

NEW CASTLE COUNTY
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

STATEMENT

CASE NO.: 32-96-142759

NAME: MARK KIRK, W/M, DOB 06/13/61
ADDRESS: 550 S. DuPont Highway
Beaver Brook Apts.
DATE: Thursday, December 5, 1996
TIME: 1307 hours
TAKEN BY:
LOCATION: NCCPD HQ, Interview Room #2
ALSO PRESENT:

W Det. Gary Worthy
P Assistant Fire Marshall Bill Preston

W Hi, Mark.

A Hi

W Giving yourself a smoke?

A _____ and throw it out the window.

W Nice and cool in here, huh? Why don't you have, come on over here. I'll introduce you first off.

A Hi

P Hi, it's Bill Preston.

W Bill Preston, he's from the fire marshall office. OK? He's basically Russ Staats supervisor. OK? He's an expert in fire investigations. He's done many of these types of things. OK? So he'll be able to answer some questions and help you out and

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things like that. OK? I've talked to him about our own discussions. OK? So that's basically where we stand at now. All right? I think maybe you want to talk to him, all right? Do you have any questions, Bill?

P Well, let's, let's get everything straightened out here. I'm just coming into this so I'm not privy to the conversations. You were read your Miranda warning, right?

A Oh yeah.

P Your legal rights and all that? You understand that, is that correct?

A Yes.

P OK. And you're OK with talking, you mind, OK, and we'll get this straightened out. Is that right?

A Yes

P OK. So, I'm Bill Preston. OK? I'm the supervisor at the fire marshall's office. I went out there and what we do, is we do a scene examination to determine how the fire starts.

A Uh-huh

P Do you understand that?

A Yes

P OK. And that's exactly what we did. And I think at this point what we need to do is to make things right. All right? I've dealt with hundreds and hundreds of cases like this. OK? And what we've got to do, we don't want to make this something it's not.

A Right

P OK. And that's what we want. Don't you agree?

A Yes. 100 percent.

P All right. No question about the fire. OK? The fire's intentional. So that's not even a question of what's going on there. The reason or what we have to determine is why it was started. OK? It's either a simple thing where somebody gets mad and does something like that or it's a case of, you know, somebody's trying to kill everybody in the building. I don't think that's the point here, is it?

A Uh-uh.

P OK, and that's what we're dealing with here. It's either (A) or it's (Z), OK? And I don't think it's a thing where you try to kill people or you tried to take everybody out of the building, am I right? Am I right in that?

A You're right.

P OK. People understand, OK, you get pissed off at your girl. Something happens. That's understandable. And that's what I want to do. Let's not make this a big, big deal here if it's not a big deal. OK? But that's what we need to do right now. We need to find out what was going on in your mind. What happened in there, OK? If you just did something and it was a lack of judgement and it started getting out of hand, let's make it that way. That tells, you have to say that though. OK? We've got a serious incident here that we don't want to make it any more serious than it is. Do you understand what I'm telling you?

A Yes

P OK. So you need to tell me, you need to help me help you. And I want to do that. I want to make this exactly what it is. Not some big ordeal, OK? We need to make this what's happened. OK? You need to tell me exactly what was going on and what was in your mind when this happened. OK? Help yourself. Help me help you.

A I'm trying to help myself but....(crying)

P Listen. Listen. You need to get this straightened out. We're here to make this what it is. OK? But you have to help us. Now tell me what happened in there and tell me what's going on with it.

A I didn't start the fire.

P You...listen...the fire's an intentionally started fire. OK? That's not just at a question anymore. If it's something that got out of hand, that's what happened. Let's make that way. I think that's probably what it is. OK? You don't, you're not used to fires. You don't know that they go that quick. OK? There's certain circumstances that happen, a chain of events afterwards that made this happen. OK? A lot of this was out of your control. OK? But we have to get it straightened out. OK? If you were having an argument and you did something, you've got to say that's what happened. OK? If, you need to tell the truth because this has implications.

OK? It's....

A I know, I can't tell you what I don't know.

P You, listen, listen, you do know. OK? And you've got to tell me. You do know. That stuff about not remembering, you remember exactly what happened. Now you might not want to remember. But you have to remember to help us help you. That's the bottom line here. We're not here trying to send you down the tubes. We want to make this, like I said, exactly what it is. We don't want to blow this out of proportion. There's no sense in that. But you need to tell me what happened. You need to tell me. It's important. I want you tell me exactly what happened after, after you had, you pushed her down. Where did you go?

A I didn't push her down. We were on the bed. I pushed her off of me, off the bed.

P OK, that's right. And that's exactly, we're making it exactly what it is. OK, you pushed her off the bed and then what happened?

A Went in the bathroom. I'm almost positive I didn't go anywhere else but the bathroom. She went out in the kitchen and discovered the fire and only the burner was burning and she called her son and her and her son both saw the fire flare up and get out of hand.

P OK, now that's the story that you've come up with and that's exactly it. That's a story. OK, that's not the truth. Now listen to me, OK? I want to be in your corner when you can do that. But do you know what we have to do? Look at me. We need to work together on this.

A I'm trying. Don't you think I'm trying.

P Well, I need you to work with me. You and I need to go through this together.

A I can't tell you what I don't know.

P OK

A Or what I don't believe. OK?

P Something happened in there. You were intimately involved with the start of that fire which means you were right there when the fire started. There's human involvement in the fire. Now, I'm not saying that you tried to burn the building down

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to the ground, OK, but I'm saying you're involved in the fire. And maybe you were trying to burn the building down. You know, cause....

A No. No.

P ...and that's, and I think so just from what I know about you and from what I've heard about you, I don't think you were either but we need to straighten that out. Listen, if you mess up, OK, and people are entitled to make mistakes in life. OK? People have a lack of judgement in life. You understand that. I'm sure you've made mistakes before. Is that right? OK. When it comes down the road, OK, you make a mistake, you have to pay for your mistakes. Is that correct?

A Yep

P OK, but when you own up to your mistakes, OK, when you admit to someone, when you admit to me that yes, yeah, Bill, I made a mistake. OK? I got mad. I did something I didn't, or shouldn't have done. OK? And the worse thing possible could have happened but I didn't mean that to happen like that. I really think that's what we're dealing with. And if we're dealing with that, let's say we're dealing with that. OK? Let's make it nothing more than that. I don't sit here and believe that you tried to kill anybody or you tried to burn a building down. I don't believe that at all. OK? But you have to tell us that. I can't speak for you. I can only, from my experience, say what happened and how a fire started. OK, I can look at the scene and know that there's human involvement, that there's someone, a human being has started this fire or made the fire happen. OK, I know that. So that's how, there's no question about that. We don't even have to talk about that. What we have to talk about now is why it happened. And that's what we want to discuss. That's where I can go and say, yeah, he told me. He felt sorry for it.

A I understand that.

P I mean, that's, that's what we need to do here. We need to work together. I think the three of us can work together on this. OK? You need to allow it to go. Mark, listen. You need to help, have us help you. You need to do that.

W Let's work together on it.

A (crying)

W Go on and tell me what happened.

A I can't tell you what I don't know.

W All right.

A I know you think I'm lying.

W Let me tell you, let me tell you why you are lying. OK? And I'm going to tell you why I'm going to help you out.

A OK

W Let me tell you why you're lying and talk about a few things and I'll just tell you straight up.

A OK

W It all begins with a woman and it all begins with alcohol.

A Uh-huh

W It started at Lestardo's. OK? And a woman gets upset. She starts flirting with another guy. OK? She upsets her boyfriend. Did that happen in this case?

A That happened in this case.

W That happened in this case. And they had a couple of drinks and they had a few things going and then they went to a motel. What's the name of the motel?

A Uh, Marlex.

W Went to the Marlex Motel and they had a few more drinks. OK? The left the Marlex and they went back to where?

A Her place.

W Your place. And at your place, who all was there at that time when you got back?

A It was me, Darlene, Joey and Tommy that went back.

W Right. And Joey and Tommy, they don't normally live there right?

A No

W Joey and Tommy were there and what does Darlene do? What else happens now?

-
- A When she was flirting with Tom, you mean?
- W She starts flirting with Tommy, OK? Something else has been introduced into this whole picture and it's a bottle of what?
- A Rum
- W A bottle of rum comes into the picture on top of all the beer. OK? Now everybody's having a pretty good time. Would you agree with that?
- A Yes
- W And during that time, OK, the, Darlene starts flirting around with the other guy. What happens to you as a man? What happened?
- A Took a shot in the self-esteem, you know.
- W Right. And what happened?
- A I got angry.
- W And told, and told them what? What did you say to the guys? Did you ask them to stay?
- A No, I think I told them to leave.
- W Right.
- A I think I told them to leave.
- W Right, you told them to leave. Why did you tell them to leave?
- A Cause my girlfriend's kind of embarrassing me, you know.
- W That's right. That's embarrassing. OK?
- A It is embarrassing.
- W It happened in Lestardo's, OK, and now it's happening in my own house. OK? I've got booze on top of all this. I may do things that I normally wouldn't do. OK? Would you agree with that?
- A I'll agree with that.
- W Guys, guys get angry. They don't like to see this kind of stuff happening. OK? So the other two gentlemen, they leave.

They leave the premise, right? They're gone. Now it's just you and her in there. OK? And what kind of conversation did the two of you have at that point?

A I told her I was leaving.

W You were upset. You were going to leave. And what are you going to do? How do you leave? What did you do next?

A I broke the clock.

W You broke the clock. And let me ask you about that clock, OK? This was any ordinary clock?

A No it wasn't.

W What kind of clock was it?

A It was a grandfather clock. A special clock.

W A very special clock to who?

A Me

W To you. It was given to you by someone that you liked, right? And you damaged this clock. Now why would you damage this clock?

A Angry

W Angry, there's the anger again. And why are you angry, because of booze and what?

A Cooze

W There, booze and woman. OK? You're upset. And you're packing your bags and you're getting ready to get out of there. OK? A very easy picture for us all to see. We know how these things work. You go back into the back bedroom. You're loading your stuff up, stuff up to pack and what happens next?

A Um, I carried some stuff out to the living room, came back in, she was telling me stay and knocking me on the bed and.....

W Right, and, but there's two other things in this case and there's two children involved. And how old are the children?

A 16 and 10

W And were they drinking? Were they drunk or anything like that?

A No. No.

W So these are two people who would pretty much know what they were talking about if we asked them questions.

A Right

W Would you agree with that?

A Yes

W OK. And how long have you lived at this apartment?

A A month.

W One month. Now how long have you known this woman?

A A month.

W One month. OK? So in a 30-day period of time, you've developed a relationship, you've moved in with her, OK, you've tried to start a whole new life, OK, in thirty days. That's how fast these things are moving. Now do you know why she wasn't involved in this? How long did she live in that apartment?

A Five years.

W Five years she lived in that apartment. And did she live in that apartment for five years with her two children? That's right.

A Yes

W And you've only been there 30 days. OK? But you brought in some special things - a grandfather clock and things like that. In that time period, a fire starts. OK, the fire starts at the house. Would she do that with her two kids in there?

A No

W She'd lose control of it. She knew that. OK? A woman would know that. She's not going to start a fire.

A Right

W Not with her two kids in there, she's not.

A Right

W So it ain't gonna happen, partner. All right? We all know that. OK? And we also know that the kids weren't involved in this. Would you agree with that?

A Yes

W And we also know for a fact, this expert here is telling us, that the stove, OK, the human factor came into it. OK? The stove was turned on. All right? Nothing else in this world caused that fire but a human being. OK? If it isn't the two children, if it isn't the lady that lived there for five years, even though the bitch that she is, that was flirting around on you, OK, closed up, caused you to be angry, caused you to break a special clock that meant things to you, OK, she still ain't going to burn down her own apartment cause there's two treasures in there that she can't up. And the only person that could do that fire is somebody that thought they could take control of it once it started, maybe something to scare somebody. Say, I'll show you. OK? With no intent of killing many people but of an accident. OK? If that's what happened, so be it. But I'm telling you right now, it's not the two kids and it's not her, that leaves one person left in that apartment. One person. And who would that person be? That's you. Let me throw in another thing here at you. We talk about many things in every case, OK, has a beginning, it has a middle and it has an end. OK? In the beginning, in this case, you have Lestardo's. You have drinking, having fun with friends and everything. Going to the Marlex Motel, having friends. Drinking. There's flirting going on here. Serious. This upsets you at the bar. You make comment to it at the bar. In the middle, we have a fire. Conveniently in the middle you remember little details, OK? Little details. After the fire, some unique things happen. Some caring things happen. OK? After the fire, you go bang on doors. OK? As a human, you know that you've got to do something. OK? You start beating on doors, telling people that there's a fire. OK? Warning people. You also even try to come back to get a cat out of the apartment. At least this is what you've told me. OK? These things are compassionate and they're understanding and I understand them and anyone else would understand these types of things. OK? When we talk about alcohol, we talk about black-outs and things like that?

A Uh-huh

W Them black-out, OK, black-outs are just like I told you. You

know, black-outs, when, when you wake up the next morning and your wife says, "Boy, honey, you made a total ass out of yourself last night." And you say, "oh man, what did I do?" And you don't remember and she says, "Well you were doing, doing that and doing this". Right? And then you say, "Oh man, I don't believe that". And she goes, "Well if you don't believe me, then you call up Johnny". Call up your best friend. And you get on the phone and you call him up and he says, "Man, you were a total ass last night". And you sit there and you can't remember anything. That's a black-out. You don't remember nothing. When you have something like this, when you talk about the beginning, when you talk about the middle and you talk about the end, there's no such thing as a black-out and especially what happens when people get scared and they cover up, self-preservation, they're scared and they'll remember little pieces of the puzzle. OK? I remember doing this. I remember doing a little bit of that. OK? But they conveniently forget the real major parts. OK? Now as I told you in this case, it's a very simple case. You deal with two kinds of people in this world. OK? There's real good people and there's really bad people. OK? Now if you have really bad people, there's only place that they need to go, they go to jail.

A Uh-huh

W They're really rotten, nasty people, that's where they deserve to go. OK? If you're intent in this whole thing, OK, and I've just laid this whole thing out to you and I've proven it beyond any reason who this thing happened. No one else could have set that fire. Couldn't have happened. Couldn't have happened. OK? Only one person did it. OK? Somebody who thought they could get control of it. OK? And it stepped out of its bounds. And that person is you. OK? Now either you intentionally wanted to burn that whole building down, if that's what you are, then hell with you. But this was just an accident that got out of control, that's one thing. But beyond a doubt, you're the one that did this. OK? And, again, it would have never happened, in my opinion, if it wasn't for booze and if it wasn't for her flirting around, you never would have lost control. Just like that grandfather clock, if you had been sober, would you have kicked the win...kicked it out? It never would have happened. You would have never damaged it. So what happened here? What happened then? This is what I'm trying to make clear to you. You know, are you the rotten type of individual, you know....

A

W Then what happened here? You've had people talk to you now

and we don't want to paint you out to be something that you're not. OK? And I'm going to tell you right now, remembering the little pieces, it's the same thing as being the one that did it. OK? There's no getting out of it. You don't conveniently just remember A, B and C and forget the E, F and G. OK? And then begin the puzzle all over again and remember everything else. Now, I told you before, the conflicting statements of everybody as made in this case. OK? That in itself shows, again, the problem. OK? And the problem all comes back to somebody and that's you. OK? Now what you're trying to do is cover yourself up, make yourself feel good as best you can. You can't. It's not going to go away. You're just going to have to wake up a little bit. The bottom line is, you didn't let the boys that were in the apartment, they didn't die. No one died in the apartment. You did a great job on all that. OK? You tried to warn other people. OK? And these other things that happened outside of that, they were beyond their control as he explained to you. Once the fire took off, there was nothing you could do. All right? Now, Mark, it's either, it's either A or B. I don't know. And you'll sit there and play that game, then I'm done with you. I've talked to you at length. If this is it, then that's.....

A I'm not playing a game with you. I'm not playing a game. I'm not playing a game. I'm really not. I can't tell you what I don't know.

P Mark, it's not a game and you're right. OK? And it's no game to play.

A I know. These are very serious charges here.

P Either you're a despicable person, OK, an arsonist, a murderer, someone who would intentionally burn a building down and didn't care.

W Intentionally

P Intentionally burn a building down, or you're a guy that let booze and anger and a woman make him make a wrong move and he made a mistake. A lack of judgement. Everything I see in this thing shows me that the second is correct. OK? But I'm not in your mind. I don't know that, you have to tell me that. I understand you did, you went in a knocked on doors. Is that right? OK. Well that shows that you have some kind of feelings inside you, that you're a good guy. OK? You're not some piece of scum off the street. OK? You've got some feelings. You care about people. OK? But you've got to tell us. If you sit here and just hold everything in, OK, it's not

going to help you at all. OK? The facts are the facts. We can't change that. OK? We've laid the facts out to you. There was a fire. We all know that. Is that correct?

A Yes there was.

P OK, there was a big fire and it originated in the apartment that you were in. My team of investigators went in and determined that the fire was intentionally started by human involvement. I told you that. OK? And you know that. We went through, Det. Worthy went through this whole list with you, who was in the apartment. Was there anybody else in the apartment other than the four people that we talked about?

A No

P OK. We've already acknowledged that the two children didn't do it. Is that correct?

A Right

P OK. How about your girlfriend? Did she burn her apartment out? Would she burn her apartment out with her two children in there?

A No. No.

P OK, so we've eliminated her. Is that correct? Is that correct?

A That's correct.

P OK. So we just have you. I mean, we have you that has been drinking pretty good that night. Would you say that? Is that a fair statement?

A That's a fair statement.

P OK, so, and, you know yourself, you get a woman, you get angry with her. You're feelings are a little more accelerated, OK, when you've been drinking. OK? Example, the grandfather clock. Meant a lot to you. But you struck out in anger. I understand that. Do you know what else I understand? How many times, I can't tell you, that I've dealt with people reaching out, starting a small fire, striking out in anger. That's just a typical way, striking out in anger so it doesn't make you anything different. People have done that. That's a way to show your anger. But what happens in these cases and what's happened in this case, is that you strike out in anger. You start a fire but the fire just goes a lot quicker than you

think it was because you don't know. Do you have an experience with fires? Are you a firefighter? Well you don't know how fast a fire would go. You didn't think it was going to be that bad. Am I right? Am I right?

A No, you're wrong.

P You knew it was going to be that bad?

A No. I didn't start it.

P Mark, listen to me. You need to get, you need to get this off your chest for yourself. You can't live with that inside of you. If you didn't mean it to be like that, if you didn't mean it to go to that extent, you've got to let us know that. You've got to get that off your chest. You're not going to be able to live with that. You _____

W What he's clearly saying then, OK, is that he intentionally set it. It wasn't....

A I did not set, I did not start that fire.

W ...well, what I'm telling you is, it's clearly indicating that you intentionally set, it couldn't have been her. It wasn't the kids. Then it means one other thing, you intentionally set it. You meant this thing to get out of control and you meant these people to get hurt. You can talk to at length trying to understand how it happened. We talked to you before, I asked you about accidents. Could it have happened by trying to light a cigarette or something like that, on the stove or anything like that and those things didn't happen. We know it wasn't an accident. We know it was intentional. So that means, the only thing that's left here is that you intended that fire. You intended for her to die. You intended for those kids to die in that apartment and you saved your own ass and you ran outside. And then to cover it up, you went and beat on doors to make it look better. OK? That's the only other conclusion that can be drawn here. OK? That's it. So what you've done, you've painted yourself into a corner and you've made yourself out to be the rotten individual that you apparently are. OK? And I'm obviously wrong on this whole thing. I thought there was something there. I thought that you realized how serious this was. That's why fire marshall Preston is here to talk to you. OK? Obviously you meant this all to happen and that's the bottom line and there's no getting around it. You're the only that could have done it. You're the only one that did do it. OK? And you tried the black-out way, you tried to say that I had no involvement in it, the fake tears. There are three people,

two that are, that to my knowledge, there's two dead now, is that correct?

P That's correct.

W And one who's seriously injured. OK? There's no way that we can relate this back to the families. There's no way that we can explain this to them other than the fact that you're a vicious individual and you were self-centered and you just cared about your own needs. You were upset with your girlfriend. You were mad at her for flirting. You were drinking heavy and you torched the place down so that everybody suffered in the whole thing. That's the only other thing that's left here and that's what you've said. You don't have to say it but that's what it's all about. OK? You had, you show me no respect. I've talked to you about these things. I thought you were taught better when you were growing up and you told me that you were taught good about things. How could these two children, you've moved into this house to take on the adult figure as a man. How do you show them that you're a good person? You stand up for what you believe in. You can't even do that now. OK? You've shrunk down, these two boys that lived in the house, they can't even look up to you. OK? Their friends are now deceased. OK? There are people in that building that are now deceased. OK? Because of a fire that was intentionally set out of anger. OK? And you've put yourself there. This injury on your nose and on your hand, the burn marks, that's from being by the fire, partner. It's as simple as that. OK? You did it and then you're trying to self, just to cover yourself up and it's wrong. It's wrong, Mark, and there's no getting around it.

