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to the station then at two-thirty?

A. Uh, I took Bob out of the cell block, Sergeant McNaughton and I took Bob out of the cell block, took him back to the detective bureau in the juvenile section, and there started to talk to him.

Q. All right. Can you relate to the court what he said to you and you said to him, if anything?

A. Uh, we sat down and I told Bob that I had talked to his father. I told Bob that I had learned that they had purchased a gun from California by sending away through the mail for it. I told Bob that I had showed his father a picture of a gun from a magazine that I had found in the Dowlut home with a similar type advertisement advertising these guns. I told Robert that his father had told me that this was similar to the type of gun that they had purchased through the mail. Bob asked me at that time what the caliber was and I said, "Well,", I said, "Bob, I'm not going to tell you anything about the gun other than that it was an American-made gun. So we talked a little more-- now this was about two-forty-five when I started talking, when Sergeant McNaughton and I started talking to Bob. During this time I asked Bob, ^I told Bob that I felt that if he had anything to say to us the truth would always be best, I more or less talked about morals with him, I talked about his religion, I said I always felt that the truth was best because-- Bob sat there and listened to this and then he made a motion like he was stretching, he leaned back in his chair and he said, "Well, you know, Sergeant, it's just like a person is two people." And I said, "What do you mean by that?" and he said, "Well, if one part of me can love and the other part can kill," and I said, "Bob, that's true, there's part that can kill, I think probably it's within all of us, buried deeply, but with certain provocations can come to the foreground." And at that time he said-- At that time I looked at my watch because I felt that something was going to happen, it was three-fifteen, and he looked at Sergeant McNaughton and I and he

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1 said, "Will you do me one favor?" I said, "Well, if we can. What
2 is it?" and he said, "Will you not use my home address?" and I said,
3 "Well, Bob, I think we can do that; however the newspapers will use
4 it." I said, "We'll use Camp Ord." So the first inkling that Bob
5 was going to tell about this accident, the first statement he made
6 in regard to this, he said, "I didn't mean to shoot that man." I
7 said, "Of whom are you talking? Mr. Berkowitz?" and he said, "Yeah,
8 the fellow at the pawn shop." I said, "Bob, tell us about him."

9 He said that he wanted to marry his girl friend, Cammie ; he
10 said that her mother was against this, didn't like him, was trying
11 to prevent them from seeing one another, and he didn't like Mrs. Ye-
12 cum. He said that he was about due to go back to camp and that he
13 wanted to take Cammie with him, but he needed some money, so he said
14 that he took this gun from his home, and I asked him what kind and
15 he said it was a Webley, a .45 Webley. Ah, he said that he took the
16 gun and he stuck it in his pants, in his belt, under his jacket, and
17 he said he went uptown looking for a place to rob. He said he was
18 walking by this pawn shop and he looked in and he saw the man in
19 there alone and he went in and as he went in he pulled the gun out
20 and he cocked it. He said the man looked at him and jumped at him
21 and he grabbed at the gun and he jerked back, and when he jerked
22 back, why, the gun went off. He said the man screamed and Bob ran.
23 He ran out of the place. At that time I stopped him and I asked
24 him which direction he'd run and he said he didn't really know, that
25 all he could hear was this man screaming. He said the only thing
26 he did know, he did^{-n't}/run towards Michigan Street, he ran in the other
27 direction, in a westerly direction.

