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Proof: A True Crime Podcast
Season 2: Murder at the Warehouse
Episode 5: Cat and Mouse Game
Monday, February 12, 2024

Susan Simpson: Could you tell us how'd you meet Renee?

April:
Oh, God. I can't think when, like, a day. It was just, like, she just became part of the group. It was definitely junior high.

Jackie: It was junior high, yeah.

Jacinda Davis [02:15]: Renee had been part of a close-knit circle of girls.

Her friends Jackie and April told us how, growing up, their group had done everything together.

And how, after Renee was killed, and three men were charged with her murder, they'd attended every court date together too.

April: We went to, we went to all the trials.

Jackie: Everything. Every single one.

April: We went to all of them.

It had been a long and drawn out process. But finally, in November of 2002, two and a half years after Renee's body was found, her boyfriend Jake Silva went on trial for her murder.

Jacinda: Were you confident the jury was gonna convict him?

April:
I wasn't confident in anything. That entire time, I felt completely lost. Nothing made sense.

Jackie:
I feel like the biggest thing I remember about court is all of us girls sitting out on those long benches before, waiting. And like, the floor.

April: Yeah.

Jackie: I remember the floors a lot. I remember us just looking, just…

April: Well, it was exhausting.

Jackie: Yeah.

April: The process was exhausting and disappointing, discouraging.

Jacinda Davis [03:28]: Day after day, Renee's friends had filed into the courtroom hoping to find out what had happened to their friend.

April:
It felt like every day we would go in, and we would hear information. But then, we would learn something else that contradicted.

Nothing ever paired up. Nothing seemed to ever make sense. There was never, like, this true timeline for us, ever.

Jake Silva's trial lasted 6 weeks. By the end, there would be a guilty verdict. But Renee's friends never did get the answers they'd hoped for.

April:
Every time I went into that courthouse, I was hoping to leave with something more significant.

Susan Simpson:
Maybe today you'll find out what happened at the party, or who was there, or…

Jackie:
Or somebody else will come forward, or they're gonna have like this key witness that no one knows about yet, or… There was never that breakthrough person that came in.

April: Never.

Jackie: It's like we left more confused and more –

April: More confused than a little bit closer.

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Susan [04:25]: I'm Susan Simpson.

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Jacinda Davis: And I'm Jacinda Davis.

Susan Simpson: 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.

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 on our website, at proofcrimepod.com.

Susan: This is Episode 5: Cat and Mouse Game.

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Susan: When Ty Lopes went on trial, he'd been an active participant in his own legal proceedings. Doing research, talking to reporters, berating his attorneys when he thought they weren't doing a good job. He was involved.

Jake Silva was not.

> **Jake Silva:**
> I just stayed quiet. I was relying on my attorney, and I was trying just to listen to my dad and what my dad was telling me to do.
>
> Last thing I want to do is cause any problems for anybody or make shit worse. Like I was just there.
>
> **Susan:** Did you think you were going to be convicted?
>
> **Jake:** I didn't know.

The prosecutor in this case was Deputy District Attorney Charles Schultz.

Schultz did not respond to our request to speak to him for the podcast. But after Ty was convicted in March of 2002, Shultz gave an interview to a local reporter, where he described his plans for the upcoming trial of Jake Silva.

Susan: After Ty gets convicted here's what the prosecutor tells the newspaper.

Kevin Fitzpatrick:
"Schultz said he expects the trial for Silva to last longer than the four weeks the Lopes trial took.

"Authorities believed Silva arranged the rape because he thought Ramos was cheating on him. 'The evidence is different against Mr. Silva,' Schultz said.

"We have more evidence to present. That's how it's different."

Jacinda Davis: We have more evidence, meaning we have evidence.

Kevin: They have actual evidence.

Susan Simpson: They have more evidence. Let's call it more evidence.

Kevin: More meaning, some, other than the testimony of a fourteen-year-old.

Jacinda:
Do you read it like he's surprised Ty got convicted? And he's, like, 'Hell if Ty got convicted…'?

Susan: Kind of how I see it.

Kevin: Yeah, that's how I take it.

Susan:
And Shultz, the prosecutor, has to be thinking, 'If I convicted Ty on this, that's a slam dunk against Jake.'

Kevin: Yeah. Because, because, 'Now I've got the boyfriend.'

