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Proof: A True Crime Podcast
Season 2: Murder at the Warehouse
Episode 4: I'll Be Home Later
Monday, February 5, 2024

Mandi Lopes:
People don't realize how much it takes a toll on you, not having your dad around in your life.

Jacinda Davis: Mandi knows all too well what it's like to grow up without a dad. In 2002, her father Ty Lopes was sentenced to life in prison for the rape and murder of 18-year-old Renee Ramos.

Mandi:
He was a really good parent to me. Like, I think he was just a really good dad.

When she was little, Mandi's dad was one of the most consistent and supportive figures in her life. And then, one day, he was gone.

Susan Simpson:
When was the first time that you ever heard that your dad might have been suspected or accused, yeah?

Mandi:
When did I first know? When he was arrested. I went inside the house and everybody was watching TV and my mom was crying and it was my dad on the TV. It just said that the suspect for the murder of Renee Ramos was caught.

That night, one of the first phone calls Ty Lopes made from jail was to his daughter.

Mandi:
My dad called me and said it was all a mistake. That they're trying to accuse him- say that he killed Renee, and he kind of laughed. He's like, "Can you believe that?"

He's like, "I'll be home later." And that was it.

Jacinda: How old were you?

Mandi: I was thirteen.

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Susan Simpson [02:38]: I'm Susan Simpson.

Jacinda Davis: And I'm Jacinda Davis.

Susan: I'm an attorney and investigator.

Jacinda: And I'm a true crime TV producer.

Susan: And this is Proof Season 2: Murder at the Warehouse. Proof is a Red Marble Media production in association with Glassbox Media.

For the past year, we've been re-investigating what happened after 18-year-old Renee Ramos went missing in the spring of 2000, and we discovered that in this case not everything is what it seems. This podcast tells the story of what our investigation uncovered.

Jacinda: New episodes are released on Mondays. And on Thursdays, you can catch our Sidebar episodes – where we talk about the case, talk to guests, and tell you more about what's going on behind the scenes.

You can find additional materials about this case, including pictures, exhibits, and videos of people we spoke to on our website, at proofcrimepod.com.

This is Episode 4: *I'll Be Home Later*.

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Susan Simpson [03:41]: According to the detectives and prosecutors who investigated this case, Jake Silva and Ty Lopes killed Renee Ramos at a party being thrown by a bunch of high school students. Most of them were under 18, and some of them were as young as 14 years old.

So how exactly does 33-year-old Ty Lopes fit into this picture? Why would he have been at a party with a bunch of teenagers? And why did investigators think that he would conspire with a teenaged skateboarding crew to commit murder?

We went to speak to Ty's family to find out more about him.

Susan: So, you're Ty Lopes' brother.

Jared Lopes: Yes.

Susan: Older, younger?

Jared Lopes: Younger. By six years.

Susan Simpson [04:16]: That's Jared Lopes, Ty's younger brother. We met up with Jared at a noisy bar in Modesto and asked him what Ty had been like before his arrest.

Jared:
He was usually just hanging around the house. He might be in the front yard, talking to people, talking to neighbors. He pretty much knew everybody in the neighborhood and anybody that would still talk to him, he would talk to.

But, he wasn't going places a lot because he didn't have a driver's license.

Jared described Ty as something of a gregarious homebody. Always talking to people but rarely leaving his mother's house where he was living at the time.

Susan: Was this the Marion Street address?

Jared: Yes.

Susan: And who was living there at the time?

Jared:
It would have been myself, my mother, my brother Ty, and my nephew Robert.

Robert, or Robbie Mendoza, was Jake Silva's best friend. The two of them were close, and usually they were out skating the streets of Manteca together. But sometimes they'd hang out at Robbie's house on Marion Street. And once Jake started dating Renee, Renee would come along with him.

Susan: Did you know Renee? Had you ever met her?

Jared:
I'd only seen her at my mom's house once or twice, but again, the age difference I didn't really bother paying any attention to her.

Jared didn't pay much attention to his nephew's teenage friends, but Ty would hang out with them sometimes because, despite the age difference, they had a mutual interest: Beer.

Robbie and Jake were underage, Ty was not. So Ty would buy them booze, and in exchange he'd get to help them drink it.

> **Jared Lopes:**
> See, Ty, he was kind of opportunistic. If he had beer, he wouldn't go out. If he didn't have beer and the guys are like, "Hey, if you buy us beer…" he would have gone.

Susan Simpson [06:09]: Ty didn't have a steady job. He worked sometimes, Jared told us, but usually he didn't. Mostly, Jared said, Ty just stayed at their mom's house and mooched off of her. Which was one of the many things that annoyed Jared about his brother.

> **Jared:**
> Ty could push buttons like nobody's business. He could figure you out and just annoy you to death.

The relationship between the two brothers was complicated, even before Ty's arrest, and Jared is not interested in sugarcoating what he sees as Ty's many flaws.

> **Jared:**
> Ty was just not smart. He was street-smart but he made one poor decision after another. And his heart was usually in the right place, but he just really didn't think things through.
>
> He'd give you the shirt off his back, but you'd have to ask him if it was really his shirt or if he stole it from somebody else.

Jared told us he does not believe that Ty would have been involved in killing someone. At the same time, though, he said that when Ty got arrested for Renee's murder, it hadn't been shocking to him.

> **Jared:**
> I was not real surprised, given Ty's history from my earliest recollections. I obviously, I mean, I love him because he's my brother but that was kind of the extent of it. Because he caused so many problems.

A lot of people we spoke to held harsh opinions about Ty. But Jared told us that there was one thing in Ty's life that he had genuinely excelled at.