P This just changes the whole complexion of how my office has to handle this now. You know? We're looking at this as a fire by human act. Now, your making it difficult on yourself. I told you before, you need to make this what it is. OK? A tragedy happened. We can't change, we change what happened. OK? But we need to do a few things here. One, we have a fire, again, that's intentionally started. Intentionally started. OK? No question. I'm an expert. OK? I know when a fire is intentionally started and when it's not and it's intentionally started. OK? You did that. OK? You need to move off of that block. And we need to know why you did it. OK? Do you know why? "A", peace of mind for you and you need some peace of mind. OK? You need to be able to tell me, yeah, it was a mistake. I'm not a killer. I'm not an arsonist. OK? I made a mistake. And I need to be able to tell other people that, that you made a mistake. OK? You were mad. You were drunk. And you made a mistake. Do you know what else? If you have any caring about you at all, you want to be able to tell the families in that building that you

made a mistake. They need some peace of mind too. You've got to care about them. Something awful has happened in there. OK? Let's give them some peace of mind. If it was a mistake, let's tell them that. If you intentionally meant to harm people and burn the building down, then so be it. That's what you are, you're despicable and if that's what it is, then that's how we'll deal with it. But you need peace of mind and those families need peace of mind and you need to get off it and you need to tell us what happened right now. You need to tell me why it happened. You need to do it right now. Yeah, man, own up to your mistakes. OK? I'm sure you're sorry. Are you sorry for what happened? I want you to tell me that. Are you sorry for what happened?

A I'm very sorry for what happened.

P OK. OK. And I believe you are. I believe it. But you need to tell me why. You need to make it, the real reason the fire happened. Not from what other people think. People think the worst. People think you're some guy in there throwing flares and throwing gasoline all over the building and just in there being some crazy man. Let me tell the people how it happened and why it happened. It was a mistake, wasn't it?

A No, I can't.....

P Listen, you need, you need to get it off your chest right now. You need to do that.

A I can't tell you.

P You need, no, you're not allowing yourself to tell me. OK? You're going to hold this in and you're going to hold this in. Do you know what happens when you hold it in? #1, you're going to drive yourself crazy. OK? Because it doesn't go away. It doesn't go away. You need to share it with someone. You need to share it with so I can help you. #2, it doesn't change what happened in this _____. OK? It doesn't change. You can sit there all you want, OK? You can say, no, no, I don't remember. OK? I still make my case. OK? There's no one that snuck in that place and did anything. You were awake. That doesn't change the facts of the case. OK? I have to go and take this case and do my job either way. Do you understand that. I want to do it the correct way. OK? I want to do what's right for you and I want to do what's right for those families. I don't want to drag this and drag people through dirt. Drag you through dirt or those families through dirt or any more suffering for anybody. I think you're suffering right now. You're suffering, aren't you?

A Suffering?

P Don't you feel bad? Something like this has got to eat you up inside. OK? This whole, this whole ordeal, OK? Do you understand what I'm trying to tell you? Is it, don't make it something it's not. An awful thing happened. Nothing's going to change what happened. Nothing. Nothing's going to put the building back together. Nothing's going to put the people that got hurt back together. OK, nothing's going to change all that. Nothing's going to change that. OK? You have to deal from now up 'til tomorrow. Let's make there be a tomorrow though. Let's be able to survive this. OK? That's what's important. We're not going to make everything better. OK? Something's happened and we have to deal with it. It is impossible for you to deal with it alone. OK? I have to do my job. But do you know what? I've got feelings too. OK? Just like you do. I care about what happens to you.

A Why?

P Why?

A Yeah, why?

P Because I don't think you're a despicable person. OK? If you were some dirt ball in the street, do you know what I'd do? I'd just lock you up and send you away right now and that would be the end of it.

W That's exactly what I explained to him. Exactly.

P I don't think you're that kind of person. OK? But I don't know you. I'm just kind of reading you from how I deal with people. But you've got to do it. If you sit there and you continue to lie and carry on, do you know what? Everybody is going to think you're that kind of person. Everybody. Are you that kind of person?

A No.

P OK, well then I'm right. Then you need me to help you. You need me to help you and we need to get through this together. Nobody's going to leave you hanging by yourself. OK? I'm going to work with you on it. And I'm going to tell you that. I don't want to make you this person, this bad person over here if you're this person way on this other side of the sheet that's made a mistake. But we've got to make things right. You've got to understand that. You can sit there all you want and say, I don't know, I don't know, I don't know. Well, there's one thing that both of us know, you do know. You do

know what happened. Listen. They're spending, think about it, think about the circumstances that Det. Worthy just told you.

W It's as I was explaining to you, OK? Let me give you an example. I had 10 people in a room. OK? And I took them and I explained to those 10 people, OK, all this right here and I asked them, "Folks, who do you think started that fire?" What do you think they're going to tell me? Thank you. OK? So, the, you know, I haven't heard you say, you know, I've talked to you for a while. I haven't you heard you say I'm sorry about these people, you know, about what happened. So I don't understand where that's coming from. You know? It upsets you a little bit but you're not even sorry about it. OK? The, when investigators sit down and they talk to you and they talk to you at length, what they're trying to do is they try to get into your head to find out what would really happen here. OK? And I told you before, people try self-preservation. They cover up. They don't want to talk about it. They're scared to talk about it. They're afraid of what might happen to them. Well in this case what might happen, OK, you're talking about somebody who either "A", intentionally set a fire. Now you help me with this here, because I'm not, I'm not too up to date in these things, but an intentional fire is something that they really meant to do it and they're going to burn the whole building down. Is that correct or what?

P That's exactly right.

W And the other part, the next step is reckless. Right?

P That's exactly right.

W It's a reckless act where somebody, it got out of control on them. OK? Now there's only one person in here control got out of him. It got out of control with and that was with you. It got out of control. OK? Mark, we talked to you at length here. You know, it's either you intentionally did it, you know, there was some reckless conduct in there and in the middle here, there's no, you're not even remorseful. I'm not even getting that from you anymore, you know. So it doesn't make sense, you know, how you sit there and take a fall for a serious offense when you, and it's like that is beyond that cause I've tried to talk to you. I don't know what more to tell you.

P Let me give you a little example of what it's like. OK? And what we're dealing with here and what I'm trying to do with you. OK? Let's say you own a house. I come and I smash out

your window. OK? I just break your window out. OK? And I take off. OK? Somebody narrows me down as the person that's going to do that. OK? Now I have two choices. OK? I either have to "A", come to you and say, no I didn't do it, I didn't do it, I didn't do it, I didn't do it. But somebody saw me running away from there. Somebody knows I did it. OK? Or I can come up and say, you know, Mark, I really messed up. OK? I made a mistake. OK? I knocked your window out, you know. I'm willing to pay for my mistake. Anything I can do to make it right, I'll do that. Who are you going to feel sorry for? Who are you going to want to help? Are you going to want to help the guy that just takes off and says, no, no, no, I didn't do it. Or are you going to want to help the guy that says, yeah, I'm a man. I made a mistake. I knocked your window out. I'm willing to do what I need to do to make it right and I'm going to start by admitting that I did something wrong. Which one are you going to want to help?

A The guy that made the mistake.

P That's right. Well, that's what this same thing on a little bigger scale than we're dealing with.

A A lot bigger scale. We're not talking little scale.

P Listen, listen to me. Listen to me. What we're talking about is everything. OK? We're talking about the exact same thing. OK? If a mistake happened or if you did something that's out of character, that's what's happened. OK. If you were trying to burn the building down and you were trying to hurt people, it's a different story. Like I told you, I won't deal with you. But that's not what we're dealing with here. We're dealing with something that was not intentional. Am I right? You didn't want the fire to get that big. Correct? Let's talk about it. Mark, let's talk about it and let's get it done together.

A I can't. I can't.

P Yes you can. Let's talk about it. You and me. Let's get it straight.

A I can't.

p What do you mean you can't talk?

A I can't. I can't tell you.

P You've got to get it off your chest. You need to tell. You need to tell me for yourself.

A I wish I could.

P Mark, _____, Mark, that's all bad news. You know, that's all old news. We've been way past that. OK? You need to communicate with me right now. You need to help me help you. OK. We both know you know. You have to tell me....

A Don't know.

P Mark, Mark, we're past that point. I want to help you. Don't be in this alone.

A I don't know.

P You've got to get it straightened out. You've got to do this for yourself or for those families. You need to do it now. Do the right thing.

A I can't tell you what, I can't....

P Listen to me. You can. You're not allowing yourself to tell me. OK? We need, there's just something inside you that's not going to let go. OK? And you need to, you need to trust me. OK? You need to trust me. You need to let go of it so we can do the right thing. So we don't make this something it's not. That's the last thing I want to do is make this bigger than it should be. You're right, it's a big thing. OK? But it doesn't need to be any bigger than it should be. There's many different degrees of things we're dealing with in seriousness. Whether it was intentional or whether it was reckless. If it was done recklessly, it makes a big difference down the road, let me tell you, if it wasn't meant to be. But do you tell me whether it's reckless or whether it's intentional? That's exactly right. You're the one who has to tell. I can't say, well, you know, how would I look if I go into court and say, well, I'm just sure it was reckless. They'd laugh at me because you didn't say that. My scene examination shows it's an intentional fire. OK? That's what my scene examination shows. That means it's intentional. Let's bring it back down to where it should be if that's what it is. If it's something that you didn't mean to happen like that, let's make it that. But you're the man that does that. It's something that we've got to deal with here. And you know, we can go through this all, you know, a million times. It doesn't change the facts of the case....

A I know.

P You've got to help yourself, you know. We get in these situations, you know. You get some guy that doesn't give a

damn about anybody. We don't want to help them. But do you know what? If you want somebody to help you, you've got to want to help yourself first. And the first part of helping yourself is being honest. Being honest that you made a mistake. It's damn hard to do sometimes. To admit you made a mistake. People have trouble doing that. Uh, what the heck's going to happen to me? I'm going to say what happened and I'm going to go down the tubes. That's exactly the point I'm trying to get to.

A And the point I'm trying to get to is I can't tell you what happened so I'm going down the tubes for the big one anyway.

W Let's just go through chronologically from the time that she's pushed, he pushes her off the bed and he goes in the bathroom, chronologically go through how it happened. Work through that with him one time, will you, so maybe it'll refresh him some. From the time that you push her off the bed....

A Uh-huh

Wyeah, right, and then you get up, where do you go to?

A Bathroom

W You go into...which bathroom was it?

A Bedroom bathroom.

W Let me ask you this, are you positive you went into that bathroom?

A No, I'm not positive...

W OK, did you tell investigators yesterday that you went into that bathroom?

A Yes I did.

W OK, so you think you went into that bathroom.

A Go in the bathroom.

W But you're not positive, OK, but you do remember taking clothes out of the other room just before this, right?

A Yeah, no, no, I don't even remember taking clothes in the living room. They told me I took clothes in the living room.

W OK. So once, once you go into the bathroom, that you or may not have remembered going into, what's the next thing that happens?

A Darlene went out and found out the stove on fire.

W Now how do you know Darlene went out there and found the stove on fire? How do you know that?

A She told me she did.

W When?

A I heard her screaming "flour" so I had to be, I mean, I'm not dumb.

W OK, so now that's an important point. OK? So you're in the bathroom and you say you hear her screaming "flour".

A Where's the flour?

W OK. Then what do you do next?

A Then she was....

W How, you pushed her off the bed, you went into the bathroom. How long do you think you were in the bathroom?

A I don't know. I don't know.

W Do you think you were in there two hours?

A No, no, just maybe a few minutes.

W OK, and you're in there maybe a few minutes and then you hear this scream, OK, "flour". And then what do you do when you hear the scream "flour"?

A I came out of the bedroom.

W Came out of the bedroom and where did you go?

A I went into the dining room.

W Now when you first came out of the bathroom into the bedroom, did you notice anything? Did you notice smoke? Did you notice anything or was it pretty clear back there?

A It was dark. I didn't see any smoke.

Statement: Mark Kirk
Det. Rob McLucas

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Case No. 32-96-142759

W Were the lights on in the room?

A Yeah, there was one light on in the room.

W OK. Was there smoke in the room when you came out of the bathroom?

A There was no smoke in the bedroom, no.

W OK, so then where did you then then, once you left the bedroom, where did you go?

A I went out in the hallway.

W Went out into the hallway. At what point do you see Darlene?

A Um, when I went to the dining room.

W Went out into the dining room. Now where's Darlene at?

A She's in the kitchen.

W Do you see her in there?

A I saw her feet cause the smoke was like, like this level and up.

W OK, so she was standing up. Her head was up in the smoke. There was no smoke down below?

A Right

W OK, so she's standing up in the smoke and you can't see her but you can see her feet down below.

A Right

W Is it, is there anyone else but her?

A Jason

W Who?

A Jason, the son, she called Jason and he came out of the bedroom.

W OK, so Jason comes out of the bedroom and you're in the dining room right now, right?

A Uh-huh

W She's in the kitchen. Jason comes, you see him come out of the bedroom and walk out to her.

A Jason was already out there when I came out.

W OK, Jason was already out there.

A When I came out, he'd already, he was out before I came out. He was already with her when I came, came around the hallway.

W OK, so now you're in the dining room, how many, now I was never there but how many steps away were you from, from me to her?

A A few steps.

W Three steps, four steps?

A I don't know.

(tape runs out)

A I don't know that either.

W So right at this point, you're in the dining room. They're in the kitchen. What do you do next? What do you see happening?

A She went out the door and knocked on the neighbor's.

W And you're standing in the dining room and she's going out there....

A Told them to get, she told them to call 911.

W You heard her talking to a neighbor?

A I heard her tell the woman, dial, call 911 and the woman didn't believe her or something cause then I heard her say, I'm serious. My apartment's on fire.

W OK, and then what did Jason do? Is he still there fighting the fire?

A I don't know what he was doing honestly because I heard him say, I ain't fucking with it.

W Uh-huh

A Because it already flared up when they first got out there.

Statement: Mark Kirk
Det. Rob McLucas

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Case No. 32-96-142759

W OK, so it flared...

A They both saw it poof up.

W And where did Jason go?

A He went in the bedroom to get Brandon.

W Did you see him go back the hallway, back towards Brandon's room?

A No I didn't see him go in but I saw him bring Brandon out.

W OK, saw him bring Brandon, and you're still in the dining room?

A No, by then I was like, I was looking for shit. I was trying to find my money.

W Where at?

A I was looking in the living room. I went back in the bedroom because I had packed all my clothes and I had shit laying every fricking where and I didn't know any, I didn't know where anything was.

W So you were in the back bedroom. Is there a lot of smoke back there now?

A No, there still wasn't a lot of smoke in the back bedroom yet?

W OK.

A No, there's still wasn't a lot of smoke in the back bedroom yet.

W And they've already, you see Brandon taking his brother and going out into the hall, right?

A Uh-huh

W Did you see that happen?

A No. I didn't see Jason lead Brandon out, no.

W OK, I just thought you said a second ago you seen....

A I saw him lead him out of the bedroom.

W You saw him lead him out of the bedroom.

-
- A Lead him out of the bedroom.
- W Towards the front door?
- A Towards the front door.
- W OK. So you're saying Darlene's already out of the residence? Did you see these two boys leave, leave the residence?
- A Um, well when I ran out, after I ran out, Jason was at the front door of the complex.
- W OK, listen to what I'm saying to you. Did you see Jason and Brandon leave the residence?
- A No, I don't think I did.
- W OK, so, when you last seen them, you seen him leading out of the bedroom heading towards the front door and you're back in the back bedroom still, is that what you're saying? Looking for your money.
- A I went back into the back bedroom.
- W And then they're out of the residence and you're searching around back there, you think you're looking for money, what do you do next?
- A I left. I got out too.
- W Did you walk out of there? Did you run out of there?
- A I ran out the door and I pulled it closed behind me, I think that was just, you know, reflex, cause, you know what I mean? Pulled the door closed and it was like really dark in the hallway and I heard Jason talking and he said something about the cat.
- W Out in front of the building?
- A He was holding the front door open. I heard him mentioning the cat and I thought he was talking to me. So I turned around and was going to go back in to see if, you know, get, see the cat or, you know what I mean? I don't know what I was thinking. That was when I went and pushed the door open and like it was just like a heat wave just vroooooom.
- W So you went back in the building, you pushed open your apartment door....

-
- A I hadn't even left the building. I hadn't left the building yet. _____
- W You were at the front door.....
- A I didn't even get to the front door.
- W Then where was Jason at?
- A He was at the front door.
- W And you heard him talking about the cat?
- A I heard him talking about the cat.
- W And you were, where were you at when you heard him talking about the cat?
- A I was at the bottom of the steps.
- W OK
- A I was at the bottom of the steps. He was at the top of the steps. Um, and I heard him say, mentioning the cat, I didn't realize he was talking to the woman in the first apartment. I just heard him say, what about the cat. You know, the cat's still in there. And then that's when I went back and I pushed the door open and the heat came blew on me and I saw like a little flame come across the ceiling like that and I didn't realize at the time he had opened the sliding glass door. I just it just created a wind tunnel affect right through that living room.
- W So once that happened, what did you do when you opened the door up?
- A I turned back around and I burned my hand on the door and Jason even heard me. He said.....I, I, I ran over to the front door and I was holding my hand like this and I said, I just burned my fucking hand. I just burned hand. I just burned my hand real bad. And then me and him went out together or, I don't remember which, which, but then we was all out of the building. Then we went in the building next door and started knocking on doors, me and Darlene.
- W One other thing I wanted to clarify was, this Capt. Morgan bottle, right, which is what rum?
- A Uh-huh

W And when these other guys were in the residence with you, you were drinking that, Capt. Morgan?

A Uh-huh

W Now who took the Capt. Morgan? Did anybody?

A I thought Tom did, I really did.

W Now why do you think Tom took it? Did you see him carry it out?

A No. Uh-uh. Because he's a rum drinker and it was his rum.

W OK, did you ever leave the apartment that night to go get any beer or anything like that?

A I thought I did but Darlene told me I didn't. I thought I had left and went and got beer. But she told me I didn't.

W All right. Bill, why don't you talk to him a minute about fires and things and I'm going to step out for a minute, cause my pager went off.

(Det. Worthy leaves the room)

P Let's go over it. I'm a little confused. Start with, when you had the altercation in the bedroom. Is that what it looks like? There's a bedroom here, is that right? Then the kitchen's here? Are you going to draw it for me?

A I think it's....front door.....front door.....living room.....kitchen.....dining.....right, yeah, it's right. A little hallway and the bathroom's here. The hallway goes back to the kids' room, just back here. The kids' room and then there's our master bedroom. Then there's a bathroom off the master bedroom.

P OK, you're in what room? You were in, you were in.....

A We're in the master bedroom.

P OK, where's the bathroom?

A Here

P OK. So you have a little fight with your girlfriend. Where do you go next?

A You mean, after I pushed her off the bed?

p That's right.

A I went in the bathroom.

P And then what happened? What do you do? What are you doing in the bathroom?

A I think I was getting sick.

P OK, what happens next?

A I heard her screaming.

P How long after.....?

A I thought I'd heard one of the kids. See I don't know exactly how long I was in the bathroom.

P How long do you think?

A At least a few minutes, you know.

P Two minutes, three minutes, 30 seconds?

A At least, no, 2-3 minutes.

P OK, so you're in here two or three minutes.

A I heard all the commotion in the kitchen. Um, I heard her screaming for Jason. She was screaming for Jason. Where's the flour? Where's the flour? And came out. Her and Jason are about right here. I didn't see the smoke until I like cleared this corner and then I seen all the smoke just bellowing right like that.

P Let me see what you're talking about here. I can't, move your hand. So you come out this bedroom door.

A Uh-huh

P And what do you see?

A I see the smoke just like, like, like just.....

P Stand up and show me where the smoke is.

A The smoke's like about this level.

P OK

A OK?

P What color is the smoke?

A Black, pitch black.

P OK. So your face is in the smoke?

A No, cause I'm trying to see under the smoke like this.

P OK, but you definitely have to get down now?

A Right

P OK. How about the heat? Did you feel heat?

A I felt heat.

P A lot of heat or a little bit?

A No, I felt a lot of heat. Darlene ran out.

P OK, where are you at this point?

A I was just, I don't know how long I stood there cause I froze, OK, I, I, I just, I froze.

P So you're standing there in the smoke, right?

A And I froze.

P And where's Darlene?

A Darlene went out the door.

P Well where is she when you're standing here though? You said she was, I thought you said she was in the kitchen?

A She was like, just right like this.

P Now there's a little, almost like a pantry closet there?

A Uh-huh. Uh-huh.

P Am I right putting that there?

A Yeah

P OK, where is she in conjunction with that?

A Right by the closet almost.

P OK.

A I'm standing there. I was froze for a second. She went out the door. Heard her banging on the neighbor's door.

P OK. Where's Jason?

A Jason went to go get Brandon. I came into the living room.....

P What do you see? Do you see fire in here?

A I thought I did but I didn't see the flames, no.

P OK

A From the smoke, because all I could see, all I could see was smoke.

P OK, so you just see the smoke coming out. Where do you go next?

A Um, I came into the living room because I had clothes here in the living room. I don't know if I was looking for my, I'm pretty sure I was looking for my money. I started looking through my shit in the living room and I went back and I saw Jason and Brandon. Jason had Brandon by the arm. He came out.

P So you passed him in the hallway?

A Um, no, I saw, he was getting Brandon out of the bed.

P Where were you?

A And I just, I came right in like this. I just happened to glance in. I saw Jason getting Brandon out, out of the bedroom.

P How much smoke was back in here?

A Um, I don't think there was any in the bedroom yet but it was like I think starting to fill, this area was starting to fill up pretty good with smoke.