Susan: The hard part's done for him.

Susan [07:05]: The evidence against Ty Lopes had been thin. But Ty's own behavior in the courtroom had helped fill in the gaps in the prosecution's case.

Jackie:
My thoughts about Ty, not personally knowing him, I was just, like I wouldn't put it past him.

April: Yeah.

Jackie:
He's just creepy in the way that he would lurk and stare at us. If you didn't do this, like, why are, coming in and smirking at us?

April: He seemed capable.

Susan Simpson [07:32]: At Ty's trial, the prosecution had never been able to explain why Ty had done this. Why he had conspired with Jake's skater crew to kill Renee. The closest they'd gotten to an explanation was: Well, he's just kind of creepy like that.

But Prosecutor Charles Schultz had been right when he said there'd be more evidence at Jake's trial than there had been at Ty's.

Not more evidence of the Home Depot party – Josh Burroughs was still the only witness who claimed to have been there. No one else from the party ever did come forward.

What the prosecution had more of was evidence about Jake, and his relationship with Renee. Renee's mother Donna remembers being shocked at what came out at trial.

Donna Ramos:
I was more surprised about all the, the witnesses that testified that they saw the abuse between Jake and Renee and it never came forward?

That's my number one shock was why didn't, why didn't people come forward?

These witnesses hadn't just testified about seeing abuse between Jake and Renee. Their testimony was also evidence that Jake had plotted and schemed Renee's rape and murder for months beforehand. According to Prosecutor Schultz, Jake had wanted to kill Renee because she had cheated on him and because she was planning on leaving him.

Here's Kevin reading what Prosecutor Schultz told the jury at Jake's trial.

Kevin Fitzpatrick:
We've got motive all over the place. The biggest motive is jealousy. …

... [Silva] couldn't stand the fact that Renee was going to leave him alone. The woman of his dreams, the woman he loved, didn't love him. Couldn't stand him. …

Quite frankly, that's the oldest motive in the book for men doing violence toward

women. It's an all consuming jealousy.

Jealousy wasn't the only motive though. Not by itself, anyway. According to the prosecution something had happened that had caused Jake's rage to boil over. Renee's friends remember what was said at trial about what the triggering event had been.

Jackie:
That Renee was pregnant and maybe that's why he killed her. And then there was--

Susan Simpson: Did you ever hear that she was pregnant after the abortion?

Jackie: Not, not outside of the, not from outside the courtroom, no.

Susan [09:53]: Jake killed Renee because she was pregnant again and would not get a second abortion. That's what the prosecution believed, anyway. Jake's friend, 18-year-old Sean Souza, had told them so.

Sean Souza – who, by the way, has no relation to Detective Tony Souza – had known Jake for about a year. They hung out sometimes and had friends in common. Sean had told detectives that, about three weeks before Renee went missing, Jake had talked to him in a parking lot. Jake told him Renee was pregnant again, and that he was not at all happy about it. That he was, "tired of this crap, and going to knock some sense into her."

And, Jake told Sean, if Renee didn't agree to another abortion, he was going to kill her.

The medical examiner who autopsied Renee testified that she'd been 8 to 10 weeks pregnant when she died.

This would imply that Jake had carried through with the threat Sean heard him make. That he had killed Renee because she decided to keep the baby.

There are some oddities, though, about Sean's testimony.

First, Sean himself never actually testifies about any sort of threat from Jake. He says at trial that he has no memory of Jake ever threatening Renee at all and doesn't recall telling the police that Jake had done so.

Which is why the evidence of this threat comes from Detective Tony Souza in his testimony– and not from Sean Souza himself. Detective Souza tells the jury that Sean told him that Jake told him that he would kill Renee if she didn't get the abortion.

Jake Silva:
That's what killed me when that rumor came out that I, that supposedly I wanted to kill Renee if she kept the baby. Man, I wanted the baby more than than anybody.

Jacinda Davis [11:50]: Renee's reaction to her first pregnancy had been mixed. She told some people this was something she wanted; she told others it was not.

But aside from Sean Souza, everyone who had talked to Jake about the pregnancy recalled him being excited about it – and how, after the abortion, he was kind of hoping she might become pregnant again.

Jake Silva:
Even though I wanted the baby so bad, and even though we weren't in a position to take care of it, or to nothing man... I don't know, it was a part of both of us.