> **Jared:**
> He was a doting father. I mean, he was all about his daughter. He loved his daughter very much. Spent as much time with her as he could.

Mandi Lopes:
He was like, the best dad ever. Like, my mom didn't even take care of me as much as he did.

Jacinda Davis [08:00]: That's Mandi Lopes again, Ty's daughter. Her mom and dad had a brief relationship, but from the beginning, Ty was always there for her.

Mandi:
My dad like, cooked me breakfast and made me brush my teeth and stuff like that. Like, he was a parent and he was a good person.

Mandi is her father's staunchest defender. She has never doubted his innocence. And besides, she told us, from what she understands, Ty had been with her when Renee was killed.

Mandi:
The time frame that they gave- it couldn't have been. Because I am at his house 7 o'clock at night on Friday and I go home at 7 o'clock on Sunday and I was with him the weekend. And my dad doesn't ever leave me.

Ty had his daughter on Wednesday evenings, and then from Friday night to Sunday night. So, if Renee had been killed the weekend before she was found, then Ty couldn't have done it, Mandy says. He would have been with her, not off at a party at a construction site.

Ty's sister, Elena Mendoza, who is the mother of Jake's friend Robbie Mendoza, was also living in the house on Marion Street at the time of Renee's disappearance.

Elena Mendoza:
You know, to the best of my recollection, on the date that Renee was supposedly murdered, he was asleep.

Susan Simpson:
So walk me through that. What do you remember about his alibi, essentially?

Elena:
During that particular time, I never saw him leave. And I would have heard him. But I don't remember the exact time of death or the date-

Susan: Well, they never established an exact time, so it's hard.

Jacinda Davis [09:48]: Ty has no alibi. Neither does Jake, for that matter. Because no one knows when Renee was actually killed. The most specific that the prosecution could get was to say

that the party at Home Depot was held on an evening, sometime between Monday, which was Memorial Day, through the following Sunday.

So, to have an alibi, Ty and Jake would have needed to be able to prove their whereabouts for all six of those nights.

Even without an alibi, though, Ty's daughter Mandi and his sister Elena say they are certain he is innocent.

> **Susan Simpson [10:25]:**
> Do you know of any incidents of him being violent towards people?
>
> **Mandi Lopes:**
> Never. I've seen him get in a fight before. I've seen him get jumped before. By like, six guys. When I was little.
>
> **Elena Mendoza:** He fights like a sissy.
>
> **Mandi:**
> I've never seen him start something. But I mean supposedly at a party, my dad's sitting there raping everybody's friends right there? Why didn't everybody jump him? Why didn't everybody help her?

Jacinda Davis: Ty's brother Jared has a slightly different take on whether Ty was capable of violence.

> **Jared Lopes:**
> Ty was all about puffing himself up but push came to shove, he was kind of a coward.
>
> **Jacinda:** Was he violent ever?
>
> **Jared:**
> When he was drunk, yes. He would be- he could be violent. But he wasn't hard to deal with. He was more talk.
>
> **Susan:**
> So investigators determined was that he was involved in an organized mass rape and murder of Renee Ramos.

Jared:
Yeah. That part of it I don't believe at all. I could see him making advances, when he was drunk, on her. But if she turned him away, I don't see Ty as a rapist.

He was a thief, through and through, really. But a violent guy? No.

Jacinda Davis: Mandi has grown up hearing people talk about what her dad was like. And most of them don't have nice things to say.

Jacinda:
So you know the rumors about people calling him a pervert and creepy and…

Mandi Lopes:
Yeah. I've heard that. I've seen him checking girls out and stuff like that, but I've never seen him do anything like, offensive.

Jacinda: Does it bother you to hear that kind of talk about your dad?

Mandi: Yes. It does. My dad is a very sensitive subject to me.

Jacinda: I can tell you loved him a lot.

Mandi: I do.

Jacinda: I wanted to give you a chance to kind of like, defend your dad.

Mandi:
He might have been the troublemaker, you know. Like, he didn't watch his mouth at all and stuff like that. But he was not no killer. He didn't rape nobody. I know he didn't.

My dad did drink. And then he wouldn't drink and everything would be good and stuff. But when he did drink, he was just messy like that.

Susan Simpson [12:45]: Ty could get messy, Mandi told us. And 'messy' would certainly be one way you could describe Ty's relationship with law enforcement in Manteca.

Jared Lopes:
Well there was the case where he was beat up in the drunk tank by one of the detectives.

He had said something about, "Oh, how's your mom? She still live over

there on such-and-such street?"

And that's what instigated the beating is the detective took that as Ty making a threat on his mom.

Jacinda: We read that today.

Susan Simpson: Just before we met up with Jared, we'd actually been to the courthouse, and seen records from the incident that he was talking about.

Susan:
So the report was that like he threatened to rape the officer's grandmother, which is why the officer had to break Ty's jaw.

Jacinda Davis:
Yeah, the report says that …

Jared Lopes: He had to break his jaw because there was a threat.

Jacinda Davis:
… Ty threatened to rape his grandmother and said, "I know where she lives," and the officer punched him and broke his jaw.

Jared:
Yeah, that's ridiculous. I don't think there's anything in the California Penal Code that says that if somebody threatens to rape your grandma you break their jaw.

Susan: Do you think that Ty would have threatened to rape his grandma?

Jared:
No, I think he - he could say something stupid… but I think, knowing Ty as I do, that he was probably just really, "Hey, how's your grandma who lives over duh-duh-duh-duh-duh," trying to make a connection.

I'm sure they'd known each other for years and years. I don't see Ty making a threat like that.

This messy record with the police is why, when Ty was arrested for Renee's murder, Jared had not actually been surprised.