P In the hallway going back towards the bedroom?

A Right

-
- P How low was the smoke there?
- A Um, it was pretty, it was starting to get lower I think.
- P Did you yell to Jason or Brandon?
- A Um, no I don't think I did. Uh-uh.
- P OK, what happens next?
- A Um, I couldn't find what I was looking for. So I went back out. Smokes still pouring out of the kitchen.
- P Did you see any fire?
- A I don't know if I stopped on the way out or not. I can't remember if I stopped there or not. I don't remember if I stopped and did anything or just kept right on going but I, either way, then I went out the door and I got out the door. And the hallway's like, you've got the hallway and the steps are like over here and under the smoke I could see the bottom of the door and it was open.
- P OK, is there smoke in the hallway?
- A There's smoke in the hallway. OK, there was a lot of smoke, it was like, for some reason the smoke just seemed to just funnel this way. Um, I saw the door was open and I heard Jason say, what about, where's the fucking cat or what about the cat. That cat's still in there. OK, this woman's door is right here. OK? I got to about right here and I heard him say that so I turned back around and came and pushed this door open and that's when I see like a flame just come right across the ceiling just like that. I mean, it came right across the damn ceiling and like the heat just rushed by me. I couldn't even close the door back. I couldn't even reach in to close the door. So I turned back around and then out the door I went.
- P Do you want to hear my read on all of this?
- A Yeah
- P I'm going to tell you my read on all of this. You have gone over this story so many times in your mind, OK, and you've rehearsed it and probably 3/4 of this story is true. But do you know why I can tell it's all not true? I can tell it by looking at you. OK, let me tell you there's certain things the human body does. OK? When you're under pressure, when you're holding in things and when you're not telling the

truth. OK?

A Uh-huh

P You have distended neck veins. OK? Your veins are popping out because you've got so much pressure cause you're holding it in. You have veins up on your head are popping out. OK?

A Well I think I should be under a little bit of pressure here.

P Listen to me. Listen to me. As you should be. OK? What's wrong with the whole scenario, the story you tell me, is we still have an intentional fire in this kitchen. You and I sit here and we talk about the people that are in the house or in the apartment, the two boys, your girlfriend and you. What you fail to realize is that what I mean by intentional fire is that someone did it. OK. In all my years in fires, and I've been to thousands and thousands and thousands of fires, I've never seen a fire just start, an intentional fire start for no reason. They just don't "pooooof" and that fire doesn't start on the corner of that desk.

A I know that.

P OK, human involvement.....

A I, I, I realize that. I mean, Det. Gary just told me, he said that the burner had been on.

P Human involvement on the stove top, intentional fire. Do you know what the other problem is?

A Somebody could have left that burner on.

P Listen, no, no, no. We've ruled all that out. It's not the first time around the block for us. Can you understand that.

A I understand it. I understand that.

P When we go in these things, we do a real thorough job. The deal is is that you're responsible for doing it for whatever reason. Now, we can beat a dead horse here or we can get to the bottom of it and get it straightened out. Now this fire was started intentionally and it was started by you, Mark. It was started by you. It was started by you because of alcohol, because you got pissed off because you woman was acting like an ass. OK? You've already said you were pissed off. Right?

get this mess straightened out because that's what it is. Do you know what, the mess can only get better. It's as bad as

it can be right now. Bad as it can be. All right, what makes it better if we acknowledge why it happened. OK? Like I said the guy with the window, OK? The guy that runs away from it, runs away from the problem, there's not a soul in the world, you didn't feel sorry for that guy. You had no feel for that guy. You wouldn't understand why he broke your window and lied to you. If that guy comes back, just like you're in here with me and acknowledges a mistake, acknowledges that, yeah, I screwed up, and wants to make it right, which I think you do want to make it right, just by looking at you. OK, I'm a very good judge of character. Like I said, you're not some dirt ball off the street. You're a guy that cares. Am I right?

A Yes

P All right. If you care about people or are you a despicable person that doesn't give a shit about anybody? Which is it.

A No, I do care about people.

P OK. Do you care about your girlfriend?

A Yes I do.

P OK, how about her kids?

A Very much, I love them all very, very much.

P I think you do too. It's hard to acknowledge when you make a mistake. Everybody's going to say, oh my God, he, it's going to be just the opposite. Do you understand that. People are human beings too. We're all human. We all make mistakes. We all understand getting mad at our woman. OK? You're not the only one in the world that's gotten mad in a domestic argument with a woman and reached out in anger and did something stupid. It happens every day. Do you understand that? Everyday it happens. So you're not some ogre in here all of a sudden that you're the only one in the world that this has happened to. And that's what I'm trying to get to you. OK? People understand. Let's help people understand. You've got to acknowledge what happened, own up to it, so people can understand. But you're not some kind of vicious criminal. Are you a vicious criminal? I don't think you are either. Are you capable of making a mistake?

A Everybody's capable of making mistakes..

P When you drink....

A Especially when you drink.

P OK. Exactly. There's reasons upon reasons for things that could make things happen. But you've got to acknowledge that Mark. You just can't, it just doesn't go away by saying, oh I don't know, I don't remember. Listen, you don't remember 1, 2, 3, 4, 5 and then from 7, 8, 9 and forget 6. That doesn't happen. It doesn't make sense.

A I know it doesn't make sense.

P OK, and it's not true. The one thing I've done with you, I haven't laid any bull on you. I'm not pulling any punches with you. I want the same from you. If you honestly want me to work with you and be in your corner, I expect the same thing from you. I expect you to be honest with me. The heck if I'm going to go to bat for somebody that's sitting here lying in my face. Like I told you, if I thought you were some dirt ball arsonist that wanted to burn a building down, I wouldn't even waste my time in here with you. I don't need to. Do you understand that? We've already been through who's in the apartment and who would have a reason to do what. We know no one's broken in, so that part's done. That's like on last page. We're moving on to making this what it is. So this is your time, Mark. The ball's in your court and that's why I'm sitting here. I don't want to paint a picture of you being anything worse than what really happened. I could make it so awful. This guy was in there pouring something on the floor, lit a match, didn't care, new people were in that apartment, new people were upstairs. That's not what happened.

A No, it's not what happened.

P That's exactly right. But we need to know what happened and we need to know you're sorry for what happened, because, do you know what, if you're not sorry for what happened, then I don't want to help you. I'm going to tell you that right now. I don't want to help you if you're not sorry. If you don't show me any remorse, I don't want to have anything to do with you. But you know what, I don't believe that. I don't believe that for a second. You know you made a mistake. You know you screwed up. You've got to acknowledge that and you've got to tell me that you're sorry for what happened. You need to tell me that.

A I can't tell you that.

P Well, you're not sorry for what happened?

A I'm very sorry for what happened but I can't tell you that. I did it.

-
- P No, that's not right. Now, see, you're using the wrong words there. You can tell me. You're afraid to tell me. OK?
- A No, I'm not afraid. I'm not afraid.
- P Yeah, oh.....listen.
- A Let's get one thing straight. I'm ascaresd to face up to anything I've done. OK?
- P Listen, listen to me. Mark, you listen to me for a minute.
- A I cannot tell you what I don't know.
- P Mark, Mark, you know exactly what happened in there. You know exactly what happened in there. Now you've told me, now you've run through the exact events of that night. But all of a sudden you can't tell me what happened in the kitchen. Now, you put yourself in my position, just for a second. Let's reverse rolls here. OK? I'm sitting in your shoes. I tell you that story. You don't believe me?
- A Probably not.
- P OK. Why aren't you going to believe me? What doesn't make sense about this?
- A The whole damn thing.
- P You go in and investigate. You're the investigator. You go and investigate, there's a fire that you know that's started on purpose. No accident. Started on purpose. It started in an area where most people would think it wouldn't go very far. And maybe under other conditions, it might not have but it did. I'm in the apartment. My girlfriend and her two kids, I've already acknowledged that these two kids didn't do it. They weren't there. And I've also acknowledged that my girlfriend wouldn't do it. Now investigator, what are you going to say? Who did it?
- A I guess I'd be pointing the finger at yours truly, huh?
- P And that's my point. It's not that difficult. OK? Our job is not that difficult. It's a process of elimination. OK? We know no one's broken in. We know there's human involvement. We've ruled them out. We've ruled the two kids out. We've ruled your girlfriend out. And like I told you, that points to you. Please don't make this any more difficult on yourself.

A Please believe me, I don't want to.

P But you're, but you're, listen, Mark, listen. You're making it difficult on yourself because no one's going to want to help you. All right? When we deal with this thing, no one's going to want to help you because you didn't care. You didn't give a shit about those people upstairs. You just didn't care about them. Because if you did, you'd be in there saying, Jesus Christ, I've made a mistake. It got out of hand. I didn't mean it to be like that. You tell the truth. No matter what. But it doesn't appear to me that you care. To hell with those people. To hell with their families. Is that the way it is? Well then you get this straightened up now. We've got to get this going. We've got to start repairing everything. We've got to start repairing your life. We've got to start repairing their lives. It's important. This isn't just about you. It's about them too.

A I know.

P It's about all of them. Everybody. This is about your life as well as theirs. Everything needs to be repaired. We've got to fix it. OK? And that's got to start with you. It's got to start now. You need to make it right, Mark, so we can start on the mending phase of this. You need to make it right. You've got to tell me what happened in there. You've got to quit holding it in. I know it's just, it's inside and you've just got to let it go. You need to put your faith in me and let me help you. You need somebody in your corner. You're by yourself right now. Let's get it straightened out. Mark, you've got to do it. You've got to get it straightened out.

A I wish I could.

P You can. Listen. Like I told you, we can't change the facts. OK? But you can make it better. Do you care what people think about you?

A Yes I do.

P OK, and I care about what people think about you. We've got to let them know what you're really about. Like I said, a lot of people can put their, put your shoes on their feet and understand what's happened. You're not the only guy that's had a domestic argument, got pissed, got drunk and got mad at your girlfriend. You're not the only guy it's happened to. People relate to that. People relate to punching things, knocking holes in walls or knocking the grandfather clock. People understand that. OK? People understand that their

girls are coming on to somebody else. It pisses you off. That's normal reaction. You get pissed off. It doesn't make you any different than other people. You get pissed off and you start a fire. You didn't mean it to be big but that's what happened. It got out of hand. But that's exactly what happened here. And I think you need to try to make it right when you went back in there. You said, Jesus Christ, I've got to get back in and put this fire out and that's where you got burned. You couldn't get in there cause it got out of hand. You tried to make it right. This is the only way you're going to make it right right now. This is the only way that you're going to begin to repair your life and those lives of those other people is to acknowledge what happened. Make it right and let's start, you and me, start getting your life back together. But you've got to do it. You've got to do it. It's important. It's important for everything that you do from now on. I can't put words in your mouth.

A I can't either.

W Mark, do you think do you think you could have set this fire and you just don't remember it? Is that what you think it is? This is my last way of communicating this part to you?

A You already told me that. It doesn't happen.

(Det. Worthy has returned to the room.)

W Do you think that could have happened in your case, though? Maybe alcohol affects you differently than it affects other people.

P I'll be back in a minute.

(Bill Preston leaves the room.)

W Do you think that's what happened?

A I don't know.

W You don't think you could have started that fire and just don't remember it?

A I told you, I've been running it through my head so many times. Is it a possibility? Is it a possibility that I did something stupid, then blacked out and don't remember. I'm running everything I can through my mind.

W Well is that a possibility? Is it a possibility?

A I don't know.

W Well, obviously it's a possibility because you're running it through your mind. Right?

A In my heart I believe I didn't do it.

W OK, well, the problem is I, I've went over this time and time again with you. The, do you remember what you did with the Capt. Morgan bottle? See if you remember that part.

A I thought Tom took it with him.

W Now, what did you do with the Capt. Morgan bottle?

A I don't remember having the Capt. Morgan bottle.

W OK. Well there's a witness, OK, that came forward. We have the Capt. Morgan bottle. OK? Seeing what happened to the Capt. Morgan. I'm trying to test your memory on this.

A OK

W OK? What happened with the Capt. Morgan bottle? What did you do with the Capt. Morgan bottle? I just want to see if you're truthful with me on that part.

A I'm being truthful. I don't....

W No, just on that part there. I just want to see....

A On what part?

W On the Capt. Morgan bottle.

A I don't know if I ever had, I didn't have, I'm telling you, I thought Tom took the Capt. Morgan with him. I really thought he took it with him.

W So if it's found nearby with your fingerprints on it, you can't explain that then?

A Yes I can. We, I was drinking out of it.

W But where it was put, you don't know where it was put?

A No I don't.

W OK. Well, sorry to say you're going to take the hard end of this deal. I've sat here and tried to talk with you at

length.

A I know you have. I, I, I, I _____

W I know, you know, um.....

A You think I'm just sitting here trying to lie or something and I'm telling you....

W You know, years from now, you know, when you're sitting around saying, man, I'd have told them guys, you know, I wish I'd have told them, you know. I wouldn't have been in such a jam, in such serious matters. You talked about those things at length. I'm not going to keep going over this with you. Might as well just get your day on a roll and just move on to the next step. I'm gong to turn you over to the chief investigator. Let him handle his case however he's going to deal with it at this point, you know. Because I've tried. Yesterday, you had all the conflicting stories and everything else and, you know, today was your opportunity to talk about how it really happened. You're saying that you don't remember, you know. There's a possibility but you're not sure, you doubt it. And we know for a fact that it wasn't her. We know for a fact that it wasn't the kids. You know, have I threatened you in any fashion? Have I physically abused you in any fashion?

A No

W And I let you use the bathroom when you wanted to use the bathroom. They let you smoke when you wanted a smoke. They let you drink stuff when you wanted to drink. I mean, I'm not being harsh with you in any manner.

A I know you're not. I know you're not. I know you're not and I.....

W I mean, nobody's done anything to force you to do anything.

A I know.

W We've talked to you in a civil manner. We've tried to just rationalize this whole thing with you and it just, it appears that we can't get through to you so the next thing is just to flip you on into the system and let them deal with it and we walk away with clear consciences because we sat and tried to talk to you at length and it didn't do no good. OK? And the shame of the matter, this whole shame of the matter, the whole thing, is it all comes back to booze and a woman because you'd have never been angry. And everything in the case indicates

that you're the one that did it. That's all you need in a case, too. Do you know that? You don't need nothing more. All you have to do is show how everything happened and the only thing you lose out on is how serious it was. You know, do you see, do you say that the guy was actually intending to do all this stuff and be a nasty individual. And you try to figure out where he's coming from because if there was, you know, that's what the fire marshall was trying to explain to you. If you try and re-establish the flame, to try and put it out or something, that shows an effort on your part. You don't do that. You tell us that you don't even make an effort to put it out. OK? We tried to establish a number of things. We try to give you a way to present this to us so that we understand where you're coming from. We can't get that from you so when you, when an investigator runs head-on into a wall, what he knows is that the guy's covering up and that's all there is to it. He's covering it up and, you know, if you tried, now, if he's sincere when he talks to you, OK. I was sincere when I talking to you. I'm listening. I'm hoping to hear the best explanation in the world, you know, We've talked about those things, you know, intentionally and recklessly doing things are two different things. One is serious and one's not as serious. OK? And if you explain to somebody at length and they don't understand what even reckless means, OK, that only leaves you one other option. It was intentional. OK? So the investigator has lost his ability to communicate with the person. OK? And I feel about it and I know he's going to feel just as bad about it because we have to walk away from this whole thing and flip you over to the chief investigator of it and you are just going to be dealt with appropriately. And it's not right. Because there's going to be nobody to speak up for you. There's going to be nobody here to say what it's like, to know what it's like to be scorned by a woman. You're not going to have our input, the male input as to what feelings are really involved in this thing. Cause when people look at this whole fire and they characterize it, what they're going to say is, man, that Mark, what a person. OK? You're going to have to ever worry about your relationship with this woman again. OK? Cause you're in a jam. OK? And you're not going to have to worry about any of this stuff any more because you put yourself there. There's nobody to stand up and talk for you. You're not going to have to worry about all these other nice things that you had going on, because you put yourself in a jam. OK? And you don't have anybody to step up to the plate and say, hey, look, I understand this person, I understand these things because you did it. OK? As long as you understand all that...I told you before, like when I walk out of your life, I'm done. I will not deal with you ever again and you'll be just dealing with other characters who just want to push you

through. OK? If you want to throw your job away, if you want to throw your relationship away with this woman, you want to do all that, you know, you want to be self-centered, then that's what you're going to get. OK? You took a paint brush and you painted yourself into that corner yourself. No one did it for you. OK? So I'm sorry to say that that's what you've done. I also know that now I can walk away from this whole thing and I can breathe easy and I can go on with my life and you will deal with the consequences because you painted yourself into that corner. It's a shame. Booze and woman. Well, I don't know what more to tell you. You ain't going to tell me what really happened. Is that what you're going to do?

A I can't. If I could tell you, I would. I can't. I can't tell you what I don't know.

W Well, you just remember, people are dead because of this fire.

A I know.

W And you caused it. No one else did it, you did it.

(Bill Preston returns to the room.)

W Are you all done? Do you want to talk to him?

P Well, yeah, we are done.

W OK. I was talking to him and explaining to him some.....

P I just got authorization to charge you with murder in the first degree. Murder in the first degree.

W I told you.

P Two counts. Arson. Reckless Endangering first degree - twenty counts. What the hell am I supposed to tell a jury about you? You're really screwing it up. I'm supposed to go in there and say you're some cold blooded guy? That's all I've got.

W I told you.

P Murder. Do you understand what we're talking about?

A Yes I do.

P What is wrong with you? You're giving me no choice. We've got to get it straightened out. I have no choice other than

to go in and say, you torched this building and killed people on purpose because that's the only out you're giving me. Is that what we're going to deal with? Cause you're giving me no choice but to do that. You're going to make me stand up there and say you're murderer and you did it in cold blood. Is that what happened? Is that what you are, a murderer?

A No

P Well then get it straightened out so we can get this straightened out. Because you're leaving me no choice. I have no out, right now. I have no out but to go in and tell these people that you're a murderer times two, maybe three. You're an arsonist, you're a felon. Is that what we're going to do? Or are you going to get this straightened out right now? Look at me, Mark. Look at me. Don't hide your head in your hand. Let's get this, be a man. Let's get this straightened out right now. Are you a murderer?

A No I'm not.

P All right then, get this straightened out.

A I can't get it straightened out because I can't tell you what happened. I don't know.

P You know what happened in there.

A I don't.

P You do.

A Don't know what happened.

P Mark, look up at me and quit burying your head. Now get this straightened out right now. You were in that place. You started the fire because you were pissed off and that's exactly what happened. You were pissed off at your girlfriend because she was screwing around those two guys. Now own up to it so I don't have to go in this jury and tell them that you're a murderer in the first degree and you're cold blooded and calculated and you did it on purpose. You're giving me no other route other than to say that because I don't know any different. I know you were in there. I know you started the fire on the purpose. That's the only thing I can say right now. Is that how we're going to deal with this so you go down the tubes for the rest of your life for this? Is that how we're going to deal with it? Let's get this straightened out right now. Look up at me. I'm not burying my head in my hands. You look at me and let's get this straightened out.

Is that what you want me to tell these people, that you did this in cold blood?

A No

P That you meant to torch this building down and it killed those people?

A No

P And it burned those families out.

A Nope

P Or are we going to get this straightened out and you're going to tell me what happened now.

A I can't tell you.....

P You're full of shit. You tell me what happened right now. You get this straightened out.

A I don't know.

P You do know, Mark. Mark, we've been through it a hundred times. We've been through this, we've been through that. You know what happened.

A No I don't.

P Mark, you do. You do know what happened and I'm not going to sit here and argue with you. OK? If you want to go down the tubes, that's your business. OK? I've got a job to do. My job is to say that the fire's intentionally started, OK? You did it. I've got authorization to charge you with murder in the first degree and that's what I'm going to do. OK? The ball's in your court right now. OK? You don't care about yourself? There's not another single person, including me, that cares about you a little bit. Not one person. OK? I told you before, I didn't sit in here and give you the song and dance before, because I don't care. But if you don't care about yourself, nobody else in the world is going to either. OK? You've got to get off of what you're doing and tell me the truth here or you're going to go down the tubes. You got it? Now let's get it straightened out. Right now. Let's get it straightened out. I want to know what happened in that room, in that kitchen and why you started that fire and I want to know right now. OK?

A I didn't start it.

P Mark, Mark, what is it, is there something you don't understand here? Do you think you're still playing a game with me?

A I'm not playing a game.

P No, you're trying to play a game with me. OK? You think I don't know what I'm doing. OK? OK? You know the fire's intentionally started. You know that. OK? I just got authorization to charge you, OK? There's nobody else in that room or in this apartment that started the fire but you. So that's how you want to leave it? Is that how you want to leave it, that's how we'll leave it and we'll just move on. OK? And we'll handle it in court. But, you told me yourself, if you were sitting in court, who would you say that did it? Who would you say did it, Mark? You know who you'd say did it. You told me before.

A Yep, yep, yep.

