

SOP Violations and COC - Hidden 2nd Audiotape of APD Interview with Petitioner

<u>Violation #</u>	<u>Date</u>	<u>Action or Non-Action</u>	<u>SOP Violation (If applicable) and Bad Faith</u>	<u>SOP or Statute Version</u>
	Dec 11, 1996	APD Homicide Detectives RICK CHAMBERS and MARCHEL WALKER conduct various interviews, some untaped and one taped, with Petitioner SCOTT DAVIS at 3am –7am in the morning. (PT – p.28-105). CHAMBERS and WALKER use two audiotape recorders, one hidden and unknown to Petitioner, to record parts of the interview. (HT – p.817- 845, 686)		By Georgia Law, a person commits the felony OCGA § 16-10-94, Tampering with Evidence , when, with the intent to prevent the apprehension or cause the wrongful apprehension of any person or <u>to obstruct the prosecution or defense of any person, he knowingly destroys, alters, conceals or disguises physical evidence...</u>
1	Unknown, 1997	CHAMBERS and WALKER submit only one tape to be transcribed to APD yet the transcript is labeled "Tape #2".The 2 nd audiotape is never seen again and is not entered into APD evidence.	<ul style="list-style-type: none"> • The APD Homicide Detectives should have put both tapes into the evidence storage and recorded it properly. 	<u>APD BPS.SOP.5.1 – 8.2 Property and Evidence: 8.2.2 Recording and Storing (Petitioner's Exhibit #1, HT – p.899)</u>
2-3	April, 2006	The 2 nd audiotape is unavailable for the Defense to analyze and test because its existence was unknown before trial to Petitioner. (HT – p.686) Detective CHAMBERS denies the existence of an altered tape, a 2 nd tape or any coercion towards Petitioner in pre-trial testimony. (PT – p.28-105).	<ul style="list-style-type: none"> • The 2nd tape was intentionally hidden/destroyed so that the defense could not test or examine it. 	<u>Trial Reciprocal Discovery procedures (Petitioner's Discovery Motions)</u> By Georgia Law, Perjury is a crime and evidence of Bad Faith
4	Oct, 2006	Detective Chambers authenticates one audiotape at trial and again denies the tape was altered (TT – p.2671, 2749), stopped or started (except to turn the tape over) (TT – p.2673) and denies threatening Petitioner.	<ul style="list-style-type: none"> • Only the tampered with and altered tape was submitted and admitted at trial • Based on later audio expert testimony, CHAMBERS denials are false and the tampering with of evidence 	By Georgia Law OCGA § 17-5-56, 57, all agencies are required to preserve all evidence that could be used in a defendant's trial By Georgia Law, a person commits the felony OCGA § 16-10-94, Tampering with Evidence , when, with the intent

		is a crime	to prevent the apprehension or cause the wrongful apprehension of any person or <u>to obstruct the prosecution or defense of any person, he knowingly destroys, alters, conceals or disguises physical evidence...</u>
5	Oct, 2011	<p>Detective Chambers again denies a 2nd tape or recorder despite the unchallenged expert audio testimony otherwise that the tape admitted at trial was “not authentic”, “was altered” and that the noises of a 2nd recorder and tape could be heard on the 1st tape. (HT – p.817- 845)</p> <ul style="list-style-type: none"> • CHAMBERS denials are false and the tampering with of evidence is a crime • Only the tampered with and altered tape was submitted and admitted at trial 	<p>By Georgia Law, Perjury is a crime and evidence of Bad Faith</p> <p>By Georgia Law, a person commits the felony OCGA § 16-10-94, Tampering with Evidence, when, with the intent to prevent the apprehension or cause the wrongful apprehension of any person or <u>to obstruct the prosecution or defense of any person, he knowingly destroys, alters, conceals or disguises physical evidence...</u></p>