Jared:
Well, I want to give you ladies my take on it real quick, without you asking a direct

question.

Ty was such a pain in the ass to the powers that be in that town, for so long. He had been told by the police that, 'We're gonna nail you one of these days for something. We're gonna make it stick.

In September of 2000, the Manteca Police finally did nail Ty Lopes for something. He was arrested, along with Ray Goans and Jake Silva, for the rape and murder of Renee Ramos.

Jacinda Davis [14:43]: Ty Lopes spent the next 18 months at the San Joaquin County Jail, awaiting trial. Despite the murder charges hanging over him, Ty's family remembers that he was in relatively high spirits during this time.

Mandi Lopes:
He was just basically saying that he is gonna come home, that they don't have anything on him. He was kinda not worried about it. He was like, "I'm for sure getting out."

Elena Mendoza:
I don't think that he was afraid because prior to his arrest, he was actually acting as an informant. He had been working with the PD to find out who killed Renee, and he was utilizing that to stay out of jail. So, that's maybe why he kept upbeat?

This was the first we'd heard anything about Ty being an informant for the Manteca Police Department and helping them with Renee's murder no less. It was something we knew we'd have to look into.

But Jared, Ty's brother, told us he did not doubt Ty's claims that he'd been acting as an informant for the Manteca PD before his arrest.

Jared Lopes:
Ty had a big mouth. He'd tell you, "Oh yeah, I got busted for this DUI but they let me off because I turned on these people here."

So it was no mystery whatsoever to me that Ty had been used as a CI [Confidential Informant] for Manteca PD. Many, many times.

But he just antagonized them so many times.

Ty's big mouth and penchant for antagonizing people would become a common theme in the criminal proceedings that followed his arrest. Like at the preliminary hearing when Josh

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Burroughs was brought in to testify in the case for the very first time. Ty's daughter Mandi was there that day.

> **Mandi:**
> We all came back in from the recess and my dad was walking in, and my dads kind of like, I don't know how to explain it, my dad's kind of like a smartass I guess? (Laughs)
>
> But he walked past Josh Burroughs. And so my dad starts like, kind of walking all like, tough guy, right? And he's like, "You f-ing lying punk," to him.

This all took place while everyone was filing back into court, before the hearing began. But as soon as court was in session, Prosecutor Charles Schultz made a record of it.

"Your Honor," Prosecutor Schultz said, "something happened in the courtroom. Mr. Lopes walked in, started at Burroughs, and spoke to him the words, 'you f-ing lying punk.'"

Mandi told us that, later on though, at Ty's trial, Schultz would tell the story a different way, changing the words Ty had actually used.

> **Mandi Lopes [17:35]:**
> Schultz goes, 'He's threatening him! He's threatening him! He says, you're f-ing going down, punk!'
>
> They twisted that and used that against him in court that he had threatened him and said that he was going down.

Jacinda Davis [17:50]: This outburst with Josh Burroughs was not the only time that Ty seems to have undermined his own defense.

> **Susan Simpson:**
> There is a moment in the trial where the Judge addresses your dad and says, "Mr. Lopes, you're your own worst enemy. Shut your mouth."
>
> **Mandi:** Yeah. I remember that.
>
> **Susan:** What'd you think about that?
>
> **Mandi:**
> I don't think he's his own worst enemy but…. he just says what he wants. He just can't keep his mouth shut when he has something to say.

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In April 2001 while still in jail awaiting trial, Ty contacted Manteca's local newspaper and asked them to send a reporter out to talk to him. The paper quickly sent out reporter Kelly Gordon. The next day, Ty's mugshot was on the front page of the paper under the headline *DNA is My Best Friend: Murder Suspect says DNA Results will set him free.*

Ty Lopes is quoted in the article, explaining why he's so certain he won't be convicted.

> **Kevin Fitzpatrick:**
> Lopes is certain the DNA results will clear his name. And he believes the DNA results will come back negative for Jake Silva and Ray Goans.
>
> "Of course the DNA will vindicate me," Lopes said. "I am also very confident that it will clear Jake and Ray. I will be completely flabbergasted if it comes back on Jake. There ain't gonna be a trial. It won't even get that far. If the freaking criminal justice system works, I will be out of here."

Susan Simpson [19:42]: Ty told the reporter that he had no doubts the results of the DNA testing would prove his case. But you have to think that's exactly what Detectives Souza and Wells must have been thinking, too. They must have thought that the DNA was their best friend. After all, they believed that Ty, Jake, and Ray had all taken turns violently raping Renee. If any case could be solved by DNA, surely it was this one.

Investigators had sent samples from the rape kit and Renee's fingernails and clothes to the state crime lab. One year later, though, they were still waiting on the results.

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Jacinda Davis [22:58]: After their arrests, Jake, Ty, and Ray all obtained or were appointed their individual defense attorneys. And those attorneys brought on defense investigators to investigate the case for themselves.

Well, actually, Jake's attorney never got an investigator, so there wasn't much investigation done on his behalf. But both Ray and Ty did have defense investigators who quickly got to work.

And for both, step one had been to go talk to Josh Burroughs for themselves. The following recordings are taken from the defense investigators' interviews with Josh in February and March of 2001.

> **Male Investigator 1:** Did you see her get killed?

Josh Burroughs:
No. If I'd seen her get killed, I would have immediately called the police. I mean, that's fucked up, so. I would report it. With a quickness.

Male Investigator 2:
Ok, now, this is very serious. Do you have any idea who killed Renee Ramos?

Josh: No, I don't. But I doubt that Jake did it. Anyway… I doubt it.

Yes, Josh tells the defense teams, he'd given detailed statements to the police describing how he'd witnessed Renee's murder at the Home Depot. He just hadn't expected that the police would believe him.