Yeah, it killed me that much more when they said she was pregnant when they found her body.

Jake says he had not known Renee was pregnant again before she died, that he did not find out about it until it came out during the court proceedings. Renee's friends Lori and Amber told us they hadn't known either.

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

Susan Simpson: But she never told y'all about a second pregnancy?

Lori: No.

Amber:
No, mm-mm. That was a shock to me when I heard about that from the trial.

Lori: That was like gut-wrenching.

Susan Simpson [12:59]: There's another thing too that's odd about Sean Souza's story. And that's the timing of it. Sean told police this happened about three weeks before Renee went missing.

But exactly three weeks before Renee went missing, and three weeks after her prior abortion, Renee had gone back to Planned Parenthood. She was seeking treatment for a pelvic infection she was dealing with.

While at the clinic, they'd given her a pregnancy test. It was negative.

So why, at that time, would Jake have been telling Sean that he wanted Renee to get an abortion, when he had no reason to believe she was pregnant in the first place?

We reached out to Sean Souza, hoping to hear what he remembered about his conversation with Jake. But, so far, we've not been able to arrange for a time to talk to him.

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Jacinda Davis [13:45]: The police report shows that, at the time of Renee's disappearance and murder, one of Jake's closest friends had been a guy named Derek Collins.

Derek's family had actually taken Jake in for a time after Renee's death, when Jake had nowhere else to go. And after Jake's arrest, when pretty much everyone else had turned against him, Derek had gone to visit him in jail.

What Derek told detectives during the investigation wasn't much different from anything Jake himself told investigators. But at trial, Derek's testimony was among the most damning for Jake Silva.

It was damning because Jake has always claimed the last time he saw Renee was when he left her at Labor Ready on Memorial Day morning.

But Derek was evidence that Jake was lying about that. If you believe what Derek said at trial.

> ***Kevin Fitzpatrick:***
> *Prosecutor: When was the last time you saw Renee Ramos, if you recall?*
>
> *Answer: The last time I saw her was a day or two after Memorial Day. I was driving down the street with my mom. At that time I seen her by the bank. Her and Jake were laying on the grass.*

It gets worse for Jake, though. Because Derek also testified that, a few days after Jake was arrested, Jake had called him from the jail – and admitted he'd been at the scene of the crime.

> ***Kevin Fitzpatrick:***
> *Question: Do you recall telling Detective Souza that Jake indicated that he fucked up by telling the detective that he was over there drunk when it happened?*
>
> *Answer: Not that he was drunk but he was over there that night.*
>
> *Question: When he said over there, where did he say over at?*

Answer: Over at the party where everybody was at.

Question: Were you talking about in relation to when Renee was killed?

Answer: Yes.

Question: Did he tell you how many people were over there partying?

Answer: Around 20 to 30.

Jacinda Davis [15:49]: And Derek also testified that Renee had confided in him that she was thinking of leaving Jake – but that she was too scared to go through with it, because she was afraid Jake would do something to her if she did.

In closing arguments, Prosecutor Charles Schultz told the jury that we know what Derek said must be true. Because just look at who was saying it.

Kevin Fitzpatrick:
Derek Collins [is] a friend of the defendant's, a real good friend.

[This isn't someone] with an ax to grind. Derek Collins is a friend of his. Only person we know to go visit him in the jail besides Mr. Silva's father.

The prosecutor had a point here. Why would one of Jake's best friends say such damning things about him, unless it was all true?

On the other hand, though, if Derek really did see Jake and Renee together after Memorial Day, why would he have told detectives that he never saw Renee after Memorial Day?

On June 11th, 6 days after Renee's body was found, Derek was interviewed by detectives. The interview was recorded. Badly. The quality is terrible. But you can hear the detectives ask Derek: when's the last time you saw Jake and Renee together?

Detective: *When was the last time you seen them?*

Derek:
About two weeks ago, down at Library Park. It had, it had to be on Wednesday.

Detective: *It was definitely before Memorial Day?*

Derek: *Mmhhmm.*

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I last saw Jake and Renee two weeks ago, at Library Park. And Detective Morgan asks: So definitely before Memorial Day?

'Mhhmm,' Derek confirms. Then he explains it had to be on Wednesday, May 24th, that he'd last seen Jake and Renee together.

