become aware of the fact that  
24 the victim in this case may have been missing?

25 MS. NORMAN: Objection. Assumes facts / not in  
26 evidence. Also calls for conclusion.

1 THE COURT: Any comment, Ms. Murray?

2 MS. MURRAY: I will re-ask the question.

3 THE COURT: Okay.

4 Q. BY MS. MURRAY: What unit are you assigned to?

5 A. I am / now assigned to the jail. Prior to that, I  
6 had been assigned to the homicide detail for five years.

7 Q. Did you become aware of a / missing person by the  
8 name of David Olson?

9 MS. NORMAN: Assumes facts not in evidence.

10 THE COURT: Well, I think it is foundational.  
11 Overruled.

12 THE WITNESS: Yes, I did.

13 Q. BY MS. MURRAY: All right. / How is it you became  
14 aware of that?

15 A. My partner had received a series of phone calls  
16 about a person by the name of David \*/ Olson, who was  
17 reported as a missing person in April of 2010.

18 MS. NORMAN: Your Honor, at this point in time, let me  
19 object. There / are two levels of hearsay that we have got  
20 going at this point in time. Someone reported something to  
21 his partner and then his partner / talked with Sergeant  
22 Lake. So I object to all of those statements.

23 THE COURT: On the grounds of double hearsay?

24 MS. NORMAN: Double hearsay grounds.

25 MS. MURRAY: Your Honor, this is / not offered for the  
26 truth. This is 100 percent foundational to show the

1 background of the investigation and nothing more.

2 MS. NORMAN: I am objecting on / relevance grounds.

3 THE COURT: Well, it would be relevant if it is not  
4 being offered for the truth. All right. Overruled.

5 MS. MURRAY: Thank you, your Honor.

6 THE COURT: Please proceed. /

7 Q. BY MS. MURRAY: You had a meeting with Laguna  
8 Beach police officers and you became aware of a missing  
9 persons case they were investigating?

10 A. Correct.

11 Q. What I would / like you to do is take us through  
12 what you did when you first got the case.

13 A. All right. That was in the middle of / August of  
14 2010. Myself and my partner, along with our crime scene  
15 people, went to an office complex to conduct a full search.

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18 \*\*END OF WARM UP\*\*

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1 EXAM

2 Q. BY MS. MURRAY: Okay. Where was that?

3 A. That was in Laguna Beach.

4 Q. What, if anything, did you see when you got to the  
5 office and why did you / go to that particular office?

6 A. We had gone to that office because that was the  
7 office complex where the victim had been working when he /  
8 was last seen or heard from.

9 Q. Okay. And what was the business that had been  
10 located there previously?

11 A. It was a business called Coupon Market. /

12 Q. Now, when you interviewed the defendant, did that  
13 take place at the office?

14 A. No. When I first met him, it was at headquarters,  
15 in an / interview room.

16 Q. And was that on August 28th, 2010?

17 A. Yes. It was Sunday.

18 Q. Was that immediately after Mr. Flynn had been  
19 arrested at / L.A.X.?

20 A. Yes.

21 Q. As far as the start of that interview, was Mr.  
22 Flynn handcuffed at that time?

23 A. My recollection is, yes, he was / handcuffed.

24 Q. Were any threats made to Mr. Flynn prior to your  
25 conversation with him?

26 A. None whatsoever.

1 Q. Did you have a firearm with you at the / time?

2 A. I did, but normally I wear a shirt over my gun  
3 when I am working plainclothes.

4 Q. Were you also with your partner at that \*/ time?

5 A. Yes.

6 Q. Tell us what the discussion was you had with Mr.  
7 Flynn.

8 A. We began a discussion with him to get background  
9 about Mr. Flynn / and the business.

10 Q. What did he tell you about the business?

11 A. He currently had several businesses he was  
12 involved in. We asked him about his / past dealings with  
13 our missing person.

14 Q. Did you ask him what his relationship to the  
15 victim was?

16 MS. NORMAN: Objection. Lack of foundation. Assumes  
17 facts not in / evidence.

18 THE COURT: No. Overruled. You may answer.

19 THE WITNESS: Yes. He said they had been business  
20 partners for about the last ten years.

21 Q. BY MS. MURRAY: What kind of business did / they  
22 have together?

23 A. I believe it would fall into the category of  
24 advertising.

25 Q. Did you ask Mr. Flynn about the financial aspects  
26 of that business, / how much money they had both made and

1 things of that nature?