Josh:
I did hear on the news about beaten and raped. So I just told them that she was beaten and raped.

But um, I just thought about it off the top of my head, just duh-duh-duh-duh-duh, just throw it out.

Male Investigator 1:
Ok, but were you a little bit concerned that the police were going to know that you didn't know what you were talking about?

Josh:
No, I wasn't concerned. I was gonna be happy if they found it out so they can like, you know, "Ok, we know you didn't see anything, blah blah blah. Go on with your life."

I thought they'd kinda see that the story I told them was kinda outrageous so they can move along.

Susan Simpson [25:00]: If Josh Burroughs had told the defense investigators that everything he'd said to the police had been a lie, then it's possible the case against Ty, Jake, and Ray would have ended right there. It wasn't that simple, though.

Male Investigator 1:
Ok, well when you first got to the party, can you tell me how many people were there?

Josh: Yeah, I'd say 20 to 45, maybe.

Josh continued to insist that there really had been a party at Home Depot. Although he also says that it had nothing to do with Renee's murder. Renee went missing at the end of May and this party, he says, was in March or April.

Ok, so, what exactly is Josh's story, then? What is he saying actually happened on whatever night that whatever he's talking about took place? The answer is: It depends on which of Josh's stories you're looking at.

By the time trial rolls around, Josh has given at least 18 different statements. 10 to detectives, eight to the defense. And every single one of those statements is different.

So which one of those statements is Josh's real story? Which of those statements does the prosecution think is the truth?

When detectives Souza and Wells testify at Jake's and Ty's trials, they present the jury with their preferred version of Josh's story. They do so by picking out brief snippets from across Josh's 10 different statements to them. Mixing and matching his various claims and reassembling them into a single, relatively simple narrative.

Susan Simpson: And actually, that's the same thing you've heard in this podcast so far. That's what we've done. You've heard a collection of snippets from Josh's interviews. Brief soundbytes that we've picked out and put in chronological order to present Josh's story to you in as concise and coherent a way as possible.

But this method of presenting Josh's story is inherently misleading. It creates the false impression that something called "Josh's Story" exists, when it doesn't.

It's not just that Josh's 18 different statements contradict one another. It's that each statement contradicts itself. Repeatedly. Sometimes within the same breath.

Rather than trying to explain what I mean by this, though, it's better just to let you hear it for yourself.

You're going to hear now part of Josh's March 2001 interview with Ty Lopes' defense attorney. And we're going to play it in one mostly continuous block, albeit with some light editing, still, to remove some of the more repetitive tangents, just to make it a little bit less painful to sit through. Full disclosure, though, it's still kind of painful to sit through.

But stick with us here for a moment anyway. It's the only way to show you the reality of what investigators were dealing with when it came to Josh Burroughs.

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Defense Attorney:
Who did you recognize among the people who were present inside the building when you got there?

Josh Burroughs:
I recognized a couple girls but I couldn't quite put my finger on it. But I recognized Jake and I recognized Ray. Ty was there for a little while but he went and got beer and came back.

Defense Attorney: *Ok, now Ty--*

Josh Burroughs:
I kind of don't know for a fact if uh, Ray was there or not. I just kind of remember him being there.

Defense Attorney:
And you said Ty was there? Did you know him very well as of the night of this Home Depot party?

Josh Burroughs:
Nah, I didn't know him that good. I mean, I seen him a couple times, you know. I'd say what's up, couple handshakes. That's about it.

Defense Attorney: *Now you said he was there and he left? To go get beer?*

Josh Burroughs:
Yeah, like he went and got beer… now that I think about it nobody else was there old enough to buy beer besides Chris, and Chris was with me. Because nobody else was there that was old enough to buy beer. And I can't really figure out if- I know I think I seen Ray there. And uh-

Defense Attorney: *How old is Ray?*

Josh Burroughs:
Ray? He's old enough to buy beer. But I'm saying Ty because, fuckin- I really can't say for a fact that Ray was there.

Defense Attorney:
Alright, so Ty left and went to get beer? How long was he gone?

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Josh Burroughs:
Um, that part, I really don't know. Because that I just kind of thought up on my own that he went and got beer because nobody else was old enough.

Defense Attorney:
So you, you didn't see Ty leave but you're assuming that at some point he left and went and got liquor?

Josh Burroughs: *Yeah.*

Defense Attorney: *Did you see him, did you ever see him come back?*

Josh Burroughs: *No.*

Defense Attorney: *Did anything unusual happen at the party?*

Josh Burroughs:
Now that, I do remember. Uh, yeah, I saw Ray slap Re-- uh, I think it was-- I can't-- that's what's tripping me right now. Because I remember seeing Ray slap Renee and I do remember seeing Jake and Ty go behind like a wall.

Defense Attorney:
Ok, would it be fair to say you saw Renee get slapped? You're sure about that?

Josh Burroughs: *Yeah, I know for a fact she got slapped.*

Defense Attorney: *Ok. What makes you think it was Ray Goans?*

Josh Burroughs:
I don't know. Whenever I think about that his name just pops up in my head.

Defense Attorney: *Ok. Can you picture the slap in your mind?*

Josh Burroughs:
Kind of. I didn't actually see the slap, but I seen a hand come back and then a face go like that.

Defense Attorney: *What type of lighting was there in the building?*

Josh Burroughs:
Uh, a couple people had like, flashlights. And we also had, uh, candles.

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Defense Attorney: *Do you know why people brought candles?*

Josh Burroughs:
Just probably an effect like ahh, there, I know, there was probably Ecstasy there because there's people raving like candles kinda slowly like that, that's what they do at rave parties when they get those glow sticks and they go like that.