P It's a simple, simple thing. Do you hear me? Look up at me. It's a simple thing. OK? We have a set fire. And you did it and we've got to get it straightened out why you did it, OK, so I don't have to go in and say that you're a cold blooded killer. OK? You need to tell me that because one thing I'm not going to do is make something up. I'm not going to go in and tell somebody that, oh, he didn't do it because he was just having a fight with his girlfriend and he got pissed off and he didn't think it was going to get that big. I'm not going to say that unless you admit to that. OK, unless you tell me the truth, I'm not going to lie for you. OK? I'll tell the truth for you. I'll tell people the truth and make it what it is, OK? I won't make it any worse than it is but if you don't admit your mistake and if you don't work with me, I'm not going to work with you and I'm just going to take you to that mat. There's two ways to do this, Mark. The easy way and the hard way. OK? You messed up. You come clean. You pay the price, OK? The people feel sorry for you. People understand you. If you don't, you get charged with murder in the first degree with arson, OK, and nobody cares about you. Nobody cares about you because you're that guy that broke that window and ran away and won't own up to his mistake. You're the guy that did that. You start a fire in here cause you were drunk, OK? People get drunk and do stupid things. You were mad because your girlfriend was carrying on. Look up at me. You were mad because your girlfriend was carrying on. Right?

A Yes

P You were drunk, right?

A Yes

P OK. You broke some stuff in the apartment, you were throwing stuff around, right?

A Yes

P You knocked into the clock, right?

A Yes

P And you started that fire on that kitchen top.

A No

P You did. What is so difficult about that?

W He's telling you _____ on this whole thing so let's just deal with him. I spoke to him at length.

P You've got what you're going to deserve now. OK? You don't want to help yourself, Mark, I can't help you. I tried to tell you already, don't make this anything it's not. OK? People have blown this all out of proportion. OK? Big thing. OK? Serious thing happened there. Serious thing happened.

A I know.

P But the problem is you're making it worse than it really is. And that's what I'm trying to tell you. You're making this something it's not and it's hard to take that back later. OK? It's hard to say you cooperated. It's hard to say you were sorry when you sat here and lied and lied and lied to me about it. It's hard to take those lies back when it comes time, crunch time in court, when you want to tell people to feel sorry for you and to say, hey, I came clean. I made a mistake. I didn't mean the place to burn down. OK? It's hard to say that when everybody's going to know what you lied. You kept lying to me. That's why it's important to get this straightened out now. Not later. Not tomorrow. Tomorrow's too late. You're charged. That's it. OK? We're done talking. OK? You're charged with murder in the first degree, twice.

(tape runs out)

P ...it's what we're dealing with. We do it now or you roll the dice and see what happens. I don't think you're going to come

out a winner. Now do you want to come clean with us?

A No

P You're not going to help yourself. Is that the idea? What's the problem with it?

A What do you mean, what's the problem with it?

P What's the problem? Why can't you be honest? Have you had a problem being honest in your life?

A No. No.

P What's the problem here?

A I don't know what the problem is.

P Do you understand that people make mistakes?

A Yes I do.

P Do you understand that?

A Yes.

P Do you understand that people understand that people make mistakes?

A Yes

P OK. You made a mistake. I don't have to follow this through you a hundred times. You were breaking things. You were doing criminal mischief in the apartment. You pushed your girlfriend. You were drunk. You were angry. You had a right to be angry. You had that right to be angry. And now I'm supposed to believe all those events happened and I have a set fire in the kitchen and you didn't do it? Now let's be real about it. Who's the fool here, me or you? It doesn't have to be either of us. This is your last shot, man. This is your last shot. Do you just want to go down the tubes? Is that what you want to do?

A No

P That's what's going to happen to you. Do you care what happens to you, Mark?

A Yes I do.

P OK. You just have no future, is that idea. You have nothing left to live for in your life? Is that what we're dealing with? If it is, just tell me and I'll walk out of this room and just forget you and just do my thing. If that's what we're dealing with, that's fine. If you have no future in your life, if you're not worth anything, if you don't care about anything, only you, that'll be the end of it and I'll just do what I have to do. If you want help, if you want me to help you, if you want to get through this with me and get this straightened out, we've got to deal with this right now. Right now. Not tomorrow. Right now so we can get this straightened out. It's not going to go away. I'm telling you, it's too late for it to go away.

A I know.

P Let's get it straightened out right now. Let's move on it and work together on it and get it straightened out. Murder's an awful charge to have hanging over your head.

A I know.

P OK. Listen, kids died in there.

A I know.

P OK? Big thing, not some little thing. OK?

A I know.

P And it's an awful thing if it's a mistake that got out of hand. OK? It wasn't even in the same apartment. OK? They were upstairs, OK? You couldn't have known. Do you understand that people understand that? But if you don't say that you're sorry it happened and you don't say you made a mistake, there's nobody going to understand that and that makes you a murderer. A killer. A cold-blooded killer. That's what it makes you. Is that what you are?

A No

P Are you an arsonist?

A No

P Well then why are you making yourself that way? What do you, do you think I'm just here playing a game?

A No

P We can't arrest you without having a reason to arrest you. Do you understand that? We just didn't pull you in off the street because we want to fool with you.

A I know.

P You made a mistake. Get over it and let's work on it. Let's move with it. Let me help you. If you don't let me help you, no one else will. I want to help you but I can't help you if you don't want to help yourself. Now, do you want me to help you?

A I want you to help me but I can't tell you what I don't know.

P You do know.

A I can't tell you.

P You do know all about it. You know all about it.

A No I don't.

P Well then who do you think would know something about it? Tell me who you think would know something about this fire. Look up at me and tell me who you think would know something about this fire.

A What do you mean who would know something?

P Who would know how this fire started?

A I don't know.

P You know Darlene discovered the fire?

A Uh-huh

P So do you think she started the fire?

A No.

P OK, well then she wouldn't know how to start it, would she, if she didn't start it. Am I right?

A Right

P How about one of the two kids? Do you think they started the fire?

A No

P Well then would they know how it started?

A No

P OK, who else was in that house?

A Me

P OK. Then you know how that fire started. That thing just didn't go like that. It doesn't happen. It does not happen.

W You're leading downhill again.

P That's how we'll leave it.

(Det. Worthy and Bill Preston leave the room.)

(Detectives Kelly and McLucas enter the room.)

K Kelly

M McLucas

K You remember Det. McLucas, right?

A No

M I met you a little while ago.

A No

M You were getting ready to take a test.

K He's the lead, he's the lead investigator on this case. OK? You remember me from yesterday?

A OK.

M We want to touch on a couple of things here cause I'm that we sat down and we thought about this and there's obviously some real problems I have. OK? They've kind of spelled it out to you. It's so crystal clear but rather than dwelling on that again, I just want to get into your mind a little bit and find out how you feel about this whole situation. I mean, what's going on in your mind? How do you feel about what's taking this place? This fire? The deaths?

A I just can't believe it all happened, #1.

-
- M I mean, how do you find out, I know you can't believe it, I can't believe it. I wasn't expected to get called at 4 o'clock in the morning for people dying in a fire but how do you feel?
- A I feel terrible. How do you think I feel?
- M OK. I don't know. I don't know you and that's what I want to know. I want to know what kind of person you are cause you're going to be charged here. OK?
- A They already told me.
- K Hey, Mark, let's not _____ from talking with you and working with you yesterday, they're the kind of feelings I knew you'd have.
- M Ultimately everything rests on me cause I'm the chief investigator in this. OK? Everybody else is there to present this, they have to present that. Myself and a representative from the fire marshall's office are the chief investigators in the whole incident. And I'm the one that's got to present something, OK? I had a feeling when I looked everything over....
- K We talked.
- Mof what I was dealing with. OK? It seemed pretty clear to me this wasn't a situation where somebody set out to kill people. OK?
- A Uh-huh
- M The information that I'm getting now is that that's not the case. OK? This was an intentional act to kill people. Do you think this was an intentional act to kill people?
- A No
- M Why do you think this was not intentional? Cause I can tell you right now, I'm dead set that this was an intentional act, a murder first and you need someone....
- A Why? Why?
- M Cause it was planned. This was planned. These people were meant to die. Tell me why it wasn't an intentional thing.
- A As far as I know, the stove caught on fire. And that's the.....

-
- M Stove's just don't catch on fire.
- A Then somebody left the burner on. I don't know.
- M But leaving a burner on just doesn't catch on fire.
- A That burner caught on fire a few days ago and we reported that the burner had caught on fire.
- M The fire marshall's office spelled it out to you, didn't they? That this was an intentionally set fire, meaning arson. You understand that?
- A Yeah
- K And that burner was not reported. You guys cleaned it up, the little bit of grease that was in there and you put a pan in there. Mark, we talked to the maintenance people. OK? That's not a point here. That's not the point here.
- A The only.....
- K Hear me out, Mark. OK? That fire did not start by itself. That fire started, you guys were in the kitchen that night when your friends were over and everybody was drinking. People were in the kitchen. The burner wasn't used for anything that we know of. OK? It just wouldn't have turned on by itself. It just wouldn't have caught fire by itself, Mark.
- M What do you think is going to happen when they run all the tests on this thing? You know that we've taken the stove, the stove's gone.
- A Uh-huh
- M OK, we have the stove. The Fire Marshall's Office, along with the ATF, Alcohol, Tobacco and Firearms, are going to do a lot of tests on that, on that stove. What do you think they're going to find on that stove?
- A A bad front coil.
- M OK, what else do you think they're going to find? What causes a fire to, to flame up on top of a stove and keep spreading?
- K What causes a fire to spread?
- A Grease

M What else?

K What else?

A Gas

K OK, what else?

M What other things in that house, around there could have caused this fire to get to get.....

A The Capt. Morgan. Is that what you're saying?

K That's what.....

M I'm asking you, cause I want you to help me.

K That's it. We're trying to work here.

M I want to know what we're dealing with here. Could Capt. Morgan cause that?

A No, I don't know. I don't know if it burns or not. I guess it depends on what the proof is.

M OK. Do you think Capt. Morgan burned? And I know you're not an expert and I'm just, I'm just asking you.

A Honestly, no, I don't think it does.

M OK, and what makes you think that?

A Cause there's really not too, there's only a few alcohols that I know of that do burn.

M OK, and what kind of alcohol would they be?

A Like, I don't know exactly, but I think the kind they put the little frame on in the bar, it's like real high proof.

M Now, why would, we're asking you things, you're saying gas and you're saying grease and then you say Capt. Morgan. Why Capt. Morgan? What makes you think about Capt. Morgan?

A Well because the other two fellows have already kind of indicated that.

M How?

A Um....

M See I wasn't here so I don't understand.....

A He told me the bottle was found with my fingerprints on it.

M OK

K Where was it found?

A And he said you, and I don't know. He didn't tell me.

K OK

M Where is the bottle of Capt. Morgan that you had?

A Where?

M Yeah

A I don't know. I thought Tom took it with him.

K Tom didn't take it with him. We talked to Tom.

M I talked to Tom.

A OK

M Tom knows you had the bottle when he was leaving.

A OK

M Then he saw you with the bottle. What did you do with the bottle after that?

A Um, what did I do with it after that? Coffee table? I don't know. I don't know what I did with it. I really thought he took it with him.

M So I guess I'm going to just step back a little bit and go back to your feelings because I don't think we really got into it too much cause the bottom line is I've got to, I've got to present this case and they're going to ask me what kind of person you are. I mean, are we dealing with a cold-blooded killer. Are we dealing with just an accidental situation that got out of control. Cause I know, I've been in situations before where I've done something and all of a sudden, why in the hell did I do that. You know? And most of the stuff I do, you can correct, you know. It's a minor mistake. You can fix it. But when you're dealing with fire and a fire starts and you say, Jesus, I shouldn't have done that. Oh my God. And then fire starts going, there's no way to control it. You

can't control it as a person.

A Uh-huh

M You don't have the equipment that firefighter's have to put out a fire. Soon that fire starts going. And what are you supposed to do when that fire starts going? What would you do? You've got a fire in front of you and it's starts going. There's nothing you can do about it.

A Uhhhh, haul ass. I mean, if you've got a fire you can't control, you get out.

M OK, what about in an apartment building like that, what would you do?

A Try and get all of it, everybody out.

M OK, did you try and do that?

A Yes

M Where did you try to get people out of?

A Um, the building next door.

M And did you try to get people out of the building that fire was happening in?

A I don't remember if we did or not? I remember banging on doors but I don't remember if it was in our building or.....no, no, we got out of our building. We didn't, no, we didn't bang on, the only door that got banged on in our building was the woman next door when Darlene told her to tell, call 911.

M So, again, how do you feel about this whole situation? I know you, it's a terrible situation, but how do you feel?

A I feel very terrible.

M For who?

A For everybody. Mostly for the family for people who are gone. And I feel bad for Darlene because her and Steve were very good friends. And Steve's the one she told that the stove was bad and the man's dead. Cause he was the maintenance man and security over there.

M What do you think should happen to the person that's

responsible for this fire?

A I don't know.

M I can tell you I've posed that question to a lot of people.

A Uh-huh

M What do you think they say?

A Phew.

M They say death.

A I know.

M They say death.

K What do you think should happen to them? What do you think should happen to somebody did that?

A What I think?

K What should happen to somebody who did that fire?

A I would have to know the circumstances.

K OK. First circumstance, they lit that fire cold blooded. I'm going to burn this place down and kill everybody in it now.

A Then they do deserve the death penalty.

K OK. What happens to the guy that's fired up, pissed off at his girlfriend because she made a fool of him, just tired of the nonsense, packing his shit, getting out of there, fired up, drunk, lights a fire out of anger, gets out of control, tries to stop it, he can't, and the thing gets up too late. the fire's too late. Can't do anything about it. What should happen to a guy like that? The guy that had circumstances. There's reasons. A girl has him pissed off. The guy that wants to help himself. The guy that wants to say, hey, look, I'm not proud of what happened. I screwed up. I made one hell of a mistake. If I had to do all over again, it wouldn't have happened but I messed up. And I did light a fire and here's how I did it. And I sure as hell didn't think this all was going to happen and the next thing I know, this place is up and I tried to get people out of there. I got everybody out of there I could. I even tried to go back in there and I couldn't get back in there. I went to the neighboring buildings and tried to get people out of there.

I tried to do the right thing. This thing got out of control. Help me, please. I made a mistake. I'm not that bad guy. I don't want to be labeled as a bad guy. I screwed up. And I'm big enough to talk about it here. What should happen to a guy like that?

A He's just going to have to live with it himself.

K OK, but what should happen to him as far as the big picture?

A He's going to go to prison.

K Well what do you think should happen to him though? What do you think people are going to think about that guy? Everybody has problems. Everybody's been in a situation where they've been made to look bad. OK? Everybody's had a drink or so and they've done stupid things. And hopefully everyone that when they make a big mistake, are able to deal with it. They're able to get it off their chest and say, hey, look, I'm messed up. I did something wrong. I'm proud of it. Damn if I had it to do all over again, it wouldn't have happened. I have to live with this. I did something wrong. And I want to set the record straight. Here's what I did. What should happen to someone like that? Should someone try and work with him? Is that guy really sorry for what happened?

A I would try and work with him.

M Cause there's a lot of people that have killed people for different situations and not all go to jail for the rest of their life. Not all get the death penalty. OK? We have people that'll serve 7 years in jail. People that'll serve the rest of their life in jail. Some people serve two years in jail. You know what it's like when you're driving a car, you're intoxicated, you get in an accident and kill somebody? Then it's vehicular homicide. You get charged. You killed somebody but the circumstances behind it. It wasn't an intentional thing. You were driving a car. Those people, sometimes five years, 10 years, less than that, more than that. It depends on the situation.

K That's it. We don't know.

M So you're sitting here. You're going to take a chance on flushing your life down the toilet by telling, by not telling us the truth when you could tell us the truth and show us the real facts. That things that we think really happened.

K Things that we know really happened, Mark.

-
- M And that, I could easily just charge you and walk away from you. But then when I go in there, they ask me about you and all I can say is a cold-blooded killer because he said nothing to us. He said nothing to us. We don't know how he feels about this. He doesn't, we don't know how he feels about this 8-year-old boy, an 8-year-old boy, you were there once. I don't know how he feels about that. OK? When they see you and you're emotional and you're telling them listen, I'm sorry, I didn't mean this to happen. OK? I didn't want this 8-year-old boy to die. He's two floors up. That wasn't the intention. OK? My intention was to just do some damage and it got out of control and I couldn't control it. It was fire. Not something I can stop. I tried my best. I went and tried to get everybody I could out of this place. Along with the policemen, along with the firemen. They tried their best to get these people out. OK? You couldn't do it. They couldn't do it. But now we have to make it right. Don't you think it, don't think everybody deserves to have it made right?
- K Especially you. Especially you. We want this made right for you. We don't want anybody going in there and painting you as a bad guy because I don't think you're that way. I don't. I was with you yesterday.
- M I think just how you're going to deal with yourself. When you sit here and deny it and you have this very selective memory. You're very detailed all up until the point that this fire happened.
- K The story changes, it changes from this to this.
- M Oh yeah, you've had 18 different versions. You know that. You're going to admit that, right? I mean, we're all men here.
- K There's one version that's consistent, Mark. It happened. This thing happened. And the thing is....
- M So what we're trying to do....
- K ...got to get this, got to get this settled.
- A I know, but, I mean, I....
- K Mark, Mark, Mark, hold on. Hear me out, please.
- A OK
- K You know, you know and it's tough. God it's tough. It's tough to get that off. It's tough to say, yes, I made a

mistake. Yes I did something wrong. That's tough as hell.

A It's tough when you don't....

K You do know Mark.

M You do know.

K You were there.

M Think about it. Two seconds after this fire starts, you're extremely detailed. You know everything that happened. You know how your fingers got burnt. You know how you pushed the door open. You knew what you were looking for. You heard the conversation that Jason had when he was talking to the neighbor about getting the cat. I know that's true. I talked to the neighbor. The neighbor wanted her cat. She's scared to death. You know that. That's two, that's 30 seconds after this fire starts that you know this but you don't know how it started. See? And we're not going to buy that. OK? Now it's time for you to come clean and tell the truth. Cause you know what's going to happen? You think when you tell us the truth as to what happened, the world's going to come to an end for you. It's going to start over again cause the world's already come to an end on you, hasn't it?

A Yep

M I mean, you can't get any lower now, can you?

K The worst part's over. This is it. We're here. Let's set the record straight.

M The worst part was 4 o'clock in the morning, or 3:30 in the morning the other day when you watched those people being brought out of their house and they were dead. That's the lowest point you got. Is that true? You couldn't go any lower than that to watch two dead people coming out and a third girl who most likely will die. You weren't getting any lower. Now what do you do? You've got to try and come back from that.

K You can come back from it. You can set this straight.

M As soon as you start telling the truth, you're going to start feeling better about yourself. I guarantee it. I guarantee it. What's eating you up now is yourself. As soon as the truth comes out and it starts flowing and it will, because you're going to feel so much better, and you'll probably have us in here another two hours talking about it because you'll

have all the details. I'm telling you, that's what's going to happen. You're going to feel a lot better about it.

A I'm telling you, it's not what's going to happen.

M Why? Are you that bad that you just don't care?

K Mark, it's one of two ways. Either you don't care.

M Tell me you care.

A I do care. But I can't sit here and tell you what I don't know. What do you want me to do, make up, make up something? Oh yeah, yeah, I'm....

K OK, Mark, what we're....

A I'm serious.

K I'm serious too, Mark.

A I'm serious.

K When I talked to you the other day, OK? Your story's completely different every time we talk. OK, you were all over the place and that's an indication of a person who's scared. OK? A person who's scared. A person who messed up. OK? Who can't keep a story straight because they're so confused. They're upset. But the bottom line is this, Mark. There was a fire and there's people that are dead. Then one of two scenarios happened. The person who did it is a cold-blooded killer who wanted to kill everybody, who said, screw these people. I don't care what happens. Or one person did something, it got out of control. The fire got out of control. Not the person. That fire got out of control. The person couldn't control it and now they're scared. They're a good person but they screwed up.

M Can I ask you one honest, straight forward question? Do you deserve to live after this incident?

A Yeah, yeah, I do.

M You deserve to live? And that 8-year-old deserves to die?

A No, I did nothing to do with his dying.

M What do you deserve? Tell me what a fair punishment for you would be.

A A fair punishment for me?

M Uh-huh. Honestly. I just want an honest opinion. You don't have to tell me whether you did it, you didn't do it, whatever. Just tell me what you think is an honest punishment for you.

A I don't believe I killed them people. OK? I don't believe I killed them.

M What do you think killed those people? Do you know what? I don't think you killed those people either. I think the fire killed those people. OK, and that's something you need to understand. There's a lot of us here that don't think that you killed people. OK? A lot of people do think you did. I think the fire did and you tried what you could do.

K You did the best you could. You tried but that fire was out of control. You're not a firefighter. You don't know what the heck happened. That thing took off quick. You tried to help people. You tried to do the right thing.

M What should happen to you? What's a fair punishment?

A I don't know because I don't believe I started it.

K Well Mark...

A I've gone over and over and over and over and over in my mind.

K It's like when you were in the living room with your bag, you packed your bag, you go into the living room.

A Uh-huh

K You went in that kitchen. You went in that kitchen. You had that bottle of Morgan. What did you do with it? What did you do, Mark?

A I'm thinking.

K Come on. You don't know, you know, Mark. You were there. It's hard to get out. It's hard to get off your chest, Mark.

M Focus yourself.

K Once it's out, it's out. There will be no more covering up. No more trying to bury it cause you can't bury it. It's not going to go away. This happened.

M It's eating you up inside.

