

**11/22/04 Interview of Charles Schwartz by Detective Frady.**

(In the first part of the video Detective Frady returned some property from the truck to Schwartz)

\_\_\_ Is there anything that you remember specifically that you did not tell me the other day?

\_\_\_ No, like I told you on the phone when I was about to fall asleep I just remember seeing his face...he was chubby in his face and he might have been a little cross-eyed... I though he had shorter hair but as the pitcher comes up it was medium length hair and it looked like... I think he had a pony tail... but other than that I don't remember... I just saw a flash to my face when I was closing my eyes... and I watched the news and I saw the picture in the tape as he was leaving the door... the guy you wanted to talk to... it appears that he had glasses and I have been struggling for the last day trying to figure out if he had glasses or not... but I don't remember... if he had glasses they wouldn't be sunglasses they would have had to have been reading glasses because sunglasses would have shaded their eyes and I don't remember anything like that.

\_\_\_ So you don't remember anybody out of the suspect party had glasses on?

\_\_\_ Right... it seemed like it in that picture but I don't remember glasses specifically.

\_\_\_ Well the guy in that picture may or may not be the suspect.

\_\_\_ I guess the other question is... this is the picture you drew me that day... I added this and that just to kind of identify it... this is the picture the police officer drew of the scene where Anthony was stabbed... the Appaloosa is up here and you drove down here and to the right and this was Conrad here and this is Galley where you took off... Does looking at that bring back anything?

\_\_\_ After I left here I went and picked up my boys from the basketball game and then they called me back over here (indicated the drawing)... this other guy at the site wanted to talk to me and he walked me through it and everything and from where my truck was here (indicating on the drawing) and the victims' (obviously misspoke) vehicle was right here... after thinking about it I did not see anything happen over here (pointing probably to the area to the right of his truck) but as this states there is a bunch that goes on over there (pointing to the blood trail on the drawing)... I just noticed some in front of the vehicle and to the left... I was trying to get my cousin in the vehicle and the that I see you have got glasses there too (pointing to the drawing)... Anthony was not wearing his glasses... he was wearing his contacts I believe so it would not have been Anthony's... it would have been the other guy's...

(Detective Frady left the room and while he was out Schwartz said to himself "Anthony had his contacts on that night... or did he?")

\_\_\_ You said from your view from the truck you saw you cousin engaged with the tall guy with the leather jacket toward the back right of your truck, right?

\_\_\_ Right just out door... my cousin's back faced to me... I could see like this part of him (indicates toward his left shoulder) the door jam was right here (indicated the middle of the back Chisum) he was arguing with the other guy (Todd) and then when Chisum backed up to get into the truck that other guy (Todd) came into view just where I could see him... the bed of the back of my truck was right there (indicating with his hand) Chisum was right here and once he backed into the truck that guy moved up into my view.

And at that time where was Anthony and the other guy?  
In the middle of the road in front of the truck... they were boxing.

Did you ever see the guy who was with you cousin around Anthony?  
No... When they both (Anthony and Chisum) jumped out of the vehicle and then I came to a stop... I believe that initially everybody (Todd's party) ran to that one side... I mean that is where they got out of the vehicle... but as far as Anthony and that chubby guy engaged with each other... they had it out for each other for some reason... and they started fighting across the street... but from this (referring to Baldwin's drawing showing the blood trail) and going over the place (he is apparently referring to going to the scene... maybe with detectives) it looked like something here (he made a little circle where the blood trail begins) and escalated to there (probably referring to where Anthony and Brad went to the ground)... but from here, there was a bunch of people over here (pointing to the right front of his pickup on the drawing) and I really did not know at that time where Anthony was until him and the other guy separated themselves and started fighting across the street, because there was a bunch of commotion there and I was just trying to get them both in the vehicle... and then when Chisum got in the vehicle then I focused on Anthony... he was fighting in the middle of the road... they were just punching... to me they were just punching... I didn't see no weapons or anything like that.