2 A. Yes.

3 Q. What did Mr. Flynn tell you about that?

4 A. The business had been / pretty lucrative and it  
5 had made them both quite a bit of money through the years.

6 Q. All right. Specifically, for the last year, how  
7 much / did Mr. Flynn tell you the company had made?

8 A. The defendant said that in 2009, the business had  
9 made approximately \$4,000,000. \*/

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1 START TYPING

2 Q. BY MS. MURRAY: Did Mr. Flynn tell you who owned  
3 this business?

4 A. Yes. He said that he and Mr. Olson were both  
5 partners in the business.

6 Q. According to / Mr. Flynn, they made \$4,000,000  
7 the last year. What else did he tell you about the nature  
8 of the business leading up to / the disappearance of Mr.  
9 Olson?

10 A. He did mention that the business was working on  
11 some software, and he said there was a lawsuit against the  
12 / business and a pending criminal action against Mr.  
13 Olson.

14 Q. What else, if anything, did he tell you about his  
15 dealings with Mr. Olson in the / weeks and days leading up  
16 to the disappearance of Mr. Olson?

17 MS. NORMAN: Your Honor, I think I need to make a  
18 record before we go on. / I am still objecting on Miranda  
19 at this point in time. There is no foundation under  
20 Miranda for this interrogation to take place at this /  
21 time.

22 THE COURT: Counsel, the last witness already  
23 testified with respect to the Miranda advisement.

24 MS. NORMAN: All we know is they read from some kind  
25 of card.

26 THE COURT: No. / I think it was clear from the

1 witness what happened. Overruled.

2 MS. MURRAY: I can just ask a couple questions to  
3 clear it up.

4 THE COURT: Proceed with your \*/ next question.

5 Q. BY MS. MURRAY: What did Mr. Flynn tell you about  
6 the nature of his relationship with Mr. Olson and the  
7 business in the weeks leading up / to early June?

8 A. He mentioned that they had been in talks  
9 concerning a buyout of the business. Mr. Flynn was going  
10 to buy Mr. Olson / out of the business.

11 MS. NORMAN: Let me make sure I have my Miranda  
12 objection on the record, your Honor.

13 THE COURT: I thought your agreement was to address /  
14 it after the recess.

15 MS. NORMAN: Yes.

16 THE COURT: It is under submission, then.

17 MS. NORMAN: Thank you, your Honor.

18 Q. BY MS. MURRAY: All right. Now, did Mr. Flynn  
19 describe an event to you / where he had to clean up Mr.  
20 Olson's office for some reason?

21 A. Correct.

22 Q. Okay. What, if anything, did he disclose about  
23 that?

24 A. He explained that / Mr. Olson had made a big mess  
25 in the office with several wine bottles. There was broken  
26 glass and debris all over the furniture.

1 Q. Did / he disclose when that actually happened?

2 A. He said that had occurred late in the afternoon  
3 or early evening of June 3rd, 2010.

4 Q. Did / he give you any more detail on the mess in  
5 the office?

6 A. He told us his partner really wanted to hire a  
7 cleaning crew to \*/ come in and clean the whole place and  
8 then have the business pay for that.

9 Q. All right.

10 A. But the defendant argued that it was not / a  
11 business expense. He demanded Mr. Olson to either  
12 personally clean it or personally pay to have it cleaned  
13 up.

14 Q. What did Mr. Flynn tell / you happened next in  
15 the time line?

16 A. Basically, that there was some discussions and it  
17 was agreed that Mr. Flynn would also give Mr. Olson /  
18 \$150,000 up-front. I think it was going to be a mixture  
19 of gold coins and also cash.

20 Q. Anything else?

21 A. Yes. Mr. Olson / would then leave the business,  
22 and the defendant would buy him out at the price of  
23 somewhere around \$800,000.

24 Q. All right. What / was the defendant's next  
25 contact with Mr. Olson, if any?

26 A. The defendant told us they came to this agreement

1 and everything was settled. He said / Mr. Olson had said  
2 that he was going to take off and explore the world.

3 Q. Specifically, did Mr. Flynn tell you who Mr.  
4 Olson was / going to explore the world with?

5 A. I don't think at that point in time there was  
6 anybody specifically mentioned by name, no. It was that  
7 \*/ he was just going to explore the world and go surfing.

8 Q. At this point in the interview he admitted to you  
9 that they had agreed / to this buyout of Mr. Olson's  
10 interest in the company and that he thereafter went  
11 surfing around the world?

12 A. Correct. And that they were in / contact with  
13 each other for several months after that.

14 Q. All right. After you got the background story,  
15 what happened next in the interview with him? /

16 A. Well, this was a pretty long interview.  
17 Eventually, I began to confront the defendant about the  
18 fact that those stains and the mess in the / office was,  
19 in fact, blood belonging to his partner.