Susan Simpson [14:49]: Derek Collins declined to speak to us for the podcast. But his mother Janice Noonan had also been a witness in this case. When we asked to speak with her, she'd been welcoming, and told us everything she remembered about Jake, and Renee, and what had gone on back then.

And after talking to Janice, things started to make a lot more sense for us.

She told us that Derek had been close friends with Renee. Not Jake. It was Renee who had been Derek's number one, she said. In fact, she didn't think Derek had even liked Jake all that much, but because Renee had liked him, Derek had tried to tolerate him, for her sake.

Derek and Renee would talk on the phone for hours -- so much so that people in Renee's life had been encouraging her to leave Jake for Derek.

Janice told us that she didn't think Renee and Derek had had that kind of relationship. And anyway, Renee had chosen Jake. So, Derek and Renee were just good friends.

All of this explained some things in the case file though that hadn't quite made sense before. Like how when the police first came to talk to Derek, he told them Renee had confided in him about the guys she'd recently dated, and Derek was able to give them names and details. Which had confused me. Because why had Jake's friend known more about his girlfriend than Jake himself had?

But it seems that, while Jake thought of Derek as being his friend, what he hadn't realized was that Derek and Renee had a close friendship, independent from him.

Janice also told us that Derek had gone to visit Jake in jail – but that had not been motivated by friendship. Derek had gone to jail to confront Jake, and to try and get information from him.

So yeah, after talking to Derek's mother, a lot of things started to make a lot more sense.

After the first time we spoke to Janice, we made plans to go back in a few days later and film an interview with her.

But that never happened.

Susan: Our interview tomorrow canceled.

Jacinda: Oh no. I'm not surprised.

Susan: I really want to talk to Janice again.

Jacinda: Did she say why?

Susan:
She sent an email, I'll show it to you, I haven't had a chance to read through it.

Jacinda: I'm not surprised she canceled.

Susan: I'm not surprised, but I'm disappointed.

Jacinda: We heard her son on the phone, like, yelling at her not to talk to us.

Susan: That's true.

Susan Simpson: Janice was not called to testify at trial. But according to Derek's testimony Janice was also evidence that Jake was lying to police about when he'd last seen Renee. Because Derek testified that he had been in his mom's car when they saw Jake and Renee laying in the grass together, next to the bank on Main Street.

In fact, shortly after Renee's body was found, Janice Noonan had reported to detectives about how, a week or two before, she'd seen Renee and Jake laying in the grass next to the bank on Main Street.

Jacinda:
An adult witness who is, there is no doubt in her mind. Like, she saw them. But why, why wouldn't they have just called her to testify that she saw them?

Susan: Right? Why wouldn't they call -- Why --

Jacinda: Like why not just call her?

Susan:
Because when Janice Noonan first came to the police, she said I saw this. I don't know if it was the Tuesday before she went missing or the Tuesday after.

Jacinda Davis [21:03]: Janice was a postal worker. The day she saw Jake and Renee together, she'd been driving her mail route. That was the route she drove on Tuesdays, so she knew it had to have been on a Tuesday that she'd seen them.

But she didn't know which Tuesday. It could've been after Memorial Day, or it could've been before. Which meant Janice Noonan wasn't useful to the prosecution as a witness.

So instead, the prosecution called her son, Derek, to testify that he had seen Jake and Renee together in the grass by the bank. And that this had definitely been after Memorial Day.

So that's the story the jury heard. It wasn't true, though. Derek had not been with his mother that day.

> **Susan Simpson:**
> One thing Janice was very clear on is that this time when she saw Jake and Renee, she was alone. And she told the police that too.
>
> On this day, whatever day it was she was by herself. Her son gets up at trial and testifies that he was with her. And his mom is very clear, was clear then, is clear now, that he was not there in the car with her.
>
> So, (turn left), I, yeah, I do want, if we do get to talk to Derek, I, I, I'm, I want to find out what, what the deal is there.

Jacinda Davis [22:34]: Derek's mom had been certain that the day she saw Renee and Jake together she had been alone. Derek was not with her, despite what he said at trial.

Derek's testimony could not have been true.

The testimony from Sean Souza and Derek Collins was very much part of a larger pattern in this case.