K It's going to eat you up and you don't deserve that. You need to get this off your chest.

M You came in here today for a reason. OK?

K You wanted to get it off your chest.

A No

K You wanted to get this off your chest.

A No, no I came here to prove, prove my innocence.

K OK

A And that's the only reason I came in here today was to prove my innocence.

M But you know you can't prove your innocence.

K It's not happening, Mark

M We've asked you, could you have possibly done this? And you said yes. But you just can't, you can't remember. Is that true?

A Now, wait a minute, no, no, no, no, no. Somebody's putting words in my mouth.

M That's why I'm asking.

K Nobody's doing that. That's why were talking here.

A Somebody's putting words in my mouth.

M Is there a possibility you could have started this fire? I mean, I'm not asking you if you did it. Is there a possibility? I mean, I'm asking you man to man.

A I know, but I can't give you an answer. OK? I'm sorry, I can't. I can't answer that.

M Why? You can't answer if there's a possibility? You know one, if there's definitely, without a doubt, no possibility. Like me, I can say, definitely, without a possibility, I did not do it because I was not there.

A Right

-
- M I was in my house. OK? Could you definitely say without a possibility that you didn't do this? During all that gray area that you have difficulty remembering, is there a possibility that you were so drunk that you got, something happened and you started a fire?
- A It's possible I may have accidentally started it. That's very possible.
- M OK Then how could you have accidentally started the fire?
- A I'm not going to say I did when I believe I didn't.
- M OK. You need to help me here.
- A OK
- M I need to know how a fire like that could have accidentally started. A lot of times when we're dealing with people, we do in, see, if we didn't need to talk to people to figure things out, we wouldn't be talking to you. We'd just charge. We wouldn't talk to witnesses. We wouldn't talk to victims when they're alive. We wouldn't talk to the other people in the apartment complexes because we've got to know what they saw, what they did and how these things happen.
- A Uh-huh
- M How could this fire have been started accidentally?
- A Um, phew, I mean, somebody may left that bad burner on.
- K Nope, the burner's on. That's no doubt.
- A Right, that's what the fire marshall told me that the burner was on.
- K The burner is just not going to do it. Something had to be added to that scene. Something had to be added to that burner to make it burn.
- M Could you have been angry and just turned the burner on but did nothing else?
- A I could have turned it on and lit a cigarette.
- K OK
- A It's very possible and left it on.

M But could you....

A Because, I mean, like I said, all the kids and Darlene told you that she reported that the burner had caught fire.

K We're not talking about, that was not an electrical fire. OK? The fire was the burner and something was added to that burner to make the fire. That's the bottom line.

A I can't imagine what.

K Did you spill something on the burner? When you were pissed off at Darlene and you were packing your stuff, getting out of there, you dropped something, spilled something and things happened like that.

M Maybe you had something in your hand. Maybe you were.....

K There's no doubt that you were mad at her, rightfully so.

A I know, I know.

M I've been over, I've talked to the guys over at the Marlex and they were embarrassed by it. I talk to the guy who had a tattoo on his neck. Remember when you were over the Marlex?

A The guy with the tattoo?

M Yeah.

A Oh, red head?

M Yeah

A Kid?

M Yeah, he was embarrassed for you. I mean, he couldn't believe what Darlene was doing and that's the honest truth. He was offended by it. He was insulted by it and he said, I can imagine what he felt like.

K See, everybody knows that. Everybody knows that. The thing is, what could have happened with the burner. What could you have dropped on that burner?

A I don't know.

K Come on, Mark. Something was on that burner. You were pissed at her and rightfully so and the next thing you know this burner gets turned on and something gets added to this burner

and the fire starts. What I think, Mark, I'm thinking out loud. I'm thinking maybe you tried to get this out. OK? And you couldn't get it out. You tried. That's what I think happened. And you panicked and you tried to get everybody out and you did the right thing. You knocked on doors.

M Cause we've had situations where people died in fires. I had one a year or so ago, a guy cleaned out his fireplace. Had all the ashes in a bucket.

A By the house over at Todd Estates?

M And the house burnt up and people died in that. OK? Do you know what that was? Do you think he went to jail for that? People died in that.

A I know.

K It was a stupid mistake.

M But that was an accident.

K Was that a stupid mistake that guy made?

A Very stupid.

K Very stupid. Then what happened with that burner when you were pissed off at her. What happened in that kitchen? What stupid mistake happened in that kitchen when you were there, Mark? What did you do that you wish you wouldn't have or whatever. I don't know, Mark. I'm thinking here. I'm trying....

A Don't you wish I could just tell you and at least we could move on to the next step and I don't have to sit here?

K Mark, Mark, you can tell us. You can tell us. But it's hard and I know it's hard. It's hard to get off, it's hard to get that off your chest. It makes you human. It's hard to do that. You'll be a lot better off when you get it off your chest. If it was a stupid thing that happened, some kind of mistake that happened, you need to get it off. And you remember. You were there. You know. There was no black-out. You were there. And you've got to get it off your chest. Cause right now it's going through your head and you're thinking, how I can tell these guys what happened? How can I tell? I'm afraid to tell.

A No. I'm thinking I wish I could remember what happened so I could tell you.

-
- K You can remember, Mark. You're the only one who can remember. You can remember doing it, Mark. You can remember doing it.
- M Explain it to me that, just up to it. You remember all the details about breaking the clock and arguing with her.
- A No, I don't remember breaking the clock. Everybody told me I broke the clock. I don't remember breaking the clock. I love that clock. I'd never break that clock, ever, ever. So, no, I don't remember breaking the clock. Everybody told me I broke the clock.
- K Do you remember fighting with Darlene?
- A What?
- K Do you remember fighting with Darlene?
- M Cause you remember being pissed off at her.
- A Like, I remember being pissed off.
- K OK
- A I don't remember packing clothes. I do remember she knocked me on the bed and she jumped on top of me and I pushed her on the floor. I remember going into the bathroom.
- K You didn't go in the bathroom, Mark, because we talked about that. We talked about that yesterday at length. You said you were not in the bathroom. You told me you were on the other side of the bed by the, by the, your dresser. OK? And you weren't even there because Darlene didn't see you there. Darlene says there's a period of time where she had no idea where you were and that's when you were out in the living room or in the kitchen. I don't know if you were getting a beer. I don't know what you were doing out there but you were out there, Mark. And when you were out there, something happened to that burner, that fire got turned on and something was put on that burner or spilled on that burner, whatever, and that fire started. That's how it went down, Mark. That's how I think it went down.
- A I don't know. I don't know.
- K You were there.
- A I don't know if I spilled the fucking alcohol. I don't know. I don't know.

K Were you near it with the alcohol? Talk to me about that.

A I told you honestly, I thought Tom took the shit with him.

K Tom didn't take it. That's established.

A OK

K Tom did not take it. The alcohol's in the house.

A The alcohol's in the house.

M What should I tell the Attorney General's Office about you when I present this case?

A I don't know.

M Cause I've got to get passed all this because I've got a job to do, obviously.

K That's it, we're trying to work with you here. I mean....

M You tell me what I'm supposed to say about you.

K And I'm going to tell you right now, I don't remember isn't going to cut it.

M Because if you can't think of anything for me to say about you, I mean, I'm coming to you. You're the one that can speak for yourself.

A I know.

K Let's speak for yourself, Mark.

M I don't do this too often for people. What should I tell them?

K Speak for yourself.

A I don't have anything to tell you. You don't believe me.
(crying)

K Mark, we need the truth, man. You need to get this off your chest. It's tough, Mark. It's tough.

A (crying)

K Bert's dead. That little boy is dead.

A I know.

K OK. We know who did that?

A Robbie

K Well they call him Bert. OK? Robbie's dead and the thing is, the person who murdered that boy is either a cold-blooded murder or it was an accident that happened. That's the bottom line. Someone wanted to kill everyone in there or somebody did something that got out of control. But someone's sitting here saying it's possible that I did it but I don't remember. That's not going to get it, Mark. That's not going to get it at all. You know what happened. I know that for sure and you've got to get it off your chest, Mark. We're giving you every chance to get this out in the open and talk about it....

A I know but I can't tell you what I don't know.

K I want you to do it for yourself.

A I can't tell you what I don't know.

K You can. You say you may have spilled something on the burner. Do you remember spilling anything on the burner?

A No, I don't remember spilling anything on the burner.

K OK

A I don't...

K What did you do with the bottle after it was gone? Were did you take the bottle? Where did you put the bottle? Do you remember going outside?

A No

K Think hard. After you left that bedroom, Darlene's on the floor, and you go outside.

M Maybe you wanted to go out and get some air, cool off. You walk out to your car, do you walk out back, what do you do?

A Don't know. I really don't know. That's what scares me the worst, OK? I don't know.

M I don't think that would scare me the worst.

K It's easy to say I don't know. But it's hard to say, I know,

I screwed up. Here's what I did. And I'm sure as heck not proud of it. If I had it all to do over again, it would be a whole heck of a lot different.

M Nobody's going to hear that.

K Nobody's going to hear that. We can't say that because you haven't told us that. Listen to what you're telling us. Listen to how that sounds, Mark. I remember everything but. That scares me. I don't know. Mark, you know and you've got to get, Mark please, you've got to get off this. Listen to yourself. Listen to how that sounds. How can this guy tell somebody about you when you can't even tell about yourself. You were there. There's no video. There's no witness. You were the only one in that room and the fire started. You're the one who could tell, you're the one who can set the record straight today. You're the only one that could do it for yourself.

A I wish I could.

K You can. You've got to, Mark. You've got to muster up the strength inside. You've got to build it up and say, here's what happened, Det. McLucas. Here's what happened, Mike. Here's how it went down. If I had it to do over again, God, it wouldn't have happened. I screwed up. I made a mistake.

M Maybe it would happen again.

A What?

M This would happen again, wouldn't it? If you were allowed to leave here and you were afraid this would happen again, wouldn't it?

A It would happen again?

M Yeah

A No.

K That's what this guy has to think.

A What?

K That's what he has to think.

A What?

K This guy's cold blooded.

A You lost me.

K OK

M I think, I think if you're let back out into society, you're a free man, this is going to happen again.

K The next girl that pisses you off, makes you look like a fool, screws around with your pride, you're going to burn her place down too. And screw it, I don't care what happens. I'll just lie and say I don't remember.

A No

K That's what people are going to think, Mark. That's what people think about you.

M This is going to happen again.

K There's people that think that way, Mark.

M Just like when you get serial murderers in here, rapists, they're going to do it again. If you don't take care of it now, they're going to do it again.

K Just like DUI's.

M And I'm getting the feeling this is going to happen again.

K Just DUI's, Mark. They happen again.

M Happen again, and you already showed that compulsive behavior. You've got to keep doing it. You have how many DUI's?

A Two

K This is the same thing as a DUI. It happens. People go back out. I'm not going to drink. They don't drink for a week. And boom, they go out, they got fired up, they get caught driving again. People think that. When people start getting answers, I don't remember. They can tell you everything but.....they start to think that way. What I really think, Mark, do you know what I'm thinking right now? I think that you just can't get it out. You just need, just, can't get it out. You've got to push it a little bit. You've got to build it up inside, Mark. You've got to do it, man. You were there.

M Only a man could talk about something like this.

-
- K A person who messed up and made a mistake, they've got to get it off their chest, Mark. They've got to get it off their chest. But if you're a cold-blooded killer and you wanted to burn that building down, who has no remorse, doesn't feel sorry for a damn thing except themselves, keep saying, I don't remember, I don't know. Cause that's the answer people expect to hear from somebody like that. That's the answer people hear.
- M And you said, when you can sit down and tell the truth about something and that's how bad it was, I think people can respect it.
- K You do. I know I respect that.
- M No matter how bad it is, when somebody can talk about something bad, they can respect it. OK?
- A Uh-huh
- M And that comes into account, when somebody uses a cop-out that I can remember a lot of things up to it, I don't remember what happened during it, but I'm extremely detailed, 30 seconds afterwards, that's bull shit. OK? That's about as easy as I can break it down to you. That is just plain bull shit. That doesn't float. And any normal person is going to sit there and believe that horse shit that you don't remember what happens right around the time this fire started but a few minutes later, you remember all the conversations that Jason had. You know the neighbor was looking for her cat.
- A Whoa, whoa, whoa.
- M You remember what the smoke looked like. You remembered how high up the smoke was.
- K How you burned your hand. You remember all that stuff, Mark. You remember that stuff. OK? But when it comes down to the hard part, those few minutes, five minutes, however long it was for you to start that fire, you don't remember that part, Mark, cause you chose not to remember. Cause that's tough. That's tough for anyone. But you've got to get off it, Mark.
- A I told you I don't remember kicking the clock. I don't remember arguing with her. I don't even remember packing clothes.
- M But you did know that.
- A I don't remember packing clothes.

K Well you did that stuff, Mark, and you weren't drunk enough, you weren't so drunk that you don't remember that stuff. Cause you remember bits and pieces, Mark.

M You can tell the fire marshall come rolling across the top of the ceiling or something, when you opened up the door.

A Uh-huh

M You can remember how high up the smoke was.

A That tends to sober you up.

K Yeah, it tends to sober you up right when you see it. When you're standing there and that fire goes out of control, boom, I'm sober. Oh shit, what did I just do? Let me try to get this thing out. And that's what happened there, Mark.

A You forget one thing.

K Mark, I'm not forgetting anything. You're the one who's choosing to forget things. And you've got to get off this, Mark. People are going to think you're that cold-blooded guy. I don't think you want people thinking that. I think you're a different guy. I could be totally wrong and if I'm wrong, I'm wrong. But I thought you were a person that cares. I thought you were a person that wants to do the right thing, no matter how bad it is. Hey, I screwed up. But apparently I'm dead wrong. I'm dead wrong.

M That kid's death means nothing to you.

A Don't say that. That's not true.

M It is true.

K Apparently it's not.

M It is true.....(tape ends)

Mwhat does he have. He doesn't have a father. His mother died two months ago.

A I know.

M He has nothing. He deserves to know the truth.

K And there's a guy named Mark who's saying I remember everything but the fire. I don't know. Come on, that's a huge cop-out, Mark. I know if I was that kid and I heard the

guy say, hey, here's a guy who screwed up. He didn't need this building to burn down. He wasn't trying to hurt your family. He wasn't trying to hurt your little brother.

M And people like you who have no respect for human life and for truth and for honesty can rot in jail for the rest of their life or get the death penalty for all I care.

K But I don't think you're that kind of guy, Mark. I really don't. I think this kid needs to know....

A I'm not.

M But you are.

K I think these kinds need.....

M Because we've given you more than an opportunity to tell us the truth about everything, to lay it out and you won't do it because you're scared of what's going to happen to Mark. You're scared of what's going to happen to Mark. You don't give rat's ass about everybody else. You don't want to make things right. You're scared of going to jail. You could care less about anybody else. You don't give a shit about Darlene.

A Back up. Back right up. OK?

M What?

A I'm pretty sure I'm already going to jail because of them other gentlemen already told me that. OK?

K Mark, you could be charged, listen to me, you could be charged with....

A I know, with murder, with murder.

K Who said murder?

A He just told me murder.

K What did we just tell you?

A The fire marshall. He said I could be charged with murder.

K People make mistakes. You can be charged with murder.

A Now do you think if I had a choice between being charged with murder or being charged with reckless homicide or whatever.....

-
- K Mark, I'm just saying, you're a scared guy. That's a common fact. And you screwed up and right now you're version's this. If I come off of this right now after all this time, they're going to think I'm jerking their chain and they're going to think I'm that hard guy. Mark, that's not the case. If you want to be a person to help themselves. People understand people are scared. We understand that. And nobody's trying to put words in your mouth. Nobody's trying to make you say anything that happened that didn't happen. OK? Nobody's doing that, Mark. Give me the truth. You were there and you were in that kitchen, you turned that burner on and you did something to that stove. That place caught on fire and you panicked. And you used the word, fire tends to sober you up. You saw that fire and that sure as hell sobered you up at one point. But right now, you're afraid. And I'd be afraid too. I'm be damned afraid.
- M But you're only afraid for yourself.
- K And that's it, he hit it on the head. You've got to muster up the strength here, Mark, to say, hey, I'm going to do the right thing. And I'm going to talk to these guys and tell them the way it is. I'm going to explain my side of things.
- M Cause when you get emotional in here and you cry, you're not crying because an 8-year-old died and his father died and these other people are hurt, you're crying because you're afraid of what's going to happen to Mark.
- K And that's pretty pathetic, Mark.
- M Not for no man.
- K That is pathetic.
- M Sit there and act like that. I mean, it's kind of, it's disgusting.
- K It's one way.
- M And that's about as honest as I can be.
- K And that's the picture this man is going to paint.
- A I know.
- K Of you.
- A I know he is.

K OK

M Oh, without a doubt.

K Do you hear what I'm saying, Mark. I don't think you're that kind of guy. This guy doesn't think you're that kind of guy either.

A I don't think I'm that kind of guy either.

K OK, but with giving the excuse of I don't remember, I don't know, I don't think so, I was there, yes, but I don't know, I forget, is not going to get it Mark. That's starting to push me toward the side, hey, this guy is a cold-blooded guy. And maybe you're right, Rob, he's the kind of guy who's going to let you....

M He's the one that sat right here the entire time pumping me up that you're, I'm telling you, he's not a bad guy. This is an accident. The fire marshall's office saying we don't think so. And he's saying, I think something happened here. Look into this a little bit further.

K Now, I got that information from you, yesterday and today.

M Cause I didn't have a chance to talk to you. I wanted to talk to you yesterday but I had to be down at the scene.

A Right

M OK

K That's why I was there, Mark.

M And that's why Det. Kelly was there.

K I voiced the way I feel about it, too.

M And I was shocked today when I came in and they told me they had done these other interviews and they're still nowhere with you. And they're telling me, he's a murderer.

K See, Mark, we get right to the door. If we get everything there, right to the stove, right to the fire and I don't remember a thing. And you hit it on the head. Fire will sober you up. And I give you being the most fired up guy in the world, but once that fire started, boom, you sobered up and you know what happened because you were right there. You know how it started. You know how it went down.

A That's not true either.

K Mark, you know.

A That's not true either.

K You know.

M Did these people die by an intentional act or did they die because of an accident?

A I believe they died because of an accident.

M And who was the cause of that accident?

A That I don't know. I don't know.

K It's not the fairy princess.

M Was Darlene the cause of that accident?

A No, I don't think so.

M Was Jason the cause of that accident?

A No

K Brandon?

M Brandon the cause of that accident?

A Uh-uh

K The cat? Hmmm?

A Don't get sarcastic.

K Now, Mark, I have no way to go. I have no way to go. I have nowhere to go.

M I mean, you make us get to that point.

K And who does that leave, Mark?

M I mean, you get to that point, we can make it sound so stupid. What was it a ghost?

K Yeah, I mean, come on now. That's what you're telling us. You don't know. I forget. I don't remember.

M It couldn't have been Jason. It couldn't have been Brandon. It couldn't have been Darlene. And like they said, it only leaves one person left.

K And you do remember and you do know but you've got to get it off your chest. We can't force you to do that.

A You're right. You can't. You can't.

K But we want you to, Mark. We want you to get it off your chest for your own sake. You've got to get it off.

M Then we can deal with you.

K You've got to get it off.

M What's going to happen with you.

K Did you ever hear of people in charge of their own destiny?

A Uh-huh

K That's what's going on with you right now. You're in charge with what can happen to you. Things can probably go one of two ways.

M It all goes by what you say and the reasons behind why this happened.

K If you were a judge, a guy comes before you, Mark comes before you and says, I don't know what the hell happened. I didn't do a thing. I forget. I don't know. My stories are all wrong. Yeah, those people died but I know nothing about it. OK? You get another guy that goes before you, hey, I screwed up. I was pissed at my girl. I was fired up. I was drinking. She embarrassed me. She made me look bad. I was pissed off. I was leaving her. I was in the room. I was in the kitchen. I turned the stove on for whatever reason and I did something there and the fire started. I was only lighting the fire just to, I was pissed off. I don't know why I lit the fire. I lit the fire. I don't know why but I lit it. It was a little small fire and then, boom, I couldn't control it. I tried to put it out. I tried to do everything. I couldn't get the thing out. I was scared. I backed away from it. I ran. Tried to get people out there. Got everybody out of there we could. Everybody was safe. But God darn it, those people upstairs on the third floor. They couldn't get out.

M Because I couldn't get to them and nobody else could.

K They couldn't get out. I tried to go back in there. I'm knocking on other doors in case that fire spreads. Get those people out of there. Your honor, I screwed up. Who's the bigger man? Who's the person who's controlling their destiny. Who's the person who's trying to make the best of a bad situation.

A I know what you're saying.

K Of you know what I'm saying, Mark, then come on. Come on. You've got to take it. You've got to talk about it. You've got to get it off your chest. Their two scenarios we have right here.

A I know.

K You're in charge of your destiny here. You're the one who can set it straight.

M Those are the only two scenarios you have.

K That's it. That's it.

M And this is your opportunity.

K This is your only opportunity, Mark.

M Because you won't get this opportunity to speak for yourself. After that, everybody else speaks for you.

A I know.

K And at that point you can say, oh yeah, I made a mistake. But they're going to think, hey, look, he should have told them that back in December.

M Like I say, he's just, it's just like everybody, when they're sitting there in front of the judge and he's getting ready to sentence them to death, what's the first thing coming out of their mouths?