20 Q. When you confronted Mr. Flynn with that, what did  
21 he say to you?

22 A. There was denial / about having had a fight or  
23 anything like that. And then Mr. Flynn did ask for an  
24 attorney.

25 Q. Did you end the interview at that / time?

26 A. Yes, I did.

1 Q. And how long had the interview taken up to that  
2 point?

3 A. I am not sure. Several hours.

4 MS. NORMAN: Objection. Speculation. Move to /  
5 strike.

6 THE COURT: No. Overruled.

7 Q. BY MS. MURRAY: Now, the interview has been  
8 terminated. You leave the room. What happened next?

9 A. An investigator who was in the holding cell with  
10 \*/ Mr. Flynn contacted me and told me that Mr. Flynn had  
11 asked to speak to me again.

12 Q. When you went back in again to address / Mr.  
13 Flynn, can you tell us how that conversation played out?

14 A. Well, I --

15 Q. Let me stop you. I am sorry.

16 Was this second meeting you / had recorded?

17 A. Yes, it was.

18 Q. Okay. There has been a transcript prepared of  
19 that; is that right?

20 A. Yes.

21 Q. That's been discovered to the defense?

22 A. Yes. /

23 MS. NORMAN: Your Honor, let me register an objection  
24 at this point. Further objection regarding Miranda and  
25 voluntariness, your Honor.

26 I will submit it on that.

1 THE COURT: All / right. Overruled.

2 Q. BY MS. MURRAY: How did this conversation differ  
3 from that first one? What did he tell you?

4 A. We went over everything again, and the defendant  
5 told / us about how dirty and smelly the office was. He  
6 confronted Mr. Olson, and then it became physical.

7 Q. Briefly, what did Mr. Flynn tell you / happened  
8 next?

9 A. That it became heated and physical. I believe  
10 his words were things like hitting each other, pushing and  
11 shoving. He said our victim / had fallen, hit his head on  
12 the corner of the desk and began to bleed a lot.

13 Q. And what did he say happened then?

14 A. He \*/ didn't think he was dead, but he wasn't  
15 moving very much. He just left the office.

16 Q. And he left Mr. Olson where?

17 A. Laying on the / floor and barely moving.

18 Q. Did he tell you about someone known to him as  
19 Johnny Vegas?

20 MS. NORMAN: Objection. Leading. No foundation.

21 THE COURT: Sustained.

22 Q. BY MS. MURRAY: What did the defendant / say  
23 happened next?

24 A. He admitted he bought a prepaid phone and made a  
25 call to a friend in Vegas and told him he needed a /  
26 garbage disposal. Basically, getting rid of the body.

1 Q. Okay. And who did he say he contacted?

2 A. A person he knew in Las Vegas. He called / him  
3 Johnny Vegas. We later identified him as Johnny Cooper.

4 Q. Now, what did Mr. Flynn tell you transpired next  
5 in this conversation with Mr. Cooper? /

6 A. He asked him for some help in a garbage disposal,  
7 getting rid of something. Mr. Cooper told him not to  
8 contact him again and that / someone would call with  
9 further directions.

10 Q. And what did Mr. Flynn tell you happened next?

11 A. That he was contacted by an unknown male and was  
12 / told what to do, where to be, and how much money.

13 MS. NORMAN: Objection. Hearsay.

14 THE COURT: Well, is this offered for the truth?

15 MS. MURRAY: It is offered for the \*/ effect on the  
16 listener.

17 THE COURT: Overruled. The answer stands.

18 Q. BY MS. MURRAY: Had you finished your answer?

19 A. No. The defendant was to leave the door unlocked  
20 and was to / leave the car keys on the desk in the office  
21 with \$15,000. He was told if he did that, then all the  
22 trash / would be taken out.

23 Q. Now, during the course of your investigation, you  
24 said Johnny Vegas was identified as Mr. Cooper?

25 A. Yes.

26 Q. Did you conduct an / interview of him regarding

1 Mr. Flynn's statements about getting rid of Mr. Olson's  
2 body?

3 A. I did.

4 Q. And what did he then say to you about / that?

5 A. Well, he denied ever talking to him or getting a  
6 phone call like that from Mr. Flynn.

7 Q. Now, the photos we have had marked / showing the  
8 bloodstains both in the office and the car, did you  
9 discuss those with the defendant?

10 A. Not at that time. I had a personal / emergency  
11 and had to leave that afternoon. My partner discussed  
12 those with the defendant.