Few of the teenagers who knew Jake would say the same thing at trial that they'd said in their prior police statements. Most of them said one thing to detectives – and something very different in court.

Though there were some exceptions to this. Like 18-year-old Avelino Alvarez. His police statement and his trial testimony both said pretty much the same thing.

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Susan sat down with me and Kevin to share what she found after seeing Lino's trial transcripts for the first time.

Susan Simpson:
So, Lino Alvarez testifies, and Lino told detectives that six months earlier, before Renee's death, so, December, January, he was at Taco Bell with a dozen other kids.

And Jake comes in, talks to just him, and Jake was angry, starts telling Lino that Renee was cheating on him, she's a slut. And then he just says that he has a plan, Jake has a plan. He's gonna tie Renee up, hang a sign on her that says, 'Free Pussy,' and let all his friends rape her.

Kevin Fitzpatrick: Who, who's saying that?

Susan: Lino Alvarez, who says he's a friend of Jake's.

Jacinda Davis: Jake randomly announces it to everyone at the Taco Bell?

Susan Simpson:
No. They're all just kind of hanging out, but no one else is near them at the time, I guess.

Kevin Fitzpatrick:
And it's the first I'm hearing of it. It doesn't, it doesn't ring true. It doesn't mean it isn't, but -

Susan: It's a -

Kevin:
It's a weird statement. You know, that statement alone doesn't make him guilty, even if it were true.

Susan:
But it also definitely makes the theory a hell of a lot more plausible sounding?

Kevin: Sure. No, that's right.

Jacinda Davis [24:29]: If Lino Alvarez's story is true, then it's pretty devastating for Jake's case. But, once again, there are some things about this story that don't quite make sense.

First, Lino says he is certain this conversation at the Taco Bell took place in December of 1999 or January of 2000. But Jake wasn't even in Manteca then. He was living in Oregon with his

mother. And it wasn't until several months after that that Jake even found out Renee had cheated on him.

Plus, while many of the teenagers who testified against Jake were legitimately his friends, Lino was not one of them.

He and Jake were not friends, that much is clear.

> **Susan:** Well from the sounds of it Lino already hated you before this.
>
> **Jake Silva:**
> I get along, I used to get along fine with his brother Arthur, but Lino…it was off sight for me, is just how it is. I hated him, he hated me.
>
> **Susan:** And you don't even recall why?
>
> **Jake Silva:**
> We used to, we used to talk shit and make fun of him because he had a really big head, you know. It sounds fucked up but, we did. And, and I guess he thought that I was the main source of that, and I wasn't.
>
> Everybody kinda just did it, you know. I think that's where it started.
>
> **Susan Simpson:** Because you made fun of him for having a big head?
>
> **Jake:** He – not just a big head, he had a HUGE head.

Jacinda Davis [26:05]: After Jake's arrest, most of his friends never spoke to him again. One of the few exceptions to this had been Jake's friend Paige. They'd known each other while growing up, and although they'd drifted into different circles as they'd gotten older, they'd maintained a connection.

Paige attended Jake's trial when she could. And she had not been impressed by many of the witnesses against him.

> **Paige:**
> I think it's so funny, like all of these people that say that Jake, like, confided all this shit in them. He wasn't one of those people who was just gonna share all of his information with his friends even, like I never took him as someone who would be like, "oh, we're gonna r-, run a train on that slut."

Like I, he just didn't have that chauvinistic fucking asshole vibe to him at all. I would never see him saying something like that.

Susan:
He also apparently told Sean Souza that if Renee didn't get an abortion, he was gonna beat her head in.

Paige: I feel like a lot of people just wanted to be involved.

Susan: There was also a twelve-thousand-dollar reward.

Shortly after Renee's body was found, a reward was announced for information leading to an arrest and conviction in the case.

The amount increased over time, until finally topping out at twelve thousand dollars. And in interviews, the police made sure everyone knew about it.

For instance, Jake and Renee were known to hang out often at the KFC on Yosemite Avenue. And in the transcript from an interview with one of the employees there, the detective tells him:

"Have you seen that there's an eleven-thousand-dollar reward? Lotta money, ok. And I know… KFC can't be paying you too big a money. So keep your ears open, okay?"

Josh Burroughs knew about the reward too. In one of his interviews with the defense investigators, while Josh Burroughs was complaining about how much trouble this case was causing him, he said: "I don't care about the reward anymore, I just want my life back."