28 Q. All right. Now, west, that would be-- the pawnshop you're speak-
29 ing of is on Western Avenue?

30 A. Yes.

31 Q. And he said that he ran west of that?

32 A. West, yes.

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1 Q. All right--
2 A. He ran west of that location. He said that when he finally came
3 to himself, as he was running he said that all he could hear was
4 this man's screaming. He said when he finally came to realize what
5 was going on he was in the schoolyard of the Morris School; the Mor-
6 ris School, that would be the retarded school.
7 Q. Now, will you tell the court where that is with relation to
8 this pawn shop?
9 A. This is west of the pawn shop, approximately, oh, ten to twelve
10 blocks, I-- I, well, not that far, either. Nine blocks, it is, west
11 of the pawn shop, and just a little bit north.
12 Q. And where in relation to the home of Anna Marie Yocum is this?
13 A. It's just, well, a few hundred feet, actually, catty-corner from--
14 down the street a ways from the home.
15 Q. So this is the position or place in-between the pawn shop and
16 the residence of Anna Marie Yocum?
17 A. Yes.
18 Q. While traveling in a westerly direction?
19 A. Right. He said that as he was going through this schoolyard,
20 it's not a school ground, it's a big yard, he said that he became
21 sick to his stomach and he vomited, and then he walked out on the
22 sidewalk and he walked west a little more toward the Yocum house.
23 He said he went around it to the back of the, this large home, ⁱⁿ which
24 Mrs. Yocum had an apartment. There's a back entrance, a stairway
25 that goes upstairs, and he said he sat on the steps and thought.
26 I asked him how long he'd sat there, if he remembered, and he said
27 he didn't-- really didn't know. He said it was ^{for} five minutes or five
28 hours, he didn't know. He just sat there. I asked him why did he--
29 "Why did you go there, Robert?" and he made this statement, and I'm
30 verbatim now, he said, "I went there to kill her." I said, "What
31 did you do then?" He said, "Well, I went up the steps, went in the
32 back door of the apartment, went into the building, and into, sub-

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1 sequently into her apartment. He said, "I pulled the gun out of my
2 belt." He said she was sitting in a rocking chair with the tele-
3 vision on. He said she-- when he walked in she looked at him star-
4 tled-like, and she started to get up and he fired. He went past
5 her, she turned and went towards the door of the apartment, he was
6 at the front end of the apartment, and he ran past her and he turned
7 and he fired again at her, and that she fell at that time. I said,
8 "Bob, did she fall on her back? Did she land on her back?" and he
9 said, "No, she fell on her face." I hadn't been there, but I'd seen
10 pictures/and I was just trying to corroborate if this was true.
of the scene

11 He ran down the back steps and down the alley west, continued
12 west toward the city cemetery-- no! excuse me. He said that he ran
13 back uptown, that he took the gun to the Colfax Street bridge and
14 threw the gun and shells into the river. I asked him if he would
15 take Sergeant McNaughton and I and a photographer to the approxi-
16 mate location on the bridge where he threw the gun and he said he
17 would. Well, this was three-thirty that we left the station with
18 the photographer.

19 Q. Well, where if anywhere did you go then?

20 A. We went to the Colfax Street bridge in South Bend.

21 Q. All right, and what if anything did you do there?

22 A. We parked on the bridge and walked out to the, Bob told us to
23 stop and he indicated a place in the river, he said he'd thrown it
24 in this general area. It would have to be near an old power plant,
25 it's no longer used, but the current is real swift there.

26 Q. What if anything did you say?

27 A. I asked Bob at this time, we looked down/and I said, "Bob, you
28 know what we're going to have to do, we're going to have to have the
29 river lowered some, we're going to have to put divers down. Now,
30 if you didn't throw it there, tell us, don't-- You've already told
31 us that you wounded one man and that you've killed this lady, don't
32 jeopardize someone else's life. He said, no, he'd thrown it there.

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2 So we got back then and we took pictures, just of him indicating
3 where he'd thrown it.

4 Uh, we got back in the car, we told the photographer to follow us,
5 we went over to the Morris, uh, this Morris school, that's a retard-
6 ed children's school, and we asked him if he could indicate the ap-
7 proximate location where he had vomited, we wanted to check this
8 out. So we went over there and he tried to--he tried to show his
9 general path through this yard. It had rained the night before this,
10 and then he also said that most of the vomit was liquid. Well, we
11 still tried to find it, but we couldn't find it, couldn't find it
12 anywhere.

13 Q. Did there come a time that you returned to the station then?

14 A. Yes. Then we went back to the station after we were unable to
15 locate the spot where he'd vomited.

16 Q. All right. What if anything happened there?

17 A. We got back to the sta-- to the detective bureau, took him in
18 the polygraph room and he'd already admitted this in front of Ser-
19 geant McNaughton and myself, it was four o'clock or thereafter,
20 shortly thereafter, the night shift had come on, I wanted him to
21 admit this in front of someone else, so I asked Sergeant Bergman
22 and Sergeant Santa to come into the polygraph room. I introduced
23 Bob to these two officers, I asked Bob if he would again go through
24 this whole story in front of them, which he did.