13 MS. MURRAY: Nothing further at this time.

14 THE COURT: Thank you. Cross.

15 MS. NORMAN: Yes, your Honor. / Thank you.

16 THE COURT: Proceed.

17 CROSS-EXAMINATION

18 Q. BY MS. NORMAN: Good morning.

19 A. Yes. Hello.

20 Q. Detective, you first saw Mr. Flynn on August  
21 28th, at the Orange County Sheriff's Department; is that  
22 correct? \*/

23 A. Yes, ma'am.

24 Q. And were you there waiting at the point in time  
25 when they arrived bringing him from L.A.X.?

26 A. Yes.

1 Q. And so did / you first speak with him upon his  
2 entry into the sheriff's department?

3 A. Soon thereafter, yes.

4 Q. And you discussed his background with him and  
5 general information / about him, right?

6 A. Yes. That's correct.

7 Q. And over 150 pages later, we see you finally  
8 brought up information you had received from Laguna /  
9 Beach and about his partner; is that right?

10 A. That sounds about right. It was very lengthy,  
11 yes.

12 Q. Have you reviewed the transcript for accuracy?

13 A. Yes. /

14 Q. And does it accurately reflect your  
15 interrogation?

16 A. I would say it does, yes.

17 Q. Your phone call with the Laguna Beach police was  
18 something that had / just taken place within a few weeks  
19 before your arrest situation; is that correct?

20 A. No. I think it was a few months prior to that /  
21 is my belief.

22 Q. So Mr. Flynn didn't know why you were speaking  
23 with him that day, right?

24 MS. MURRAY: Calls for speculation.

25 THE COURT: Sustained.

26 Q. BY MS. NORMAN: You spoke to him / about his

1 being on probation, right?

2 A. Yes.

3 Q. And you next asked him about the disappearance of  
4 his business partner and more details about that, right?\*/

5 A. That's correct.

6 Q. What did my client initially tell you about his  
7 relationship with David Olson?

8 A. He confessed they had a difference of opinion in  
9 how / the business should operate and so he was going to  
10 purchase his interest.

11 Q. At one point in time did my client tell you David  
12 Olson / threw a wine bottle and broke it in the office?

13 A. He knew that had happened. He didn't witness it  
14 happening.

15 Q. Now, at that point in / time when you are asking  
16 him these questions, had any testing been conducted with  
17 regard to the blood found in the office?

18 A. There was testing / done, yes.

19 Q. Did you accuse my client of lying to you shortly  
20 before he said that he wanted an attorney?

21 A. I am sure I probably / did, yes.

22 Q. You had accused him of being involved with the  
23 disappearance of Mr. Olson, correct?

24 A. I am sure I did. I knew he was / involved.

25 MS. NORMAN: I will object. Nonresponsive. Move to  
26 strike.

1 THE COURT: Sustained. The second sentence is  
2 stricken.

3 Q. BY MS. NORMAN: During the interview with my  
4 client, he described a fight, correct? /

5 A. Yes. He said it got physical.

6 Q. Did he describe some arguing that took place  
7 before the fight?

8 A. Yes.

9 Q. Did he describe that it became more \*/ heated?

10 A. Correct.

11 Q. Did he tell you that David had been drinking?

12 A. I don't remember. He mentioned something about  
13 wine bottles in the office.

14 Q. All right. / So his belief was that he had been  
15 drinking; is that correct?

16 MS. MURRAY: Objection. Speculation.

17 THE COURT: Sustained.

18 Q. BY MS. NORMAN: Did he indicate to you David  
19 began the altercation by / grabbing my client's body?

20 A. I'm not sure what the first contact was.

21 Q. Did Mr. Flynn describe to you that Mr. Olson hit  
22 his head on / a bulletin board?

23 A. Correct.

24 Q. Did you find that broken board at the scene?

25 A. Yes.

26 Q. Did he tell you he was thrown across the desk?

1 A. He / may have. He said there was wrestling  
2 involved.

3 Q. Did he tell you the struggle continued into the  
4 hallway?

5 A. That's correct.

6 Q. Is there a break room / immediately outside the  
7 office?

8 A. Correct.

9 Q. Did he tell you they continued fighting in the  
10 break room?

11 A. He may have. I don't remember.

12 Q. Did he tell / you they were fighting in the area  
13 just outside the office?

14 A. Yes.

15 Q. In fact, you found some apparent blood outside  
16 the office, correct?

17 A. In the / doorway area, correct.

18 Q. Well, you found blood at least six or eight feet  
19 into the hallway, didn't you?

20 A. I don't know how many feet exactly. \*/

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25 **\*\*\*EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE**

26 **SLIGHTLY DIFFERENT\*\*\***