K I'm sorry.

M I'm sorry.

K I messed up. I made a mistake.

M Why didn't you say that six months ago, a year ago. You're not sorry. You don't care. You're sorry because you're getting ready to die.

K You're sorry because....

M That's why their sorry. They can care less.

K You're sorry because you couldn't do anything now. You've got to do it, you can't do anything then, you've got to do it now, Mark. Now's the chance to set it straight.

M It takes a big, a big person, a strong person, to step up and say, I'm sorry. This is what happened. Do what you've got to do with me because this is what happened.

K And God, I'm sorry for it. Oh my God, if I had it to do over again, it wouldn't have happened.

M Now I feel better and now I've just got what's coming to me and I'll deal with it but these are the reasons.

K And I know if I get a chance to explain this to somebody, I'll explain my side and hopefully they'll listen to me.

M And they're going to understand. They're going to see what happened.

K Cause everybody.....everybody's been there....

M And they're going to see I didn't murder this 8-year-old kid. I didn't take a gun to his head. I didn't shoot this 8-year-old kid.

K I didn't light this fire, trying to burn it down and kill these people. I lit this fire because I was upset. I was pissed off and...

M I lit it in the ground floor apartment. These people that died were in the second, the third floor.

K I didn't know anything about fires. This thing took off on me.

M And I couldn't control it and I tried everything I could.

K And I tried to go back. I tried to help people. I knocked on doors. I did help people.

M I mean, you got injured.

K The ball's in your court, Mark. You're the only one that can do this.

-
- M But I can tell you the time is running out. The opportunity is, is slowly coming to an end.
- K Soon gone.
- M For you to try and help yourself. Cause I've given you ample time today. Det. Worthy straightforward with you.
- K Those other guys they're going, they said, phhhh, we're done. We can't do anything with this guy. I said, give us a shot. I talked to him yesterday. He wanted a chance and I said just give us a few minutes. Now I hope we're getting through to you, Mark, because I'd hate to see something, I'd hate to see something that was bad.
- M Or worse.
- K That's what's going to happen here. This thing is going to get a lot worse for you.
- A I know.
- K Unless you're in front of it, Mark. You've got to get in front of this. You've got to get off it. You've got to get the details down, the lies and what happened so this guy can say, I talked to him, and, yeah, he was scared. He didn't come right off it but he did.
- M Would I if I was sitting in your shoes? If I'm sitting there, it's going to take me a while to really come to grips with it.
- K And that's why we're trying to give you that time.
- M But you could have ran from us. You didn't have to come here today.
- K And that's why we're giving you this time now, Mark. We're giving you this time to get this off your chest.
- M There's good in you. I see you get upset. I see you start to cry.
- A You just told me I'm faking that anyway so, I mean, what's the difference, you know.
- K Mark, Mark, Mark, he doesn't know. He doesn't know you, Mark. Look right here. This is true, Mark. You're upset. Don't make this thing worse, Mark.
- A And if I'm hot or I'm cold, come over to holler.

K Mark, Mark, you've got to focus here, Buddy. Look at me. You've got to focus on this. This thing is going to turn for the worse.....

A _____

K Mark, look at me, come one. This thing is going to turn for the worse for you. Of course, I understand why you couldn't come off this thing right off the bat. I knew why yesterday you couldn't say, here's what happened. Here's how the fire started. Here's what I did. I know you couldn't have done that this morning. But you were close this morning with Worthy. You were almost ready to tell him.

A No I wasn't. Not even close because I told him the same thing I'm telling you. I can't tell you what I don't know.

K OK, is that the way you want to play it?

A I can't tell you what I don't know.

K Mark, I want you to make, I want you to make the call.

M Are we done?

A I guess.

M You guess? I'm asking you a straight, I've given you an opportunity to tell me about yourself, tell me what I can tell them.

K He's telling you, help yourself, Mark. Help yourself.

M And this is your last opportunity. Tell me anything you want me to take to them. Anything you want me to say. If you want me to say Mark's a good person. Mark's sorry for all of these deaths. Mark's sorry for all the injuries. Mark's sorry for all the damage. What do you want me to say to them? Do you want me to say nothing? Just let them deal with it? That's all I'm asking you now, because....

A I don't know.

M You don't know what you want me to tell them about you? I know if I was sitting in that chair, I'd have a whole lot of things to tell somebody that they can tell....

A Yeah, and do you know what you can tell?

M What?

A You can tell them he honestly believes he didn't do it.

M He honestly believes he didn't do it or he doesn't remember.

K That says it right there. There's a problem. He doesn't believe he did it. Mark, you did or you didn't do it. It's black or it's white.

A And I didn't do it.

K You're playing in the middle. You're riding that middle line, Mark. You were in that kitchen. You turned that burner on and something was put on that burner or whatever by you and that fire started. In fact, that happened. You were there. You were the only there. You weren't seen. OK? The fire gets kicking. You were there, Mark. You're the one who did it and you've got to get off it. You've got to start answering some of those tough questions, the whys and hows. You're the only one who can do it, Mark. This thing is going to take a turn for the worse. You want to be in front of it. You want to be the one to say, Det. McLucas, here's what happened. Here's what, here's how it went down. Here's why it went down. God, I'm sorry. If I had this thing to do over again, it wouldn't have been this way. I screwed up. But she pissed me off and I was drunk and here's how it went down.

M He doesn't want to tell us.

K That's the way, that's the only way to do it. That's the only way to do it.

A Do you think I could have a cigarette? Do you think for a second?

M I can give you a cigarette.

A Would you please? I just ran out.

M We have no, all you have to do is ask us, ask us for something if you want something.

K Mark, that's it.

M OK? We're not here to be the bad guys. I'll get you a cigarette. All right?

(Det. McLucas leaves the room.)

K You've got to get off this, man.

A (crying)

K I'm not jumping down your throat. We want to get to the bottom of this, Mark. You need to be in front....

A I know. I know.

K I know you want to be in front of this. I know you're not that bad guy.

A I just want to be (sobbing).....

K You've got to remember. You've got to think hard, Mark.

A I know.

K You've just to open it up. Let it out. You've just got to let it out. It's tough. I know that, Mark.

A I'm sorry.

K That's OK, man. You've got to open up and remember. We don't want to remember bad things. People don't want to remember the bad. They want to forget it. This is something you can't forget. You've got to get it out. And you can do it, Mark. I know you can. I know you're not that bad guy that those people think you are.

A Oh Lord. Um....

K Talk to me, Mark. Is it coming back? Are you remembering? Come on.

A I go outside.

K You did go outside. Why do you go outside if you went outside?

A (whispering) Why would I go outside? Carry clothes to the car?

K Did you do that?

A No, cause there weren't any clothes in the car.

K OK. In the kitchen, what did you do in the kitchen?

A Um.....thank you.

(Det. McLucas returns.)

A Um.....um....

K What did you do in the kitchen, Mark? Do you want some water or.....

A Yeah, I could use that. Why did I go outside? Did you get something out of the car? (whispering) Why did I go outside?

K What did you do in the kitchen, Mark? Come on.

A Ummmm, I'm thinking.

K Open those doors up. Come on.

A I'm trying. Trust me, if I fucked up, I want to know myself. OK?

K You want to go forward. We want you to help yourself here.

A Like he said, I'm the one that's got to live with this.

K You're right.

M Exactly. And I honestly think you've taken a step to deal with it.

K You're right. You're taking a big step right now, Mark. You've got to get it off your chest. You're starting to do that.

A (belches) Sorry.

K It's OK. Went out to that kitchen, Mark. Think about that.

A (whispering) Where did I come from? Where in the hell did I come up. If I could just remember where I came up, I think the rest would, I could get.....

K Now, where are you at? Where you came up from what? What do you mean?

A (whispering) Where did I come up? If I went outside...

K Did you?

A I said, if I went outside...

K If you went outside....

A I would remember that. I know I would.

K OK, well let's get off the outside then. If you didn't go outside, you didn't go outside but if you did, you did. But what happened in the kitchen, Mark? Let's get in the kitchen.

A I'm trying. I'm trying. I'm really trying. (coughing) She got up. I just don't know what the fuck happened. OK, let me back track to the clock.

K OK

A I don't know if I kicked it or punched it because I don't remember doing whatever I did to it.

K OK

A So let me think so I can, I'm trying to picture, I'm trying to get maybe the sound of breaking glass. I can at least get a starting point. OK?

M Maybe something will trigger you.

K That's it _____

A You know what I mean, like something that'll trigger something.

M Yeah, something might trigger and then your memory comes back.

A If I could get my shit together. Must have went into the bedroom after I broke the clock.

M Why do you think that?

A Because I can only picture myself breaking the clock as I'm walking by it and that would be heading towards the bedroom.

M Where was the clock at?

A In the dining room and you walk right past it to go to the bedrooms.

M OK. You're coming past it, why would you break it?

A That's the only reason why I would ever break that clock is because I'm drunken mad.

M OK

A OK? And I love that clock very much. That clock meant a lot to me. That clock meant everything to me except Darlene. I think that's the only thing I ever, you know, and my family, of course. I mean, worldly possession, that.....I must have broke the clock and went into the bedroom. Um, I'm packing shit.

M Where are you getting stuff from?

A The dresser, the dresser at the end of the bed.

M What kind of stuff are you getting?

A Clothes

M Just clothes?

K What's Darlene doing?

A Um, Arlene keeps begging me to stay.

K OK

A She keeps pushing me down on the bed and jumping on top of me.

K What are you doing?

A I pushed her on, I rolled like, kinda rolled us both over and just let her fall right on the floor.

M Now when she falls on the floor, what do you do?

A Fuck.

K You went out into the rest of the apartment, Mark. Does that help trigger it?

M Just stay focused.

A I know at some point I got sick. Cause you know how you get the, anybody ever got sick on alcohol?

M Uh-huh

A You know what I mean, even if you don't remember getting sick, you know you got sick, you know. Your throat gets all, I know at some point I got sick.

M Where did you get sick at?

Statement: Mark Kirk
Det. Rob McLucas

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A I think that's when I went in the bathroom, got sick. Um....I remember coming out of dark.

M Coming out of the bathroom in the dark?

A It was dark wherever. I remember coming out of darkness. I mean, like the room I was in was like dark.

K And what happened to that room?

A What?

K What happened to that room where it was dark?

A No, that's not right either. God. Back to the clock. We've got to back up further than that then. All right, let me see if I can work it the way the tall guy says it went down. Let me see if I can figure that out.

K The way I want it to go down is the way it happened.

A Me and you both.

K Work on that.

A If I went outside and threw the bottle away, that would have to mean that the fire had already been started. Does that make sense? No? Yeah?

K Did you go outside and throw the bottle away?

A I don't think so. I didn't think I did, no.

K Before you went outside or if you went outside, were you in the kitchen? In the kitchen with the bottle?

A More than, yeah, if I was drinking out of it, probably. Cause I might have went and gotten a beer out of the refrigerator.

K Were you drinking out of it? And did you get a beer out of the fridge?

M Just stay focused.

A I'm trying. Why the fuck do I keep thinking Tom took the mother fucker? What the fuck is on my mind?

K Focus on that kitchen. Getting a beer or turning on the stove.

-
- A (whispering) Why would I turn on the fucking stove? I didn't have reason to turn it on.
- K Did you try to burn something small or something or were you just.....?
- A Nope
- Klighting a cigarette or doing something else in there that you would turn the stove on?
- A The only reason I could think of I would turn that stove on is light a cigarette.
- K OK
- A I can't think of any other reason. And since it's apparent I had the fucking rum.....
- M Would you have poured the rum on the, on the stove for any reason?
- A Spilled maybe. Poured, hell no.
- M Do you think you would have tried maybe a fire started or something, maybe you tried to pour the rum on it? From what you were telling me earlier, you don't think rum burns. Maybe it would just act like water or something?
- A Um, if I turned the burner on to light a cigarette forgetting that that burner was fucked up and it flared up, would I be that stupid to pour the shit on it? No, cause I can't picture myself walking away from a fire. I mean, do you know what I mean?
- K OK
- A Especially if it's a fire I can't put out.
- K What about.....
- M Wouldn't you have tried to get people out of the place?
- A That's what I'm saying. I, you know what I mean, I'm pretty, I'm going to be honest with you. I'm good around the kitchen. OK? I always have been. You know what I mean? I know how to put kitchen fires out. I know I was fucked up.
- M Is there anything you think that's going to make you remember? Help you remember?

Statement: Mark Kirk
Det. Rob McLucas

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A Um, I don't know. If we can go back, maybe I can walk through it. I don't know.

M No, we've been trying to do that I think pretty much all day.

A Let me go back to the apartment.

M Cause I think at some point in time, I think we're going to have to just end it.

K I mean, there's a time when that stove was turned on and the fire starts there. You've got to open those doors open, man. I don't know how to help you with it.

A What the fuck....?

M Would it be better if you sat here just for a couple of minutes by yourself and thought about it?

A Can I have a second. I mean, you've got to believe me. I'm trying to trigger something. Anything that will trigger a memory.

K Hey, Mark, we'll give you a few minutes...

M We'll give you a couple of minutes and then we're going to have to wrap up and then we're going to be done.

A OK

K Mark, Mark, when we come back in, you've got to open it up, man. You've got to get it off your chest. All right?

A Something's got to trigger me to remember.

K Trigger it Mark.

(Detectives McLucas and Kelly leave the room.)

(Det. McLucas returns.)

M Mark, do you want something to eat or anything? Nothing? Get you a burger, fries, Coke. Anything to drink?

A No, no, cause I, I can't do that to you cause I can't tell you anything and I don't want you to think I'm, you know what I mean, I don't want you to feed me and then I'm going to tell you. I can't tell you nothing.

M If you want to eat, it may make you feel better or whatever.

A You know what I really want to do, is, if I'm going to be charged, just go ahead and get it over with.

M You don't think you're going to be able to remember anything?

A (crying) Just get it over with.

M Have you remembered anything else?

A Nothing. I can't.

(tape ends)

M Anything else?

A No, what time is it? Do you know?

M Uh, about 4:15

A 4:15?

M Uh-huh.

A I got here at 9 o'clock. I have not been here all day.

M Uh-huh.

A Oh, see please, are you kidding me, have I been here that long?

M Uh-huh. Three hours for that test. Over 3 hours. I'll be right back with you.

A All right.

(Det. McLucas leaves the room.)

A God damn, I have been here all day. Get the fuck out of here. Let's go.

(Det. McLucas returns.)

Q Be right back with you, all right?

A Uh-huh.

(Det. McLucas leaves the room.)

A Oh shit. God damn it.

(Detectives McLucas and Kelly return.)

M We want to let you know where you stand as far as the polygraph exam that you took. Det. Worthy got back and just got done doing the results and you lied.

A Failed it?

M You failed it.

A Failed the exam.

M Without a doubt, you were deceptive. OK? So that's an issue we have to deal with. You consciously know that you did, that you lied to us. That's what the test tells us. OK? Darlene was in. She took her test and she was truthful.

A She had nothing to do with that fire.

M She had nothing to do with the fire. She is ruled out, 100% had nothing to do with that fire. OK? Just as you suspected when we talked to you. OK? You know the results. She knows the results. We've spoken to her. She's asked that she be able to speak to you. She wants to sit down and talk to you for a few minutes before everything....

Kbefore this whole thing goes down. Hey, you know....

M ...takes place.

K You're not getting off with anything. You're not opening the door, you're not talking. You don't know what to do. We're done.

M We more or less wasted our time all day.

K He's got to do what he's got to do now. So...

M I'm more or less doing this out of courtesy for her, not for you.

K If she was good enough to come in here and she wants to talk to you, she has some concerns and she's a little upset and she wanted to talk to you.

M So we're going to let her talk to you for a couple of minutes and then we're going to get moving on what we have to do.

K We're going to get going. We don't have all day here. OK?

M All right?

(Detectives McLucas and Kelly leave the room.)

(Darlene enters the room.)

Q What happened to your nose?

A Huh?

Q What happened to your nose?

A I picked it a blister off.

Q What's going on here. They say you failed your test.

A That's what he told me. He said I failed. That's bull shit.
That's bull shit.

Q I passed mine. Are you sure you didn't pour something on that
burner?

A Baby, I swear. They're telling me fucking tried to
fucking....

Q Maybe you're just afraid to say something, you know.

A I'm not. I'm not.

Q The burner was on and there was something on it.

A That's what he keeps telling me. He keeps telling me that the
burner was on and that I must have poured something on it.

Q Well you say you don't remember.

A I don't. I don't.

Q You wouldn't remember if you poured something on the burner?

A I think I would. I was pretty fucked up. I keep, I even told
him, I said, God, if I was.....

Q I was fucked up but I know I didn't pour something on the
burner.

A I know.

Q So either you remember or you don't remember. It's as simple
as that.

A I don't, baby. I swear I don't.

Q Would you have done something like that to me being that angry?

A No, never. Never. Never. I even told him, I said, it's possible maybe I, if I turned it on and tried to light a cigarette and I spilled the shit on it. I mean, I don't.....

Q But then you left it.

A That's what I'm saying, I wouldn't....I mean.....

Q You did it to teach me a lesson, you did it to teach me a lesson because I come on to them guys and everything. That's what I'm thinking, you know. You just did it because you're so angry at me.

A I would never do that.

Q See, I don't really know you. I've only known you since November 8th. I don't know what you're capable of doing.

A I would never, ever, I swear, I never ever would. You've got to believe me. I never ever would.

Q But how come you don't remember. Where were you at when the fire went on, when you realized there was a fire?

A I came out of the bedroom. I came out of the fucking bedroom.

Q You didn't spill none of that rum on the burner or any of that oil?

A That's the only thing that could have happened.

Q Maybe...

A That's the only possible.....

Q I remember seeing the Capt. Morgan's bottle in the living room but it looked to me like it was thrown over on the couch or it could have just been dropped down on the couch. Like you could have thrown it from the kitchen after you poured it on there. And then, threw it over onto the living room couch. To me, you know, I remember the bottle being empty and on the living room couch.

A Yeah, but when did you see that?

-
- Q I seen that, yeah, that's right. That was earlier on. True on that. But it could have been that cooking oil or anything. I don't know, Mark. I don't know what to think right now. Right now I'm pissed off because if you did something that crazy, you could have burned me, that's five years of my life gone. That's all, everything I own.
- A I know. I know.
- Q Well, you'd better start thinking about what you did.
- A I am. I am.
- Q And how come you failed your polygraph test?
- A I don't know. I don't know. I can't believe I passed, I can't believe I failed. I still don't believe I failed.
- Q So you must have lied cause I passed mine. I told the truth. I don't know what to make of you. Are you sure you can't remember? Think. Tell the truth. If you didn't, just tell the truth but at least it's better than being a murderer.
- A I even told them. I said, if I could remember, I would damn sure tell you because I don't want to go to jail for murder. I don't want to go to jail for murder. (crying)
- Q You look like you're going to. You can't remember nothing. Mark, go on over there. I'm pissed off.
- A I can see that. I've lost you too.
- Q Well, yeah, you have if you intentionally set my place on fire. Even if you accidentally set it on fire, what's in your head. Did you?
- A I swear I didn't.
- Q How come you block everything out until then?
- A I don't black everything out.
- Q I mean, you don' black out, I mean, that's anything yo black out.
- A Because I didn't find the fire. You did.
- Q But it was already gone when I found it.
- A No kidding.

Q And the burner was on and I know I didn't turn it on and I know I didn't put anything on the burner. Now he said there was definitely something on that burner for it to go up that fast. It wasn't just a regular little grease fire like I had a few days before. And the kids were in bed.

A I know. I swear I cannot figure it out. I don't know why I would even turn it on.

Q I still say you did it to get even with me.

A I swear. I swear. It makes, no, why would I burn my own stuff up?

Q You were that angry cause you already broke you clock. Why would you do that as much as you loved that clock?

A No.

Q I don't know. I think you'd better start remembering, trying to remember. You failed your polygraph. So right there, that doesn't look good.

A I know. I knew, I knew....

Q Did you say no or yes to the questions, like if he asked you if you set the fire, what did you say?

A No

Q You nose looks terrible. Your nerves. When did you get a blister on your nose?

A I don't know. I got a shower last night and the blister just scraped off.

Q I think that I'm going to have to go. I've got a lot to do. I'm busy.

A You don't believe me, do you?

Q No I don't believe you any more since you failed that polygraph. I really think you did it to get even with me. I really and truly feel that way and I'm really pissed off.

A Please _____ me.

Q No, I'm pissed off because you really could have burned me and my kids up.

A You've got to believe me. I didn't.

Q My kids some way before you.

A You've got to believe me.

Q Next time I meet a man, I'm going to get to know him. I made a big mistake rushing into a relationship.

A Oh God, they turned you against me.

Q Yeah, they did turn against you because doesn't it all point against that remark, come on.

A Baby, it had to be an accident. I swear.

Q Well if it was an accident, remember and tell them it was an accident.

A I'm trying. I swear I'm trying. I swear to God.

Q Well you're going to have to think a little bit harder on it because I'm going to have to go. I've got things to do. Just keep thinking and tell them, if it was an accident, tell them it was an accident. It's lot better than saying you were intent....like you're a killer.

A I know.

Q Like you intentionally wanted to kill everybody in the building.

A I know. I know.

Q You'd better get yourself a lawyer too. All right? I'll see you later.

A Bye

(Darlene leaves the room.)

(Mark gets up and opens the door.)