25 In the meantime Mr. Dowlut had been brought to the station. He
26 was asked if he'd come down in the company of-- I forget the officers,
27 he accompanied several officers down to the station. Uh, I wanted
28 to check with Mr. Dowlut-- well, the conversation I'd had with Mr.
29 Dowlut, it didn't jibe with just exactly what Bob had told us. I
30 forgot one part in telling: that Bob admitted this, I asked Bob if
31 he had told his father-- I told Bob what his dad had said, that he'd
32 thrown his gun away several years ago, and Bob said, he said, "I
told my dad to say that Monday night, I saw him and I told him in

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Polish to say that."

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Q. Monday night, when he said that?

3 A. Right.

4 Q. In Polish. I see. All right.

5 A. He said, "I told him Monday night to say that, if they asked him
6 about this gun." So Mr. Dowlut was there. I wanted to again check
7 this part of the story out, so I went into the-- Mr. Dowlut at this
8 time was in the middle room in the juvenile bureau. I went in there
9 and talked to Mr. Dowlut, I told Mr. Dowlut that Bob had admitted
10 this and I'm sorry about it, Bob had admitted it, Bob had told me
11 that he had had this conversation with his father in Polish and tell-
12 ing him what to say in regard to this gun, I wondered if he would
13 want to tell the truth about this now. Mr. Dowlut said, No. He
14 just repeated his story, that Bob was wrong. I told Mr. Dowlut that
15 he needn't be afraid, that we weren't going to do anything to him,
16 that I could understand the father, you know, trying to protect his
17 son, but he maintained that this was not right, what he had said
18 was correct. So I went back in the polygraph room, Sergeant Berg-
19 man and Sergeant Santa was still in the polygraph room with Robert,
20 and when I went back in Sergeant Santa and Sergeant Bergman told me,
21 they said, called me by name, he said, "Bob said, while you were
22 gone, we talked about it, this river thing, and we emphasized the fact
23 that it was dangerous for a diver; now, if it wasn't there, don't
24 make us go through all that." He said, "Bob has told us the truth
25 now about the gun. He said he buried this gun, that after he left
26 the Yocum apartment he ran west instead of going uptown, he ran west
27 and went through a city cemetery and had buried the gun; he said
28 he'd take us out to where the gun was located."

29 Q. Now, up to this time had the defendant's father Donald Dowlut
30 seen him?

31 A. No, not at that time.

32 Q. All right.

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1 A. Not that day.
2 Q. Yes. All right, what if anything did you do after that?
3 A. I told Bob, I said, "Your dad is here and he's still sticking
4 with his story." Bob told me that he, he said, "Well," he said,
5 "dad is an alien and he's afraid that, you know, if he tells the
6 truth about this gun he's going to be in trouble." I said, "Bob,
7 would you---
8 Q. He said that to you?
9 A. Robert said that to me, yes.
10 Q. All right.
11 A. I said, "Well, Bob, if you'll write a note to him, something,
12 telling him." So Bob sat down and ^{he} wrote a note.
13 Q. Now, I want to ask you at this time, at this juncture of time,
14 did you or any other police officer instruct this defendant what to
15 write in any note?
16 A. No.
17 Q. Now, were you present when he was writing the note?
18 A. Yes sir, I was.
19 Q. All right.
20 A. The paper was there on the polygraph desk part of the polygraph
21 machine and Bob wrote this note to his dad and so I took it into the,
22 into the other room where his father was sitting, Sergeant Naurocki
23 was still in there.
24 Q. Now, he's of Polish ancestry, isn't he?
25 A. Yes.
26 Q. Sergeant Naurocki, and also speaks Polish, doesn't he?
27 A. He speaks very fluently.
28 Q. All right.
29 A. So I told Mr. Dowlut, I said, "Mr. Dowlut, I have a note from
30 Bob." I said, "Sergeant Naurocki will read it to you." Sergeant
31 Naurocki read it to him in English first and then he read it to him
32 in Polish. And Mr. Dowlut looked at it. I was sitting rather.

