

these witnesses, destroyed their credibility, and created a reasonable doubt that Mr. Carpenter ever possessed the murder weapon.

Mollie Purnell

162. Mollie Purnell was a key witness in the prosecution case in that she testified that she purchased the gun which the prosecution claimed was the murder weapon in this case. She testified at trial to the following facts:

a. She had known David Carpenter since 1972.

b. In 1980, when she was living in Modesto, California, Mr. Carpenter asked her to buy a gun for him. He showed her an ad for a Rossi .38 caliber handgun being sold at The Traders in San Leandro, and gave her money to buy it. The ad had all the information on it, including a special sale for ammunition.

c. She agreed to buy the gun because Mr. Carpenter had been very helpful to her in the past. She felt obligated to him and she owed him money. The purchase of the gun was supposed to cancel part of this debt.

d. She went to Traders on September 13, 1980, to purchase the gun. Because there was a fifteen-day waiting period, she put \$100 down on the purchase price of \$199.

e. There was a sale on ammunition specifically for this Rossi .38 and she purchased two boxes because it was on sale.

f. She did not know very much about guns.

g. She returned to pick up the gun on October 2.

h. She gave the gun to Mr. Carpenter soon thereafter. (RT 12433-12452.)

163. Defense counsel did not cross-examine Purnell and offered no evidence to impeach her or otherwise undermine the veracity of her story. Proper investigation and cross-examination would have revealed the facts alleged below, showing that Purnell's testimony was riddled with lies and inconsistencies; that she had previously lied to law enforcement about her dealings with Mr. Carpenter; that she had extensive dealings with guns and criminals, including Shane Williams, which created the opportunity to dispose of the Rossi or have it stolen; and that her story, with the falsehoods eliminated, is consistent with a defense that any transaction or transactions she and Mr. Carpenter were engaged in were not for a weapon. The defense could have developed the following facts:

164. Purnell never purchased any ammunition at Traders, either on September 13, October 2 or any other day in between those dates.

(Appendix 1, Ammunition Sales Logs from Traders; Appendix 16, Testimony of Sergio Fanucchi date March 30, 1988.)

165. Purnell never purchased ammunition on sale, because Traders did not have that ammunition on sale. (Ibid.) Purnell fabricated the story about the ammunition sale based on the advertisement for the Rossi revolver, which advertised reloads -- the bullet tips only, for people who make their own bullets -- on sale. (Appendix 139, Traders Ads; Appendix 16, Testimony of Sergio Fanucchi.)

166. Purnell did not make a \$100 down payment on the gun and pay off the balance on October 2. The gun cost only \$97.66 total. (Appendix 16, Testimony of Sergio Fanucchi dated March 30, 1988.)

167. Despite her protestations to the contrary, Purnell was very familiar with guns. When she worked as a bank courier she claimed to own and carry a .22 pistol. (Appendix 153, Testimony of Mollie Purnell re .22 dated February 18, 1988.) Around 1979, she carried a large gun in her purse, possibly a .357 Magnum. (Appendix 17, Testimony of David Edwards dated April 5, 1988.) In 1980 she owned a .22 caliber Winchester rifle. (Appendix 152, Bankruptcy Records of Mollie Purnell; Appendix 155, Testimony of Mollie Purnell re Bankruptcy dated February 18, 1988.)

168. Purnell's testimony that she was obligated to Mr. Carpenter and owed him money becomes completely incredible in light of her

subsequent attempts to explain what that financial obligation was. She first asserted that she made a variety of payments to Mr. Carpenter for keychains and trinkets to establish herself in the flea market business, but then admitted that was a lie. She also asserted that, to pay off the money she owed Mr. Carpenter, she would allow him to make third party telephone calls charged to her home phone, which was billed to the name Patricia Azevedo, and stated that Mr. Carpenter ran up \$300 to \$350 in phone bills. But in fact, the actual bills show less than \$100 that Mr. Carpenter owed her. Purnell then tried to claim for the first time that Mr. Carpenter actually owed her for telephone bills he accrued while he was in prison. (Appendix 162, Testimony of Mollie Purnell re: Financial Arrangements with Mr. Carpenter dated February 19, 1988.)

169. Purnell could not articulate credibly what debt was ostensibly being cancelled by her alleged purchase of the gun, and her explanation of the financial aspect of the gun purchase further eroded her credibility. She claimed Mr. Carpenter gave her \$230 to \$250 to buy the gun, which is consistent with her story that the gun cost \$199, but inconsistent with the truth, which is that the gun cost only \$97.66. (Ibid.)

170. Purnell had previously lied to Mr. Carpenter's federal parole officer, Richard Wood, when she tried to obtain permission for Mr. Carpenter to accompany her to Jamaica. Among the many lies in the letter

were her assertions that the purpose of the trip was to introduce Mr. Carpenter
to the owners of companies in Jamaica. He would be working with directly
in the future; that she had known Mr. Carpenter for over 20 years; and that she
was setting up an import/export lumber corporation and that her company
would pay Mr. Carpenter's expenses to Jamaica. (Appendix 18, Letter from
Mollie Purnell; Appendix 156, Testimony of Mollie Purnell re: Jamaica dated
February 19, 1988.)

171. Purnell continued to have regular contact with Mr.
Carpenter after he purportedly received the gun, despite Purnell's contention
that giving him the gun around October 3, 1980, ended her relationship with
him. There were telephone calls between Purnell and Mr. Carpenter on
October 5, 8, 9, 10, 12, 13, 15, 16, 17, and 21, 1980. (Appendix 151, Purnell
Telephone Records; Appendix 150, Carpenter October 1980 Telephone
Records; Appendix 163, Testimony of Mollie Purnell dated February 19, 1988
re: Telephone Calls.)

172. Mr. Carpenter was only one of thousands of prison
inmates Purnell had contact with in the 1970's through the Amanda Blair
Friendship Club, an organization run by Purnell which introduced women to
men in prison. (Appendix 154, Testimony of Mollie Purnell re Amanda Blair
dated February 19, 1988.) Purnell corresponded with Shane Williams when
he was in prison and assisted him in making one or more transactions through