You saw them both punching?  
Until they fell to the ground... and when they fell to the ground and they got up that is when I noticed something was wrong...

You saw the blood?  
Right when he stood up and when he jumped in the truck over me and said, 'I got... I just got stabbed.'... It sort of makes me upset so if something happened here and I didn't see anything like that (seems to refer back to the area at the beginning of the blood trail... he was pointing and using Baldwin's drawing)....

So there was a time when Anthony was out of your sight?  
Right, right over here (again referring to the drawing) because there was like 4 or 5 of them over there and those two (probably referring to Todd and Chisum... there are two dots that Schwartz apparently put on the drawing probably marking where Todd and Chisum were confronting each other... this seems to mean that Todd and Chisum were not part of the group where Anthony was lost from Schwartz' sight) and the door was open and Chisum was like right at the door... he didn't go much further than that... but Anthony had mixed himself in the crowd over there...

So Anthony was in among a group of people?  
Right... and by the time my cousin jumped in from like that location (pointing to the drawing) and as soon as the door touched I heard a big pop and I remember Chisum saying 'They got the tire... they got the tire, let's go'... and by that time Anthony and the other guy were halfway across the road... so I think there had to be two, maybe more knives... because Anthony and him were already across the street when my cousin got in the car and that was when the tire popped... not unless... well apparently it happened here because there is blood across... you know what I mean... so something could have happened right off the bat and then that is when they popped the tire and then they just started fighting physically, you know what I am saying.

Did you see any blood on Anthony while they were right out in front of your truck?  
No... they were just fighting.

Were you in a position to see whether there would have been blood or not?  
No, not at all because they were probably 10 or 15... 16 steps ahead of the truck in that corner and it was so dark... The only time I saw he was injured was when I pulled right next to them when and he got up they fell down upon each other and he got up... and he got up and he was like fatigued and then he looked at me and said 'I was stabbed'... and I hoisted him up into the truck... that's the only time I seen something was wrong... if I had seen something was wrong here (referring to the beginning of the blood trail) that is when I would stepped out of the truck and would have done whatever I could have done... but I had no clue something had happened over here (the beginning of the blood trail)... because all that was over here was a bunch of shit talking and as soon as they started crossing the street is when they was actually punching."

So you did not see... let me put it this way... where were your headlights shining?  
Right down this way.

North... straight down the road?  
Yes... I was like right in the middle of that little driveway... everybody was like... my door was open... everybody was like here (marking on the drawing)... Chisum and the other guy (Todd) were here... every body was in this vicinity and once Chisum got in, you know... everybody was on that side of the vehicle first (pointing to the right).

\_\_ Chisum and the other guy were right outside your door?

\_\_ Just right outside it... he (Chisum) didn't go far because I was just yelling at the top of my lungs at both of them to get back in the vehicle... and he (Chisum) finally did and that's when as soon as the door shut the tire popped and I said "what was that?"... he (Chisum) goes, "They got the tire, they got the tire."...

\_\_ During this time where was Anthony?

\_\_ About in the middle of the road.

\_\_ So when the tire popped you could see Anthony in front of your truck?

\_\_ (nodded yes) definitely.

\_\_ That's important, I want to make sure you are clear on it... so the tire popped and door closed, Chisum was in the truck, you heard the tire pop, so you heard the sound like somebody stuck your tire and at that time those guys were?

\_\_ In the middle of the road.

\_\_ In the middle of the road illuminated by your headlights?

\_\_ (nodded yes)

\_\_ And you are sure it was the fat guy and Anthony?

\_\_ Yes

\_\_ And that's the only ones that were in front there?

\_\_ That's the only two that ever stepped in front of the vehicle... everybody else stayed here (pointing to the drawing)... and I think... my thought are... I guess I can tell you this... when the tire was popped everybody... cause right then when the tire popped I was not sticking around... I put my truck in gear and started to roll forward... and then at that time they fell to the ground and I pulled over there to pick him (Anthony) up... my thoughts are everybody ran back to their vehicle."