Actually, a lot of people take Ecstasy at rave parties, and I just assumed that there was Ecstasy there.

Defense Attorney*:*
Oh, ok. I'll come back to that. Ok, so you saw what you think was Renee being slapped, and you think the person who slapped her was Ray Goans?

Josh Burroughs: Yeah.

Defense Attorney: Did Renee yell or should that you could hear, or respond?

Josh Burroughs:
Hmm, nah. I didn't hear anything. I heard a noise, like wompwomp, though. Like, that annoying wompwomp in my ears. Like, just, kinda like, uhh, kinda hard to explain.

Like when you get like, a bad migraine and it goes, wompwompwomp.

Susan Simpson: For an attorney, a witness like Josh Burroughs is a guaranteed headache. No matter what side of the case you're on, you know that this is not going to be a fun day at the office.

Because what are you even supposed to do with a statement like this?

For a prosecutor, Josh Burroughs is not your first-round pick for star witness. But, while not ideal, there is a way to make this work.

The strategy is to acknowledge the witness' many lies, while emphasizing that the spine of the story is still true. And in most of Josh's statements, not all, but most, Josh does describe going to a party at the Home Depot, where he sees both Ty Lopes and Jake Silva. And that, the prosecutor will say, is the core truth underneath the layers of lies.

And for a defense attorney, a witness like Josh is a nightmare in the opposite direction. Sure, you'll have no problem impeaching him and convincing the jury that he's a liar, but you're also left playing whack-a-mole with someone's fever dream. When a story bends and twists in that many directions, you can't pin it down in a way to meaningfully refute it.

For example, if the spine of Josh's story is that there really was a party at Home Depot with teenagers drinking and doing drugs and raving with candles, then how come no one at the Home Depot ever saw any sign of it?

Well, Josh can explain that one. There was no evidence of a party, he says, because someone told him that they'd give him a free bag of weed if he cleaned everything up.

> ***Defense Attorney:*** *Can you tell me who gave that baggie to you?*
>
> ***Josh Burroughs:***
> *Nah, I didn't know who it was. They just said, "Here's a bag of weed, take this trash out and it's yours." And I was like, alright.*
>
> ***Defense Attorney:*** *It was just a complete stranger?*
>
> ***Josh Burroughs:*** *Yeah.*
>
> ***Defense Attorney:***
> *Ok, he just kinda came up to you out of the blue and said, "Hey, I'll give you some marijuana if you… take the trash out"?*
>
> ***Josh Burroughs:*** *Yeah.*

Susan Simpson [32:17]: Josh says that he bagged up about 10 bags of trash in all. He didn't dispose of those bags all by himself, though. As he was walking out of the Home Depot, bags of trash in hand, he found some teenagers who were driving around in a gray Mustang with maroon colored spots.

> ***Josh Burroughs:*** *And there was also some fools doing' wheelies--*
>
> ***Defense Attorney:***
> *Now when you say, "These fools were doin' wheelies," can you be more specific about--*
>
> ***Josh Burroughs:*** *Not really wheelies, but donuts.*
>
> ***Defense Attorney:***
> *And by donuts you mean they were driving around in circles and kicking up dust?*
>
> ***Josh Burroughs:*** *Yeah.*
>
> ***Defense Attorney:*** *And you asked them to help you?*

Josh Burroughs:
Yeah. They basically put it in reverse, get the wheels stuck and hella kick it up, kicked all the mud out and then just made a big old hole.

Josh explains that he asked the guys in the maroon spotted Mustang to help him dispose of the trash. They poured the remaining beer onto the dirt of the construction lot and then they had the Mustang's tires spin out in the resulting mud until they dug out a pit that was deep enough to bury the trash from the party. So, that's why no evidence of the party at Home Depot was ever found.

Jacinda Davis [33:32]: The clips you've heard so far in this episode all come from Josh's interviews with the defense teams. But to be clear, Josh's statements to detectives Souza and Wells were not any more coherent.

For example, one of the key parts of Josh's story is how he saw Jake and Ty strangle Renee with her own bra. This becomes a crucial point at trial, because how could Josh have known Renee was strangled with her bra unless he'd seen it himself?

But here's what Josh actually told the detectives. This is from a portion of Josh's interrogation where the detectives are showing him a diagram of the outside areas around Home Depot, and he's pointing to the spots where people were hanging out when the murder happened.

Detective: *Did they go inside Home Depot?*

Josh Burroughs: *I didn't see. But then I saw her bra strap. And then uh--*

Detective: *Saw whose bra strap?*

Josh Burroughs:
Uh, I don't know. I think it was hers. And then somebody came out yelling she got strangled and I was like, oh God.

Detective: *Ok, ok hang on. Hang on here. You saw a bra strap over here?*

Josh Burroughs: *Kinda over here. And I saw them right there--*

Detective:
I'm a little confused here, Josh. Was Renee struggling with these people?

Josh Burroughs: *No.*

Detective: *Well why did her bra end up over here?*

Josh Burroughs: *No, over here.*

Detective: *Well, ok. Inside?*

Josh Burroughs: *No. Right outside, just like right outside.*

Detective:
How did that happen? It didn't just fall off. You saw a bra? Here? How did she get strangled with her bra strap if her bra is here and she's in here?

Josh Burroughs: *Somebody came out yelling saying she got strangled.*

Jacinda Davis [35:31]: You might be wondering why Josh's constantly changing stories were not a problem for the prosecution. And the answer is, they were a problem. At least when it came to the case against Ray Goans.

Josh has never been documented telling the same story twice. But even by Josh's standards, his stories about Ray are frankly, a shit show.