A Can you ask Mike if I can use, can I use your bathroom, please?

M Um, well she wants to leave. She had one more thing she wanted to.....

A OK

(Darlene re-enters the room.)

Q Listen, if you don't tell them the truth, we're done. You've got to tell the truth. Now are you going to tell the truth?

A It had to be an accident. I swear.

Q Well if it was an accident, tell them, tell them. But you'd better remember it and just don't guess it. I mean, Mark. You just come clean with it. Give you an ultimatum and that's it. OK? Let's get it done. Tell them the truth. Just tell the truth. Is that so hard to do? Huh? Is it hard to do?

A I guess, I've just got to remember what happened.....

Q Well sit down and remember it and tell the truth.

A I promise. God, you know I'd never, ever.....

Q If you don't tell them the truth, you're not, don't call me. I mean, I really want the truth.

A OK.

Q I mean it.

A All right.

Q I've got to go because my dad's been waiting out here since 1:30. All right? I've got to go call Kimmy and let them know where you are.

(Darlene leaves the room.)

(Det. McLucas enters the room.)

M Well, Mark, I can tell you what she's told me and that she doesn't buy any of it either. Now, I don't know what she's told you. But she doesn't buy it and she tells me that she's done with you unless you tell the truth. So it sounds to me like everything is gone for you including her. And it's my understanding that the only two things that meant anything to you were your grandfather's clock which is gone. So you've only have one thing left and that's her from what you told me.

A Uh-huh

M And now she's ready to walk away from you unless you tell the truth. She told me, herself, that she can deal with the truth cause she doesn't think you intentionally tried to kill people

in the apartment complex.

A I didn't. I swear I didn't.

M But she doesn't buy, when I tell her the facts as they stand, she don't buy it and I think you've got a good idea she don't buy it either.

A I can see she don't.

M She told me she wants the truth. She goes, I was drunk. I was drunker than he was and I can remember. Those are almost her exact words. I was drunker than he was and I can remember. That's bull shit. She said, he can remember. He's just not saying and she said, God, I hope he didn't try to kill everybody in this building.

A I swear I didn't.

M It sounds to me like she would stand by you if you tell her the truth, tell us the truth.

A It was stupid. I'm sorry. It was an accident. I swear it was.

M Tell me what happened. That's all we want you to do, Mark.

A When I bent over, _____shit, shit poured out of the fucking bottle and that's when it went "poof".

M Now why was that that hard?

A _____fucking no good.

M Tell me what happened. Tell me all the details. Everything from the beginning.

A Um....

M We'll make it easy, just start from the point that you're in the bedroom with her.

A We're in the bedroom and after I rolled her on the floor off me, I went out in the fucking living room and I was putting clothes in the living room and I saw the bottle sitting on the coffee table, cause I thought Tom had taken it with me. I picked it up, out in the kitchen, I was going to light my fucking cigarette and I turned the burner on....

M Which burner did you turn on?

A The front burner.

M Which one? Which side?

A Um, right.

M OK.

A I don't know why I was so stupid. Just when I leaned over like this to light the cigarette, I was holding the bottle and it leaned with me and the shit just "poof" right on the fucking burner.

M And what happened when the stuff hit the burner?

A It kinda just went "poof" and came up in my face.

M Is that how you got your injuries on your face?

A And so I ran in the bathroom. I was trying, I didn't know that, I thought it just like, you know, how, just like.....

M Flashed and went off.

Aflashed in my face. I didn't know that it was still burning or that the grease underneath of it. I swear to God. I didn't know it kept burning. I just thought it just got me.

M This is what I want to know. This is what we spent all day for.

A I panicked because, you know, it burned me. So I ran in the bathroom and I was trying like, trying to wash my face out and the next thing she came out and discovered it burning.

M What did you do when you heard her?

A I came out and then basically everything's the truth past that.

M Tell me where was she at when you came out?

A She was um, um, where was she at? She was on her way out to get the neighbor, I mean, to tell the neighbor to call 911.

M Where were the kids?

A Um, Jason went back in the bedroom to get Brandon.

M And where were you at when he went back in to get Brandon?

A I can't, I came out of the bathroom and saw all the fucking smoke. I said, oh my God. I couldn't fucking believe it. I saw all the fucking smoke.

M And then what happened?

A Um, we got out.

M Tell me about the Capt. Morgan bottle.

A Um, I don't remember what I did with it. I really don't. I think I threw it, I think in the living room.

M You've got to think real hard as to what you did. That's important for me.

A Oh God. I don't know what I did with it because after I got burned in the face, I don't know what I did with it. I don't know, I might have even left it in the bathroom. I don't know. I don't know. I have no.....I don't know if I went outside. I mean, I don't know. Um...

M Why were, why were you so hesitant to tell us?

A I'm scared to death.

M A lot of the things we were telling you, you've got to tell us the truth. We know you're scared.

A I know but I'm going away forever. I can know it.

M That's not necessarily true.

A I going away for good.

M This is the only way you can deal with it, is to talk about it and get it out in the open. OK. What I, what I want to do is just step back a little bit and say like, when you guys first arrived home, when all those guys were there. Cause I haven't had an opportunity to really go step by step through this. OK? And I just want you to take me through the night again when you're at the house. OK? I understand what happened back when you were at Marlex and Lestardo's, but when you get home. Who's there?

A The two guys and me and Darlene.

M What time do you think you get back to the apartment?

A Um, I think it's about 10, 9, 10, I'm not sure.

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M OK. And what do you guys do?

A We were just partying in the living room.

M Did anybody leave at any time?

A Um, anybody leave at any time?

M Yeah

A I don't think so.

M Did you ever leave?

A I think I did. I think I went and got beer and rum.

M OK, where did you go to get that?

A At the liquor store right at Beaver Brook.

M You didn't go to Pockets?

A Pockets? No. I thought I went to the Beaver Brook liquor store.

M When you went in the Beaver Brook liquor store, who was working in there? Can you describe the guy?

A Um, he wears glasses. He's an Indian guy.

M Ok, did you have a conversation with him?

A Not that I know of. No.

M What did you buy when you went in?

A A 12-pack of beer and a pint of Capt. Morgan's.

M Were you intending on buying a pint of Capt. Morgan?

A Was I intending?

M Yeah. Or were you going to buy a bigger bottle, smaller bottle?

A Um, I think I wanted a half a pint because we had already drank a half a pint and I just wanted another half pint.

M How come you didn't buy a half pint?

A Because he gave me the pint and I just, you know, I mean, oh fuck it, I'll take that.

M OK, so when, who went with you to the liquor store?

A I went by myself.

M And how did you get over there?

A I took Darlene's car.

M And I take it, did Darlene and Tom and Joe stay at the apartment?

A Yeah

M OK. When you get back to the apartment, when you walk in, what happens?

A We were still drinking because I remember me and Tom sharing that bottle. Me and Tom were sharing the bottle and Darlene started fucking around with Tom, flirting with him.

M Like how? What was she doing?

A Rubbing on him with her tits.

M Anything else?

A Well, I, I don't know. I mean, she would, you know....

M Where was Tom sitting?

A Um, Tom was on the couch.

M Where was Joe at?

A I don't know where Joe was at. I think Joey was standing up.

M Was he in the living room area?

A Yeah, I think so.

M And where did, where was Darlene at?

A Next to Tom.

M On the sofa?

A Uh-huh

M And where did you go when you came in?

A I went and put the beer in the refrigerator.

M And then what?

A I opened the rum. Tom came out in the kitchen and we took a couple of belts of rum and then Darlene came out in the kitchen and started flirting with him again.

M Like what? What was she doing?

A Grabbing him and rubbing up on him and....

M And when you say grab, where was she grabbing him at?

A On the ass and between the legs.

M Did you have any conversation with her about that?

A I told her to knock it off.

M And how did you feel when she was doing it?

A I told her I was leaving.

M What did she say?

A She told, well first she said go, and then after they left, she begged me to stay.

M So initially when you say you're going to leave, is her reaction like she doesn't care? Is that how you took it or was it....

A At first I think she acted, no, I think she knew I was serious. I think she did care when I told her I was leaving.

M But she said go? Initially? When you said you were going to leave?

A No, uh-uh. I take that back. No she didn't. I don't think she did. I don't know. We were arguing and....

M Did it ever get physical between you two at that point?

A Um, she hit me a couple of times and kicked me a couple of times. I never hit her.

M Did she kick you and hit you hard? I mean, was it hard that

she kicked you and hit you?

A Yeah, but I mean, yeah, but not enough to, you know, she's hit me and kicked me before hard, you know. She's a big girl. She can hit hard.

M How did she hit you?

A Um, just, mostly, you know, like girls hit.

M Like with a fist-type thing?

A Yeah

M And where did she hit you on your body?

A Usually in my chest.

M And where did she kick you at?

A In the legs and all.

M And where did that take place?

A In the bedroom. And she kept knocking me down on the bed.

M Is this before or after those guys leave?

A After they left.

M OK, let's go back to when they're there. You're in the kitchen and she's grabbing on him and flirting with him and everything and you're telling her that you're going to leave. Um, then what happens?

A I think she told them they had to go. Somebody told them they had to leave.

M I know in earlier interviews, you were the one that asked, you said you were the one that asked them to leave?

A I think she asked, she's the one that asked them to leave.

M Do you know why she asked them to leave?

A No. I guess because she knew I was getting very angry.

M And how do you react when you get angry? Do you like, are you a screamer? Yeller?

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A Yeah, I get loud.

M Were you getting loud with her when they were there?

A Yeah

M And how was she taking that? Did she seem scared of you?
Non-caring?

A I, she, no, cause, no, she didn't seem scared but she seemed
like, you know, she wanted me to leave at first, you know.

M At first? So then those guys leave. About what time do they
leave?

A I don't have any idea. Maybe midnight or after.

M How long do you think they were at the apartment?

A Um, at least a couple of hours.

M How much of the beer got drank while they were there?

A That I really don't know. I don't know. Whatever was left in
the refrigerator.

M Do you remember how many beers you had while they were there?

A No I don't remember how many.

M Do you remember how many swigs out of the Capt. Morgan you
had?

A Two or three.

M And how many did Tom have?

A I think he only had a couple too.

M How about Joe, did he drink any of that?

A No, I don't think he did. I think Darlene took one drink.

M Was there a lot left in the bottle?

A Uh-uh.

M How much would you say was left?

A Um, less than half.

M So then they end up leaving, then what happens?

A Um, I was ranting and raving, yelling at her.

M What were you saying to her?

A I was going to leave. I never wanted to see her again. I couldn't believe the way she disrespected me.

M And what was she saying?

A She told me I couldn't leave her.

M Did she say why?

A Because she loved me.

M What did you say?

A I told her I was leaving anyway. So I went in and started packing my stuff. I was going to the bedroom to start packing my stuff and that's when I broke the clock.

M How did you break the clock?

A I kicked it and pushed it.

M You did both? Do you remember which leg you kicked it with? Why did you do that to your clock?

A Because I was just so upset.

M When did it sink in to you that you did something tonight you really shouldn't have done?

A What do mean?

M Were you still real angry after kicking the clock? I mean, did that have any affect on you or did it just make you madder?

A No, cause I was going to leave her the clock, you know.

M So you weren't going to take the clock?

A I mean, I was going to come back for it.

M So you were getting your stuff. What kind of stuff did you gather up?

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-
- A Clothes. Um, got some clothes out of the drawer and I took them in the living room and that's when I saw the Capt. Morgan sitting on the coffee table.
- M Now when you put clothes, did you put anything else out there besides clothes?
- A Um....
- M Any personal hygiene products? Any tools? Anything like that?
- A I'm not, I think I just dumped everything out of one drawer and there might have been like some personal things in that one drawer I put out there.
- M Like what kind of stuff would you have had?
- A A flashlight, you said some personal hygiene things.
- M Do you know any specifics like what would have been in there?
- A Um, oh God, it's just junk mostly.
- M Do you have false teeth?
- A There, that's it. False teeth.
- M You have false teeth?
- A OK
- M Anything else that you can remember? What did you, how did all that stuff get out there? Did you carry piece by piece out there?
- A No, I took everything out of a drawer and put it in a duffle bag.
- M What kind of duffle bag was it?
- A Like an army duffle bag.
- M What color was it?
- A Green
- M Green? Did he have any writing on it or anything?
- A No, uh-uh.

M Were you ever in the Army?

A No

M So you dump all this stuff into the bag. Where do you take the bag?

A In the living room.

M So you put the bag in the living room, then what happens?

A Um, I picked up the bottle off the coffee table. I was walking back, just going on my way back in the bedroom and I stopped at the stove to light a cigarette. I think I might have even got a beer out of the refrigerator.

M Now when did you have the.....

A No, I did not get a beer out of the refrigerator.

M Let me just back you up a little bit. When you're in there getting all your stuff together, at what point does, is she trying to stop you from going?

A Um, from the first time I went in the bedroom and started getting my stuff.

M OK. And I think in an earlier interview you said she was pushed to the ground, or she was on or pushing you or something like that.

A She kept pushing me on the bed.

M When did that happen?

A From the first time I went into the bedroom.

M And you said at some point you pushed her and she fell on the bed or fell somewhere?

A Off, she pushed me on the bed and got on top of me. She does it all the time and I rolled her off of me onto the floor.

M Did this happen before or after you put your, all your belongings in the bag?

A Um, that happened before because that's when I grabbed the, when she hit the floor, I took my thing and went out in the living room.

M And what did she do when she was laying on the floor?

A Just laid on the floor.

M So you go out, you take the bag out into the living room and that's when you see the bottle?

A The Capt. Morgan still on the coffee table.

M So then you pick that up and then what happens?

A I went over, I went over to light a cigarette off the stove and I was holding the bottle in one hand and a cigarette in the other....

M Which hand were you holding the cigarette in?

A In this hand.

M In the left hand? You're holding the bottle in your right hand?

A Right. And I bent over like this without even thinking and the shit just poured right out of the bottle and landed right on the fucking burner. And it like "poof" in my face.

M Did you, could you see the flame when it went in your face?

A Could I see it?

M Yeah. Do you remember seeing it?

A I just saw the flash.

M Was there any color to it?

A Um, white, just like a white flash, you know.

M And what do you do when you get this flash in your face?

A I ran in the bathroom.

M Did you, what, when you get hit in the face, I'm just trying to think of what your normal reaction would be when it flashes in your face. What do you do with the bottle?

A Um, I think I threw the bottle, I either threw it or carried it into the living room.

M What do you do with the cigarette?

-
- A That I don't know. Probably fell out of my hand. It probably fell out of my hand.
- M What was your reaction when it blows up in your face?
- A I was scared. I thought my face had been burned.
- M Did you grab for your face?
- A Yeah, I did. Wait a minute. Yeah, I did. I did grab for my face. I went in the bathroom.
- M Which bathroom do you go into?
- A I went into the one in the hallway.
- M OK
- A I was trying to put water on my face and see how bad I was burned.
- M Did you turn the light on in the bathroom when you went in?
- A Um, did I turn the light on?
- M Yeah, do you remember ever turning the light on to look yourself in the mirror or anything?
- A It might have already been on cause they always leave all the lights on all the time.
- M Now, when you turn the light on in the bathroom, like some bathrooms if you turn a light on, like a exhaust fan goes on.
- A Right
- M Do you guys have one in the bathroom?
- A No
- M So there's no fan? It would be just like a light on?
- A Just a light.
- M OK, so you're in the bathroom and you put water on your face?
- A I put my water on my face. Try to fix my face.
- M And what injuries did you get from that?

A Um, just like this...

M The burn to your nose?

A Right

M Are your eyebrows normally that short or did they get singed?

A No I keep them short cause I don't want them to look like my father's.

M How about, I see you have like a mark on your ear, is that, is that always there?

A I don't know.

M The top of your ear?

A No I think that's a blister too.

M OK. So when you, when you, what injuries do you think you have from when it blows up in your face? You have the burn on your nose and what else?

A Just my facial injuries, I'm pretty sure.

M OK. So then what happens? You're in the bathroom.

A And then she came running out. I heard all the commotion. I swear I did not, I knew it flashed on me and I thought that was the end of it, that all it did was flash up. And I didn't even think to turn the damn burner the hell back on, cause I panicked, you know. I thought I was burned.

M So then what happened? What do you hear? Describe what you hear.

A I hear her saying, oh my God. That stove's on fire. Where's the flour? Where's the flour? Jason. Jason. Come out here. I heard Jason go out there. I heard Jason go out there and then as I was coming out, I saw her going, going to get the neighbor.

M How does she exit the house?

A Through the front door.

M OK.

A Um....

M Does she see you at all?

A No, I don't think she saw me at all because she just, you know what I mean, was concerned with the fire.

M Did you say anything?

A Um, yeah, I said, oh my God.

M Would it have been something that someone would have heard you or were you just saying it to yourself or....?

A No, I said like, oh my God, you know. I didn't scream it or nothing. I just said, oh my fucking God.

M And where's Jason now?

A Jason went in the bedroom to get Brandon.

M Did he have to come back past you?

A Um, I went back in the bedroom to get my money....

M Where was your money kept?

A In the bedroom.

M Where at in the bedroom?

A Next to my nightstand, I mean, next to my bed in the nightstand.

M And, would that be, if I'm in the bedroom looking at the bed, is it to the right or to the left of the bed?

A If you're looking at the bed, it would be towards the left. Towards the back of the bedroom.

M How much money did you have in there?

A I had \$75.

M Did you find the money?

A No. Um, and then I came back out of the bedroom, came back out of the bedroom, Darlene and Jason were, by then the smoke was real bad and I heard, I heard Jason say, I can't fuck with this. It's too bad. I mean, I can't do anything with it and that's when we all got out. When we're going out, when we're going out, I was the last one to go out and Jason was holding

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the front door for that woman and I heard him say something about the cat. I turned back around, ran back to go in and see if I could get the cat and that was when I burned my hand.

M What did you burn your hand on?

A On the door.

M Do you know what part of the door?

A I just, I pushed the door like that. (crying)

M What do you see when you push open the door?

A I saw a lot of smoke bellowing.

M What color was the smoke?

A Black, pitch black. I felt the heat. I mean, just, the heat just like blew right by me and I saw like a little flame, like it licked the ceiling and I couldn't even get, I mean, I couldn't go in so I didn't even try so I just turned back around and ran out of the complex.

M I want to touch on the Capt. Morgan bottle. Try and think real clear about that. Were you afraid of what someone would think about the Capt. Morgan bottle? Can you remember what you did with it?

A I can't remember what I did with it. I really can't.

M Earlier when we were talking to you, when me and Det. Kelly were talking, you indicated something about outside, Capt. Morgan bottle may be outside or something like that. Why did you think that?

A Because the fire marshall told me he found it outside or something.

M When did he tell you that they found it outside?

A When we were interviewing today.

M Did he say where at outside?

A No

M Where do you think it was found outside?

A The only thing, the only place I can think of where I would have thrown it would have been out the door, the sliding glass door.

M Do you opening up the sliding glass door?

A Uh-uh

M And why do you think the only place you would have thrown it was out the sliding glass door?

A It would have been the most convenient, I think.

M Cause you, I, your story makes a lot of sense to me. OK? And...

A I swear I....(crying)

Mtell me, tell me why you just didn't tell us this from the beginning.

A I'm scared. I'm so scared. I'm so fucking scared.

M Feel any better talking about it?

A Uh-huh

M A lot of what we were telling you earlier is true, isn't it? I mean, we're not trying to make you out to be the bad guy. We're just trying to get the truth. Do you understand that?

A Yes

M Because I think from the moment you came in here, you've been very upset about this and it was very obvious. At any point did you want to tell me the truth before now? Why didn't you? Because you were scared?

A Scared.

M But I guess you knew it just wasn't going to go away, was it?

A I guess. I don't know anymore. I don't know. (tape ends)

M Do you want to tell me about when you left the building, what you were trying to do? I know we talked about it earlier, but....

A When I left the building?

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M Yeah, when the fire's going on. I think you tried to notify some people.

A Yeah, I went in the building next door and pounded on doors and told people to get out.

M How did you feel when you found out the people had died?

A (sobbing)

M Want me to give you some time by yourself?

A Can I have another cigarette, please?

M Sure. Sure. I'll be back in just a minute.

A What's going to happen to me now?

M What I have to do is I just have to go back and discuss this with the guys from the Fire Marshall's Office and we'll get a good feeling. We'll come in and sit down and talk to you. We'll let you know where you stand.

A I'm going to prison, right?

M There's, you're going to be charged, OK?

A What are you charging?

M That's what I have to go sit down and discuss. OK? I don't want to jump the gun and tell you exactly, you know, tell you something and then _____ charge, so I'll come back and

A I know I fucked up but I don't belong in prison. I'm not a bad person.

M What I need you to do, Mark, is just sit down. Just try and work these things out for yourself. Let me go get you a cigarette. Try to get yourself composed and then we'll try and deal with this, all right?

(Det. McLucas leaves the room.)

(Det. McLucas returns.)

M I'm going to hold that. Do you still have your lighter?

A Yeah

M OK. Mark, I'm going to go over some problem areas that I have.

A OK

M OK? You're being, you're being truthful with me.

A Yes

M You're taking some steps forward and that is definitely, definitely a plus for you. You're starting to feel better, aren't you?

A Yeah

M OK. There's one way....

A I'm sorry.