\_\_ As soon as that tire popped ... so that was kind of simultaneous?

\_\_ No... like in order... I was not paying any attention to them (looked to his right)... I was paying attention on Anthony... but my thoughts are everybody was like OK, you know, maybe they already knew that something did happen over there already and they were just trying to get out of the..., you know.

\_\_ So you could not say for sure whether or not Anthony was stabbed here (probably referring to the beginning of the blood trail)?

\_\_ I can't say that because he got lost in the crowd and I was focused on Chisum getting in the vehicle.

\_\_ But up here when they were illuminated by your headlights you probably could not have seen blood had it been on Anthony's shirt at time, isn't that correct?

\_\_ No, because of the fact I don't think that in mind that something could have happened because he was throwing fists like nothing... over here when he fell down... when they both fell down and they both looked fatigued... I thought they were just tired because they were fighting all across the road... they were fighting pretty hard... when he was in front of the vehicle and headlight illuminating him I couldn't tell that anything was wrong because that was not really going through my mind because he was fine, he was on his feet, he was punching.

\_\_ But for sure only Anthony and the fat guy were in the front when you heard the tire pop?

\_\_ That's a definite.

\_\_ And none of these other guys other than the guy that was confronted by Chisum and the guy that was confronting Anthony... none of any of these other two or three guys from the suspect vehicle played a part?

\_\_ You know they were pretty much like just there... the guy that was confronting Chisum was all in his face at the club too... and the guy that was confronting Anthony was all in his face at the club... it was like these two had it out for each other, you know what I mean?... and both parties, Chisum and Anthony and the other guy and the other guy... they locked on at the club and at the scene too... but the other guys that were with them were just part of the entourage... they were just with them... it was like a spectator deal... they weren't really saying nothing or doing anything... as far as like getting into people's faces... Just Chisum got confronted by that guy and Anthony got fighting with this guy (pointing to the drawing).

\_\_ Do you remember that there were one, two, or three guys in the entourage?

\_\_ I think there was two or three plus him and him (pointing to the drawing)

\_\_ But they were standing there together?

\_\_ Right... I don't know if there were more people in the vehicle or by the vehicle... I don't know anything that happened behind me... like I said when I picked him up and left, I don't know if that vehicle turned around, followed us or what.

\_\_ And before Anthony got out he said "I've got a knife, lets go" indicating that he had a knife but you did not see it... as a matter of fact you did not see any knife?

\_\_ No knives at all.

\_\_ Based on what you have seen he could have gotten stabbed while he was standing in this group of people?

\_\_ Yea, from what I seen... what plays in my head... that group over there and then going back to the scene something happened over there... you know if there was another guy over there... or I guess it could have been Anthony or both... cause over here (pointing to the drawing) there's a lot of blood

\_\_ Do you remember hearing what was said... now I know we talked about that Anthony was hollering for you to come on, lets go, it's on, that kind of stuff?

\_\_ The only thing that plays in my head is that he says "It's on, let's go Chas, let's go"... like let's fight, let's rumble... and I was just trying to get them back in the vehicle.

\_\_ Was that the time he was standing in here? (Apparently pointing to where the "group" was)

\_\_ In the front of the vehicle (pointing toward the front of the vehicle)

\_\_ So he was saying that in the front of the vehicle?

\_\_ Yes, Chisum's door was open and Chisum jumped in the truck ... before he (Chisum) shut the door (I heard Anthony yell) "it's on, it's on"... and that's when I opened my door and was yelling at him (Anthony) "Get in the vehicle, get in the vehicle, let's go, let's go"... and then put it in gear and started to roll and watched them (Anthony and Brad)... I mean I watched the whole thing... they like (he demonstrated) just fell like they were out of energy... I thought they were just going so hard punching each other that they were just tired and fell.

(showed Schwartz a photo lineup)

(Near the end of the video both Schwartz and Lopez were placed in the room together... they spoke briefly about how they had tried to save Anthony's life)