In some of Josh's stories, Ray is busy showing off skating tricks to Fuji while Renee is being strangled. Sometimes, Ray himself rapes and helps bury Renee, sometimes Ray isn't even at the Home Depot.

But the day before the party, they were all hanging out at Fuji's place and Josh saw Ray punch Renee in the face before forcibly abducting her by shoving her into the backseat of a white car and driving away, never to be seen again.

These conflicting statements are probably why Renee's friends have never had a clear understanding of what Ray's involvement in the case had been.

Here's what Renee's friend Lori told us when we asked her about Ray.

Lori: Refresh my memory, what was Ray Goans like, what was he in this case?

Susan Simpson: He was the same as Ty.

Lori: So like, he was there when…

Susan: Burroughs says that Ray was there, raped her--

Lori:
And this is all just from what Josh was saying. He was telling a different story every single time he told this story.

Susan: Yeah. This is all from Josh. Josh is the case.

Lori: But then Ray, they ended up letting Ray go.

Susan: They did.

Jacinda Davis [37:11]: In March of 2001, after detectives Souza and Wells learn that Josh has been talking to defense investigators, they go to interview Josh once again. And this time, Josh is adamant about one thing.

"I didn't see Ray there at the party. I just thought he might have been there," he says. So Ray deserves to be let go, but Jake and Ty deserve to stay in prison.

We don't have a copy of the audio from this interview, but just from the black and white text of the transcript, you can feel how exasperated Souza and Wells are with Josh.

"Why did you lie to us before," they ask him.

"I thought if I didn't tell you guys what you wanted me to say, I'd be in trouble," he answers.

"But we didn't want a bunch of lies," they respond. "We wanted the truth."

"Well, this time I'm telling you the truth," Josh says. "And the truth is I never saw Ray at Home Depot."

The detectives ask Josh, "Ok, but if all of your previous statements were not true, then how do we know this statement this time is true?"

"You don't," Josh tells them.

Four days after this interview, Prosecutor Charles Schultz went before the court and announced that as a result of unspecified information that had recently been brought to his attention, he was dismissing all charges against Ray Goans.

Ray left California and was never involved in the case again. He was not called as a witness at either of his former co-defendants' trials.

Proof.

Susan Simpson [38:55]: Months later, in October of 2001, the crime lab notified investigators that the DNA testing in the case had finally been completed. The results were underwhelming. For both the rape kit and the fingernail clippings the only DNA had belonged to Renee herself. No sperm was found and the only blood was Renee's.

There was only a single item where the crime lab found DNA from someone other than Renee. And that was on the cuttings from Renee's underwear. There, they found sperm cells which DNA testing showed had come from Jake Silva.

> **Susan:** Wait your DNA was found there.
>
> **Jake Silva:** Yeah.
>
> **Susan:** Which is not surprising.
>
> **Jake:**
> (Laughs) We were 18 years old living out of her car. That's all we did was skate around and have sex, you know. It would have been weird if it wasn't there.

If Ray's or Ty's semen had been found in Renee's underwear, that would have pretty much conclusively linked them to her murder. But Jake was Renee's boyfriend. His DNA being found in her underwear just links him to being her boyfriend.

There's no way to know when the DNA was transferred there. It could have been days or weeks or even longer before the murder took place. Because sperm and the DNA within them remains on clothing even after it has gone through multiple wash cycles. And Jake and Renee were living on the streets so they weren't doing laundry all that often.

Ty Lopes was right. Just as he had predicted, the DNA results did not link him to Renee's murder. But he was wrong about what that would mean. His confidence that that would vindicate him was misplaced.

Because the DNA evidence, or rather the lack thereof, changed nothing. And in March of 2002, Ty Lopes went on trial for murder.

***

> **Susan Simpson [42:58]:** Did you go to Ty's trial?
>
> **Lori:**
> The only thing that really sticks out is that when he walked in he turned around and he looked at all of us and he was like, smiling.

Proof.

Jacinda Davis: Renee's friend Lori attended both Ty's and Jake's trials at the San Joaquin County Courthouse. Ty's trial was first, and Lori's clearest memory from it is not the witnesses who testified or the evidence that was presented. What stands out the most to her, is Ty himself.

> **Lori:**
> He looked at Renee's mom and all of us girls and he was just smiling at us.
> And I remember it like, enraged me. Because in my head, I was just like, why are you looking at us? Don't even look at us.
>
> That pissed me off. I was so mad.

When Lori told us about Ty smiling at them at the trial, I was reminded of what Ty's brother had told us about the police officer who had broken his jaw. Jared thought Ty must have said something to the police officer like, "Hey, how's your grandma who lives over on such-and-such street," trying to establish a connection with him. To show the officer that he was friendly with that officer's family.

But the police officer had not taken this as a friendly gesture, and neither had Renee's friends and family when Ty smiled at them in the courtroom.

Susan Simpson: At Jake's trial which was held nine months later, there were dozens of witnesses that the prosecutor could call to talk about Jake. But those witnesses were of no use at Ty's trial. If the prosecutor had tried to put them on the stand well here's what they would have had to say about him.

> MALE VOICE 1: I, I didn't even know what that dude, Ty, looked like. I had never heard of his name before.
>
> FEMALE VOICE 1: When Ty Lopes came into that whole scenario. I didn't even know who the hell he was.
>
> MALE VOICE 2: I was like, who's this dude? that was so out of left field. That this some thirty-year-old guy is like, hanging around a bunch of seventeen, eighteen-year-old kids.
>
> SIMPSON: What about Ty?
>
> FUJI: (Laughs) I couldn't tell you anything he's just some creepy thirty-three-year-old that I guess everybody hung out with but me. (Laughs)

Jacinda Davis: Aside from Robbie, who was Ty's nephew, and Jake, who knew Ty through Robbie, most of the teenagers in this case had no idea that Ty existed. In fact, the only witnesses against Ty who actually knew him were the police officers who arrested him.