M That's OK. There's one way that you're going to be able to make yourself feel totally, totally better about this situation and that's that the whole truth comes out about this. OK? You know we've done an extensive investigation over there and we know what's going on with this fire, how this fire starts, so forth and so on.

A Yeah

M Um, I don't think it actually happened the way that you're saying. OK? That bent over to light the cigarette and the stuff accidentally pours out. OK? And I understand, I'm going to take you back a little bit. You're at Lestardo's and she starts flirting with these guys and you're getting mad. I, I'd be getting mad too. Um, bad enough when they do it when you're not around. If she did it while you were there, it would really made me mad. You stop by the Marlex. She starts doing the same thing with the guys there and new people. You know? She's flirting with that guy that had the tattoo on his neck and I got Terry or whoever else in there and she's carrying on with them and you're getting madder. You're thinking about getting out of this relationship. You guys go back. You go get some beer by yourself, maybe to calm down or whatever to get away from the situation. When you come back, she's flirting with them guys again. Now you're really getting mad. And as you told me earlier, you go beserk. OK? You're starting to go beserk. Then he's rubbing her breasts on them and grabbing the guy's butt and what not and feeling up on them and that's even making you more mad. I think at that point I think you've shown excellent restraint to that point, for most people, because you've got to be

fuming.

A Uh-huh

M You go as far, you get so angry once these guys leave, these guys leave, that you go and you damage this clock.

A Uh-huh

M You're one true, prize possession. Is that correct?

A Yes

M I mean, that's, from listening to you and talking to you throughout these interviews, there's not too many things that have meant anything to you but this clock. For some reason, this clock has gone where you've gone. Some people may take, you know, a lucky silver dollar or something else. You take a big old clock with you. OK? So it obviously meant something to you. You're so angry that you're going to damage that clock. OK? Then you get in this dispute with her again. She's trying to get you to stay. You push her off the bed, she falls on the ground. You pack your stuff up. You're done, you're leaving. OK? And then you say that this fire accidentally starts when you try and light a cigarette. I don't believe that's true. OK? And this is where, I mean, you're being honest with me. You've got to tell me the truth because the Fire Marshall's Office says it's not a, it's not a, it doesn't accidentally spill there. It's not where you leaned over and just a little bit came out and made it flash. This stuff was poured all over the, all over the stove. OK? You need to tell me the truth. You're working good. The only way that I can say anything good about you, OK, cause you know you're in deep. You already know that. The only way that I can say anything good about you, is if you come forth and tell me the truth. Because you know as well as I do, that for me to say anything positive about you, I have to know that you're telling me 100% the truth cause I won't say anything about you cause I'm not going to put my butt on the line. I'm not going to back you and them say, well, it's a lie. Fire Marshall says this is, you know, he poured this stuff all over. You've got to tell me the truth. I know it wasn't an accident. I think you were mad. You got mad at her and it went a little bit too far. I know you didn't intend for anybody to get hurt or anybody to die. But tell me the truth about the fire. Come on, Mark. You're doing good. You're talking to me.

A (sobbing)

M You're going to feel better. Talk to me.

A I did it, I did it, I did.

M Tell me what happened, Mark.

A I don't remember everything that happened but I know I must have done it.

M No, that doesn't work, Mark. Don't go back to don't remembering. You don't remember because you do remember. Tell me what happened.

A I can't. Just take me away, please. Take me away.

M I can't say anything good about you.

A Don't say anything good about me. Just take me the fuck away.

M Mark, are you a bad person?

A No

M Don't end it here like this, Mark. This is your opportunity. I told you that. You started doing good. You're telling me the truth. Don't make it end like this. Cause you know, when it's all said and done, you're going to be wishing you had that opportunity to tell me the whole truth. Just don't write it off that easy. You're not a bad person.

A I was so drunk, you've got to believe me. There's bits and pieces I can't remember. You've got to believe me. I was so fucked up.

M Tell me about the fire.

A Um, I do remember, I remember it was like a blue flame. And it was like just real tiny. It wasn't like real.....

M How did that flame start?

A Um, I must have poured it on the stove.

M Not must've, I've got to know what you did, Mark. And you know what you did cause we've gone through this and you know what happened. Just like, just like Darlene said, she was drunk and she remembers. And she was drunker than you and she knows exactly what happened. This is where you've got to step up and you've got to tell the truth.

A I'm stepping up.

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M OK. Tell me about the stove.

A Um, I can, just give me a second, cause I want to remember...

M OK

A ...how this happened.

M I just want to let you know that I know you didn't intend for these people upstairs to die.

A I didn't even attempt for the fire to go anywhere.

M Where, why did you, why did you start the fire? Tell me how you started the fire.

A (crying)

M Talk to me, Mark.

A Um, I turned the burner on and I was really angry because I said, this fucking shit has fucked me for the last time.

M And when you're saying that shit, what are you referring to?

A The alcohol.

M So what do you do with it?

A Start pouring the fuck out.

M On the burner? How much was in the bottle?

A I think it was about half.

M Did you pour it all on there?

A I think so.

M What happened when you poured it on there?

A It flashed up in my face.

M Did you pour it up, did you pour it all over the stove top?

A Um, yeah.

M Were you made at her too? I know you had to be cause you were mad at her earlier.

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A I was mad at her but I was mad at the alcohol because I, I knew it was the alcohol that made her act that way and I just....

M There had to be a little bit of you that wanted to get back at her. I mean, she disrespected you in front of these guys that are your friends.

A I wasn't trying to get back at her. I was just....

M I mean, I'm not saying you're trying to hurt you. I'm saying maybe you're going to destroy some of her basic property - a stove, a kitchen. I mean, I don't....

A No, I wasn't trying to destroy anything.

M What was, what were you going to accomplish by pouring this alcohol on the stove?

A Just getting the fuck rid of it because it ruined my fucking life. Just wanted to get rid of that fucking shit and never see it again.

M And when the fire starts, what happens?

A (crying) I ran out....

M What happened?

A I went in the bathroom to fuck with my face and I still had, I still had the bottle in my hand.

M And why did you keep the bottle in your hand?

A I don't know. I don't know why. I still had it in my hand. And I came out of the bathroom. I went through the living room and there wasn't any smoke or anything cause, like I said, I thought it just flashed up and that was it.

M It's not burning on the stove?

A No.

M Did you look to see if it was burning on the stove?

A I didn't even look. Honestly, I didn't even look. I didn't even, I didn't even look.

M OK, so you go out in the living room and where do you go?

A I went out the door, around the back patio.

M Did you have to unlock the door when you went out?

A Yeah

M Did you shut the door when you went out?

A I don't know if I shut it or not.

M What did you do when you went out on the patio?

A Um, I think I threw the bottle somewhere. I don't, look, just....

M OK. This is a very big thing in your life and I know, I know you can remember it.

A What the fuck did I do when I went out on the patio? I went out on the patio, God please remember. What the fuck did I do on the patio? I think I put the bottle out there.

M On the patio?

A Yeah

M Now earlier you think you threw the bottle out.

A I'm trying to think. You've got to believe me.

M Is it common for you to have difficulties remembering?

A When I get that drunk, yes, I told you, I sometimes I can't remember bits and pieces. I don't black out like totally black out, I just, you know what I mean, I fade in and out. You know what I mean? And I'm telling you the truth.

M Now just to back you up a little bit, when you're pouring this alcohol on the stove, where at on the stove were you pouring it?

A Um, I was just kinda like shaking it out of the bottle.

M Was it going all over the place?

A Um....

M Show me how you would have been doing it.

A Like this, I just, I was just shaking it out of the bottle

just like that and it probably splashed every damn where.

M Now when you turn the, you say you turned the burner on, how high did you turn the burner?

A I don't know, just, I don't know how I turned it, I just turned the knob.

M Did you turn it all the way until it stopped or you just turned it?

A I just turned it. I really didn't look at the setting.

M Did you see the burner start to heat up?

A Um, did I see it start to heat up?

M Did you, yeah, did you immediately put the alcohol on the burner or did you wait a few minutes?

A No, I turned the burner on and just immediately just said, fuck this shit.

M Did it light up right away or did it take a little bit of time?

A Yeah, it took a second and it only, not even a second, it just "poof".

M How many shakes of it did you get before it went up?

A Um, actually quite a few. OK? I'm pretty sure I emptied the whole bottle on the stove.....

M Before it actually got the start?

A Whatever was left in it.

M And when it starts, what do it, how does it react? How does the fire react?

A It just like flashed real bright.

M Did it have a color or anything to it?

A Like a, it was like a white, I mean, blue flash.

M Now when it flashes up, do you look at it. Do you see what it's doing?

-
- A No, cause I closed my eyes because it burnt my face. So closed my eyes and I was kinda like, I felt my way around the refrigerator into the bathroom. And I still had the bottle in my hand. Anyway, I came out of the bathroom and went out on the back patio. That's why nobody saw me.
- M Did you see them?
- A Because they didn't see me until I came back in. I came back in and that's when I, that's when I saw the smoke and everything was....
- M So you're out on the porch and what happens when you're out on the porch?
- A I did something with the bottle. I'm trying to remember.
- M Could you hear anything when you were out on the porch?
- A No.
- M When, where are you out when Darlene discovers the fire?
- A I was still outside.
- M Now earlier you told me you were in the bathroom. Was that a lie?
- A That was a lie.
- M And why did you tell me that?
- A Because I was scared.
- M Was it easier to make it sound like it was an accidental thing? I mean, you knew what was going to happen when you poured the alcohol on hot source, right?
- A I knew it was going to burn up but I actually didn't think it was going to do that.
- M How big of a fire did you think you would have? Have you ever burned alcohol before?
- A No
- M Have you ever tried?
- A No

M I know there's some people who will goof around and stuff and see if things like that will burn.

A No

M Cause earlier you talked to me, you said you had a little bit of knowledge of alcohol and what it takes alcohol to burn, you said something about a certain proof or something.

A Right, I thought I did, I heard people at bars talk about it because some people, I've seen people in bars trying to light shots and they won't light. They just will not light. But then you take the other shit and light it and it lights right up.

M Did you know that rum would light up?

A I didn't know if it would or wouldn't to be honest with you. I didn't really know if it would or wouldn't.

M Do you know of any mixed drinks that they use rum in that lights up?

A No. No.

M Have you ever been a bartender before, yourself?

A No

M Never? Ever worked in a bar?

A No

M But uh, I guess from what you're saying, you've had a lot of, a lot of experience with alcohol. How long have you had an alcohol problem?

A Since about 13.

M And you've been drinking steady since? How many DUI's have you had?

A Two

M You were supposed to go to...

A _____. Do you think I worry about that anymore either?

M Can you remember what you did with the bottle?

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A No I can't.

M When you're out on the, you're out on the deck, or out on the porch, what alerts to the fire? What's the first thing that alerts you to the fire that it is actually going?

A When I walk back in, I heard all the, I heard Darlene screaming for flour.

M And you actually walk in when you hear her?

A I didn't hear her until I walked in.

M And what do you do when you walk in? Do you go over to her? What do you?

A Yeah, I did. I went, I came back in. I went through the living room and went into the dining room. Then I do remember seeing her. She, um, where was she at? I came back in.

M Let me just take you back to the porch. You're on the porch. What do you hear? Do you hear any smoke detectors? Anything? Any screaming?

A No I didn't hear anything while I was outside. I came back in.

M Do you remember if you're still holding the bottle?

A When I came back in?

M Uh-huh

A I don't remember. That's why I think I must have left it on the patio or something.

M So you come back in and just take me step by step what happens next.

A All the smoke and...

M Do you see any flames?

A Um, no I didn't see the flames because there was just so much smoke.

M Did you see any people?

A I saw Darlene and Jason.

M What were they doing?

A Um, Darlene ran out the door and told the neighbor to call 911. Jason went back in his room and got Brandon.

M But you're inside but she doesn't see you? And Jason doesn't see you?

A Evidently not.

M Are you trying to hide yourself?

A No I wasn't. I wasn't trying to hide myself.

M How far into the apartment were you?

A Um, um, well Darlene was still in the dining, I mean, like still in the kitchen area. I walked, I came in the living room and walked right by her. She had back to me. I went, I went back to the bedroom.

M Where was Jason?

A Jason was trying to get Brandon up out of his bed in the bedroom.

M What was, when you walked past Darlene, what is she doing?

A She was looking for flour.

M Where at? Where was she looking for flour?

A I think, she looked in the pantry.

M Where's the pantry located?

A Right across from the stove.

M So she's up near the stove?

A No, she was like back from the stove.

M But she's looking at the pantry that's across from the stove? I doubt that kitchen's too big.

A Wait a minute. I remember seeing her go like this cause she couldn't find the flour. She couldn't find the flour, I do remember. I walked past her and she was going like this, where's the God damn flour. And I'm like, oh shit. Oh fucking shit.

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M Did you try and help her put the fire out?

A Um, no because it, there was no way we were going to put it out at that point.

M What did it look like at that point?

A I really couldn't see the flames but there was, the smoke was just like pouring, pouring out and I knew I had, you know, like my mind said it must really be bad.

M So what did you do?

A I ran in the bedroom to see if I could find my money, find our money. I couldn't.

M Was there smoke in the bedroom?

A Um, by then, yeah, not a lot. The smoke seemed, for some reason, go, going, heading towards the living room.

M When you came in from being outside, did you shut the sliding glass door?

A Yeah, I think I did. Yeah, I shut the door.

M Did you shut, did you lock it?

A I don't know if I locked it or not.

M So you go in th bedroom and you're looking for your money, any other things you do in the bedroom?

A I was looking for my weed.

M Where was that at?

A Somewhere in the bedroom.

M Do you know where you normally keep it?

A Um, yeah, but I'd had it in my shirt pocket and I wasn't wearing that shirt so I was looking for that shirt.

M How much marijuana were you looking for?

A Um, like an 1/8 of an ounce.

M When did you buy that?

A That day.

M How much did that cost you?

A Um, \$30 bucks.

M Do you smoke it on a regular basis?

A Yeah

M So it was in a shirt pocket? You were trying to find that shirt? Do you know what the shirt looked like?

A Um, it's a black and red like wool flannel.

M Could you find that shirt?

A I, no, I didn't find it.

M You didn't find it.

A I didn't find it.

M Then what did you do?

A Pardon me. When I came back out of the bedroom, they had already, they had already gotten out. That's why they didn't see me cause I was in the bedroom looking for my fucking weed.

M What made you think to get your weed? Why were you so concerned about that?

A Drunk. Stupid.

M Did you think about the other people in the building?

A Yes I did.

M At what point did you think about them?

A As soon as I realized how bad the fire was.

M And that was before you were looking for your weed?

A Pardon me?

M You said that you knew the fire was going good before you looked for your weed when she was in the kitchen. You said you didn't try and help her put it out because it was going too good.

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A I heard, I heard Jason tell her, I can't fucking do anything. Then I knew what, you know, what, it was bad.

M Was that before he went to get Brandon?

A No, it was before he went to get Brandon.

M So you just assumed it was too big to deal with and that's when you went in the bedroom? Were there any alarms going off in the house? Do you recall?

A I'm thinking. Um, I think there was a smoke detector going off.

M So when you don't, you don't find the marijuana, you come out and everybody's gone. What do you do?

A Um, I tried to put the fire out again.

M How did you try? What did you try with?

A I had a coat. I tried to smother it out with my coat.

M What kind of coat is it?

A A jean jacket.

M What happened when you tried smothering it out?

A It didn't go out.

M Did you get any injuries from that?

A Um, I don't think so. I'm not sure. I don't think so.

M Where was the coat at that used to try and smother it?

A Um, I don't know. I think I grabbed it off the dining room table.

M Did the coat catch on fire?

A Um, I don't think it did.

M Where was the, where was the fire when you're trying to put it out?

A On top the stove.

M Is it moving anywhere? Did it catch on anything else?

-
- A It, it come spread over to the counter next to the refrigerator.
- M Any of the cabinets?
- A Um, no. It was still like just on the same level as the stove.
- M Where do you keep, somebody said something about some oil or something?
- A Yeah, there's a jar of used oil next to the stove.
- M Did you touch that at all?
- A I don't know. I don't think so.
- M Did you ever pick it up and dump it out?
- A I don't, no I don't think I did.
- M So you wouldn't have taken that oil and dumped onto the fire?
- A No
- M When you were hitting, you're trying to pat this out, what affect does it have on the fire?
- A It just kept blowing the flames out like this and then I think I knocked some stuff down on the floor. Something fell on the floor and it was on fire.
- M Do you know what that was?
- A No
- M Do you know if it was a hard object, soft object?
- A I really don't know. I don't know what it was. Something fell on the floor I guess from me, whatever you call with the coat.
- M Trying to pat the fire out.
- A Patting the fire with the coat. I knocked something on the floor. I knocked something over.
- M Do you remember anything that was on the, on the stove around there that could have fallen on the ground?

-
- A Um, she's got a jar full of like plastic utensils, you know, fork and spoon. Then there's a jar of oil. And then there was a jar like with some wooden and plastic utensils in it.
- M So you're beating on it and then what happens? Say that's not working. It's blowing the fire out.
- A I'm not getting this fire out and that's when I ran out the door.
- M Did you go out the front door or the back door?
- A I went out the front door.
- M Could you see if the sliding glass door was open, do you know?
- A Um, I didn't look to see if it was open, no.
- M So then you go out the front door and where do you go? Do you go out towards the front of the building or do you go out the back of the building?
- A I went out towards the front and I got like a little ways down the hall and I heard Jason talk about the cat and I thought he was talking to me. We're talking to some, you know, I don't know who he's talking to, I just, you know, I assumed he was talking about his cat. And it was when I tried to go back in and get the cat.
- M When you go back to try and go in, what happens?
- A I couldn't get in the door for the heat.
- M Did you see any fire? Did you get the door open at all?
- A I pushed it completely open.
- M So when you get, when you leave the apartment, do you shut the door behind you?
- A The first time I did, yeah.
- M And then when you go back to get the cat, you have to push the door open? Do you get injured when you're doing that?
- A Yeah, when I went like this on the door, I blistered all my finger tips.
- M Did you get the door open?

-
- A Yeah, it flew right open. It didn't close tight when I closed it coming out the first time.
- M What do you see when you push it open?
- A I pushed it open and the heat hit me and I went back like this, I happened to look up and I saw like a flame just lick right across the ceiling of the living room.
- M Had it come out of the apartment yet? Was it at the doorway?
- A It was, it was like a lick of flame came right to the top of the door.
- M Did it ever come out in the hallway?
- A Um, at that point, no, I don't think so because that's when I turned and ran out the door and ran out past Jason.
- M And when you get outside, what do you do?
- A I went in the next building and started pounding on people's doors.
- M Now going back, can you remember anything about the Capt. Morgan bottle? What happened to it?
- A Uh-uh. God I wish I could. I just can't remember what I did with it.
- M Now how long, and this may be difficult, but how long from the time that you're dumping the Capt. Morgan on top of the stove and it catches fire to when everybody gets out of the apartment? How long does it take? How long is that fire going for?
- A I could have been, I mean, moments. I don't know....
- M Was it a slow-moving fire? Did it look like it just stayed in the same place for a while? Was it fast-moving?
- A Um, it wasn't fast moving until I went back for the cat. That's when I realized it was fast-moving. Like I said, when I seen that flame come across the ceiling, I just knew that whole apartment was ready to go up.
- M Now when you're trying to pat the fire out on the stove, what's the flames look like on the stove?
- A Um, just like a regular flames.

M Just like a regular fire. Initially you said it was like, you had like a kind of a blue, clear....

Aflash.

M ...flash. Was that still there or was that gone?

A That was gone.

M So now it's just burning like a regular flame on top of the stove?

A Uh-huh

M And the color of the smoke that it's putting off? What color was that?

A Black

M Like a light, was it a light color or real dark?

A No, real black. Dark black. Now I'm wondering if I knocked over the fucking oil trying to pat the fire out. I might have made it worse. I can't win.

M Let me give you a minute and I'm going to talk with the guys from the Fire Marshall's Office.

A Can I pee, please?

M Yeah. Just do me a favor, just leave the cigarettes there.

A I'm going to pee my pants if I don't....

M Just come on with me.

(Det. McLucas and Mark Kirk leave the room.)

(Det. McLucas brings Mr. Kirk back to the room.)

M If you want another cigarette, you can have another cigarette.

A Please believe me, I never wanted to hurt anybody.

M OK. Let me talk with the Fire Marshall's Office and make sure....

A Please believe me. I would never hurt anybody, even mad, vindictive, I wouldn't hurt anybody.

Statement: Mark Kirk
Det. Rob McLucas

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M I'm just going to give you a couple of minutes by yourself,
all right? If you want to smoke again, go ahead. Do you want
anything else to drink?

A Yeah, please.

M OK. I'll be back in just a couple of minutes.

(Det. McLucas leaves the room.)

(tape runs out)

(Bill Preston enters the room.)

P How are you doing, bud?

A Not too good, guy.

P OK, come on. Let's go with us. OK? Do you want your cup?

A It's trash.

P OK.

A _____

P OK.

HAVING READ THE FOREGOING STATEMENT CONSISTING OF ONE HUNDRED
AND THIRTY FOUR (134) PAGES, I FIND IT TO BE TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE INITIALED EACH PAGE
JUST BELOW THE LAST ANSWER GIVEN BY ME AND PLACE MY SIGNATURE
BELOW.

MARK KIRK

WITNESSED BY:

DET. ROBERT MC LUCAS

fnw

8.96