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1 close to Mr. Dowlut, this is a small room, I was sitting rather
2 close to Mr. Dowlut, and Mr. Dowlut started to cry and he reached
3 out and he grabbed me right a-hold of the hand, like this, and he
4 was really crying big tears, and he said he was sorry for lying to
5 me, he didn't like to lie, but he was frightened for Bob and he was
6 sorry that he had lied to me. And I said it was all right, that I
7 could understand then. So then he changed his story, that that's
8 right, that he hadn't thrown this gun away, that Bob had told him
9 on Monday night in Polish that if the police asked to say that he'd
10 gotten rid of his gun several years ago.

11 Q. All right, what else if anything was said then?

12 A. Then I asked Mr. Dowlut if he'd like to see Robert and he said,
13 Yes, he would; so Sergeant Naurocki and I took Mr. Dowlut into the
14 polygraph room. Mr.-- Sergeant Bergman and Sergeant Santa left the
15 polygraph room, leaving Mr. Dowlut, Robert, and Sergeant Naurocki
16 and myself in the polygraph room.

17 One of the first things that Mr. Dowlut said to Bob, he had to
18 know, "Did you write this note?" and Bob said, "Yeah, dad, I did,"
19 and with that they both started to cry. They stood up and they
20 threw their arms around one another, embraced, and both of them cried,
21 and Bob kept telling his dad, "Dad, ^{dad,} I'm sorry; I'm sorry I embar-
22 rassed the family," and things of this nature. "I'm awfully sorry"
23 Finally, when they kind of got settled down and got over their cry-
24 ing a little bit, Mr. Dowlut was asking Robert some questions in
25 Polish. Sergeant Naurocki was translating for me, and Mr. Dowlut
26 asked Bob if he did this.

27 Mr. Flodowski: We'll object, if the court please, to any transla-
28 tion unless than witness made the translation and could understand
29 Polish.

30 Court: I'll have to sustain that.

31 A. Robert's answers/~~ka~~ for the most part were in English. They were
32 a combination, but for the most part were in English. He said, "Yes,

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and

1 dad," and he stood up, they were both standing, and he indicated
2 to his father how he did this, he pointed his finger like this (in-
3 dicating), so this-- Mr. Dowlut's questions were in Polish, but Rob-
4 ert was indicating to his father and said, part of it in English,
5 that he put his hand out here and grabbed at the gun and this is
6 when it went off. And evidently-- well, there was some more conver-
7 sation in Polish and Bob said that, Yes, that, Bob was telling his
8 father about Mrs. Yocum.

9 At this time Mr. Dowlut went out. They embraced-- oh! Mr. Dowlut
10 told Bob in English he was going to hire him an attorney and Robert
11 pleaded with his dad not to hire an attorney, and this was in English,
12 and Robert pleaded with his dad not to hire an attorney, he said,
13 "Dad, dad, you're wasting money." He said, "I'm going to be in
14 prison for the rest of my life," he said, "Don't spend your money."
15 He said, "You and the family move out of town," he said, "I've
16 shamed you," he said, "Move out of town so nobody'll know you."
17 Well, his dad said, "Well, I'm going to get you an attorney." There
18 was more conversation in Polish and English, and Mr. Dowlut then was
19 escorted out of the polygraph room.

20 Q. All right, where if anywhere did you go then with the defendant?

21 A. Well, I stood there and talked a while. I asked Robert if he'd
22 give me a written statement in regard to this, and he said that he
23 would, and I said, at this time it was about six-thirty, and I said,
24 "All right," so I went out and I talked to the Inspector and the
25 other officers that were there involved in this thing. I reasoned
26 that we should wait till morning to take this statement. He said
27 he'd give us a statement and I know how in these cases how things
28 are always brought out about how you question a person, and so on
29 and so forth; I reasoned that we should wait till morning, knowing
30 that nobody would talk to him through the evening and night and he'd
31 have plenty of opportunity to reconsider if he wanted to reconsider
32 it. So my decision was followed, and I took Bob out to the cell