Here's Detective Tony Souza, from when he was on *Real Interrogations.*

> ***Detective Souza:***
> *I've known him since he was a little kid. We were in Cub Scouts together. He went to school with my wife and my, my sister.*

At the time of Ty's arrest, Josh Burroughs was the only witness that could link Ty to Renee's murder. After Ty's arrest, though, detectives were able to find two more witnesses they could use against him.

Two men came forward to say that Ty had confessed to them that he had committed the murder. Both men had been at the San Joaquin County Jail at the same time as Ty and at trial both informants described how, on separate occasions, Ty had approached each of them and told both of them that he needed to confide in someone he could trust.

Both informants said Ty told them he'd been present when the girl was killed, and one of them said Ty also told him that he'd raped her.

Susan Simpson [46:03]: Now, just as a reminder, jailhouse informants are notoriously unreliable. Any time you hear about a jailhouse confession, skepticism is warranted. Both of these informants were given deals that allowed them to avoid years in prison in exchange for their testimony. And although both informants had been facing long prison sentences, both had already been released from jail even before Ty's trial began.

And the stories from these informants contained curious details that might raise questions as to how accurate they really are. When we saw the trial testimony from these informants, we knew that we'd have to talk to them for ourselves to find out what was going on. But at trial, these informants were crucial evidence for the State, because they were used to prove Josh Burroughs had been telling the truth.

One of the informants said that Ty had bragged to him that police would never find evidence implicating him in the murder because he'd had a 14-year-old boy clean up the entire crime scene. This matches what Josh Burroughs said he'd done at the Home Depot.

That informant also told investigators that Ty said Renee had been drugged with Ecstasy before she was assaulted, which matches - well, sort of matches - what Josh said about how people at the party had been holding up candles and spinning them around as if they were high on Ecstasy.

While the jailhouse informants were helpful for the prosecution, Josh Burroughs was always the heart of the case. Whether Ty would be found guilty or innocent would depend on whether the jury believed Josh's story about the party at Home Depot.

But what version of Josh's story did the jury actually hear? After all, there were at least 18 different versions to choose from. So which one was the jury told about?

Renee's friend Lori told us the version of Josh's story that she remembered hearing about at trial.

> **Lori:**
> What came out in trial was that Renee was last seen at Home Depot with Jake and Ty. Jake and Renee were arguing, they were fighting, and everybody was going to leave but they were left behind. I feel like it was Josh Burroughs that said that.

Susan Simpson [46:17]: Actually, it wasn't Josh Burroughs who said that. What Lori is remembering here is what Detectives Souza and Wells said at trial, when they were summarizing Josh's statements to them.

Here's Kevin, reading the trial transcript from when Detective Souza was asked who Josh Burroughs told them was at the party when Renee was killed.

> ***[Kevin Fitzpatrick:]***
> ***Question:*** *And Josh said that there were a lot of Renee's friends that were there, too?*
>
> ***Det. Souza:*** *Yes. Earlier on in the party there were.*

Detective Souza implies that Josh told them Renee's friends had left the party before things turned violent. But Josh never told the detectives that. In his recorded interrogations, Josh tells them that Renee's friends were still there at the party when Jake began strangling her.

And as for what Josh said at trial, well, here's what his testimony about Renee's murder actually sounded like.

> **Susan Simpson:** Do you remember him saying, "I'm lying, though."
>
> **Lori:** I don't remember now.
>
> **Susan:** His actual testimony was, "I lied and I made it all up."

Lori: Oh, maybe I do remember that.

Susan:
On the stand, he was like, “Nope, it’s a lie. It’s all a lie. I made it all up. It’s a lie.”

Susan Simpson [49:23]: At Ty’s trial, Josh testified that everything he’d told the detectives was quote *bull crap* and everything he’d said in the case from day one had been lies.

When he was asked, “If you said it, it was a lie, wasn’t it?”

Josh’s response was, “Well, duh.”

And Prosecutor Charles Schultz agreed that Josh had told a lot of lies. The only time Josh told the truth, Schultz said, was when he talked to Detectives Souza and Wells. Everything else Josh had said before and after that had been a lie. But what he told the detectives was true.

As for why Josh had lied at trial when he’d denied seeing Renee’s murder? Well, Schultz could explain why he’d done that.

Jacinda Davis [50:04]: Remember what Mandi told us about how Schultz had twisted Ty’s words and used them against him at trial? Well, she’s not wrong about that. Transcripts from the pretrial hearing show that when Ty saw Josh in court, he said to him quote *You fucking lying punk*, end quote

But in closing arguments, Schultz told the jury that Ty had said to Josh that quote *You’re going down, punk*, end quote.

The reason Josh had lied on the witness stand was simple: Josh had been scared of Ty because Ty had threatened his life. This, Schultz said, showed that Ty wasn’t mad because Josh was telling lies about him, it showed that Ty was mad because Josh was telling the truth about him, and that Ty needed to shut Josh up.

Susan Simpson [51:00]: Here’s what Schultz said in his closing arguments, about why we know Josh really did witness Renee’s murder:

[Kevin Fitzpatrick:]
“Renee was strangled with her bra. Josh watched them reach down and strangle her with her bra, and then her bra is found up around her neck with her shirt. Is this just coincidence? Him just describing this scene like this? How can you come to any other conclusion excpet Josh was there. That he saw this. He saw this woman get murdered, he saw this woman get raped, he saw this. This is what he described.”

Proof.

Susan Simpson [51:40]: Josh knowing that Renee had been strangled with her bra could be evidence that he'd witnessed the murder - if in fact, Renee had been strangled with her bra. But is that really what happened?

Lori:
So what I remember after the trials was she was strangled with her necklaces.

Susan: Y'all remember her being strangled with her necklaces?

Amber:
Oh yeah, that's - oh yes. It was, it was - ligature marks on her neck from her necklaces.

Susan: That's not what they said at trial.

Amber: Really?

Susan:
At trial, they pushed very hard that she was strangled with her bra. Because Burroughs--

Lori: Why do I remember necklaces?

Amber: I don't know, I heard necklaces.

Susan: The Medical Examiner said the necklaces…

Lori: Oh, maybe.

Susan:
But the Prosecutor and Burroughs are- always say bra. But her bra didn't have any sign of tears or stretching or anything.

Amber:
Oh, ok. So they're probably making this up just from what they read in the paper… possibly?

Susan Simpson:
It was a rumor. It's what Josh Burroughs said it's what he heard going around town.

Lori: Oh… Ugh. It's just a mess.

Susan Simpson [52:42]: The Medical Examiner found three ligature marks around Renee's neck that corresponded with the three hemp necklaces she was wearing. But if Renee wasn't strangled with her bra then why did Josh tell the detectives that that's what he saw?

> **Jacinda Davis:**
> During the trial there was testimony from someone who had worked with Josh who had kind of evaluated him and said, "He's a compulsive liar."
>
> **Lori:** Ohh… I feel like I kind of do remember that.
>
> **Jacinda:**
> Even when it doesn't benefit him.
>
> He's like, "I've never met anyone like this. He doesn't lie just to make himself look better or to benefit him, he just lies."
>
> **Amber:** He just can't help hims--
>
> **Lori:** I've known people like that.

As far as murder trials go, the State's case against Ty Lopes was not a particularly strong one. There was Josh, who even the Prosecutor acknowledged was a liar who had never told the same story twice.

And there were the two men who had been in jail with Ty and had been given generous plea deals in exchange for testifying that Ty had confessed to them.

But there wasn't really anything else. In the end, though, it turned out that that was enough. After four days of deliberations, the jury returned its verdict: guilty on one count of first-degree murder and guilty on one count of forcible rape.

> **Lori:**
> I just don't understand, like, how did these two men get convicted with no real evidence and only a witness who is a compulsive liar or keeps changing their story. How does that happen?
>
> **Jacinda:**
> We would like to talk to the jurors to see what they found to be the most compelling testimony-

Lori:
Right, like what did they decide… what made them really say like, ok, this is it. Yes, for sure.

Susan Simpson [54:28]: In California, the names of jurors are kept secret, so usually it's not possible to find out why a jury reached the verdict it did. But after Ty's trial, two of the jurors agreed to speak to reporters. They are quoted in articles about Ty's conviction, explaining what it had been that had convinced them of his guilt.

[***Kevin Fitzpatrick:]***
Two jurors said after Tuesday's verdict that they believed Burroughs saw the killing.

"The testimony of Joshua Burroughs corroborated so much with the Pathologist's testimony on how she died… we just could not overlook that," Jury Forewoman Robin London said.

Juror Timothy Crawford also said that Burroughs' description of the slaying matched the forensic evidence.

The prosecution beefed up its case against Lopes with testimony from two jailhouse informants who said Lopes told them about the assault on Ramos.

"Ty Lopes own mouth convicted him," Police Detective Kevin Wells said, adding that he hopes others who attended the party will come forward.

Jacinda Davis [55:34]: Three months after his conviction, Ty Lopes was back in court, once again. This time, for his sentencing hearing. There was no uncertainty over what would happen that day. Under California law, Ty would be sentenced to life in prison without the possibility of parole. And although the outcome was already a foregone conclusion, at his sentencing hearing, Ty was given an opportunity to address the Court directly and speak on his own behalf.

We asked Mandi if she would read us a portion of what her father told the court that day.

[Mandi Lopes:]
"I am telling the truth. I am an innocent man. I have been wrongfully convicted and I believe with all my heart Jake is, too. He is innocent. I've seen his video statements. He's telling the truth.

LOPES: (Continues to read) I did not have anything to do with Renee's murder. Please give me another chance to prove that. Please, help me… find who killed Renee, please?

Proof.

To my family, if I'm sentenced right now, keep your heads up. You know I'm innocent, all of you. Keep your heads held high.

Where is Mandi? Mandi, stay strong, baby. Daddy is gonna get home, and he's gonna fight. Okay? Your daddy's coming home. Okay, baby? I promise you that.

LOPES: (Cries) He used to always say stuff like that.

Jacinda: Ty Lopes turned out to be wrong about that, though. He never will be coming home. He was murdered by his cellmate on Halloween day in 2011. His case, and his story, ended there.

***

Next week, on *Proof:*

Susan Simpson:
Schultz, the prosecutor, has to be thinking, if I convicted Ty on this, it's a slam dunk against Jake.

Kevin Fitzpatrick:
Yeah, because now I've got the boyfriend.

Jacinda Davis:
Were you confident that the jury was going to convict him?

Female Speaker 1:
I wasn't confident in anything. That entire time I felt completely lost.

Susan Simpson: Did you ever hear anything about another pregnancy?

Lori: When she was killed, supposedly, she was like, two months pregnant.

Susan Simpson:
This report says, "I asked Lewis to better describe the incident of violence

between Renee and Jake.

“Lewis stated that he heard Jake yelling at Renee and that this is when he heard Jake tell Renee, “I’ll kill you, bitch.”

“He said that Renee replied, “I love you, Jake.” “

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That’s all for this week... thanks so much for listening.