In the end, though, none of the witnesses who testified at trial got the reward. Because if they had, the prosecutor would have been Constitutionally required to inform the defense of that. And Schultz never said anything about it.

There was one other teenager, aside from Paige, who did not think that Jake had committed this crime. That was Jake's friend Louis, who had been 16 years old at the time.

Louis:
Yeah, I didn't think he was guilty at all. I think the Manteca PD did a fine job of manipulating children.

Susan:
And you know that at least some of the evidence against him wasn't true because you were some of the evidence against him.

Louis: Some of the evidence against him was me.

Susan Simpson [33:50]: At Jake's trial, Louis had been called as a witness because of statements he'd made to detectives in the weeks after Renee's body was found.

I read to Louis one of the police reports about him.

Susan:
Louis 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'.

Did you ever see that happen?

Louis:
I've seen them, I've seen them arguing.

"I'll kill you bitch," no, that never, I never heard that.

Susan Simpson:
"Louis said that Jacob became very angry during this argument and that he slapped Renee in the face once."

Louis: Yeah, I never seen him hit her either.

Susan Simpson [34:29]: Louis told us the police never threatened him into making a false statement. Nor had they promised him any rewards for doing so. It hadn't been like that.

But in the end, Louis had said the things the police wanted to hear. Even though those things hadn't been true.

Louis:
What happened there is the fucking police fucking manipulate fucking kids into saying shit.

'Oh, you sure?' You know, and you, you get tired of getting hounded and, and you say one thing, they say the other.

The cat and mouse game. You know?

Susan: So, you finally say something they want you to say.

Louis:
Yeah, I'll say whatever to get them the fuck away from me. I got other shit to do.

You've got to understand how those cops were just on it. I mean, they're trained, they're detectives, you know and you're, you're battling a sixteen-year old's mind. Come on now.

Because I was very weak-minded then, you know, and a lot of kids were.

Susan: So, they said some shit to the cops to get them off their back.

Louis: Just whatever needed to be said.

In the moment, saying those things to the detectives hadn't seemed like such a big deal. But when Louis received a subpoena requiring him to testify at Jake's trial, he realized he'd screwed up.

Susan: And then come trial time…

Louis:
Shit, that's when you're up to bat and shit gets real.

I talked to my mom about it, you know, my mom's been around the block. She's pretty game tight.

Told her what happened, and she said, "Well when you go on that stand you tell them the truth. Don't matter what you told the cops. You tell the truth."

I don't remember exact words, but I know when I did go up on the stand, no that didn't happen.

Susan:
They ask you, did you say this? And you're like, I probably did, but that's not true.

What stood out from, from your testimony is that you actually tried to correct it.

Louis: Yeah.

Susan: You think it's possible there were other witnesses, who didn't?

Louis: Yeah, guaranteed there was.

Susan Simpson [36:20]: During the investigation into Renee's murder, lot of teenagers had said a lot of damning things about Jake. But at trial, a lot of them tried to take it back.

Like 14-year-old Josh Burroughs. Although by the time of Jake's trial he was now 17 years old. And he testified once again that he had never witnessed Renee's rape or murder.

Renee's friend Jackie told us what it was like to be in the courtroom when Josh was examined and cross-examined in endless circles for days on end.

Jackie:
It was uncomfortable listening to him. Just because why is he even here? It seemed like it was such a disservice and waste of time. And almost disrespectful to the trial.

If he's changed his story so many times, why are we even allowing him to speak anymore?

Susan Simpson [37:21]: To try to prove that Josh Burroughs hadn't simply made the whole story up, the detectives testified about how they had once taken him to Home Depot, and he'd led them to the exact spot where Renee's body had been found. This, they said, was proof that Josh really had been there when Renee was killed.

But to Renee's friends, this evidence hadn't been entirely convincing.

Jackie:
I guess they were saying, like, what solidified the case was that he unguidedly showed them where she was.

But that was after like we went in, and we knew the location. We wrote on the floor in there.

Like, we had a Sharpie, and we wrote, 'we love you, Renee,' on the floor in the location of where she was found.

Jacinda Davis [37:59]: Louis and Josh Burroughs were not the only teenagers who got up on the witness stand at Jake's trial and testified that everything they'd said to detectives had been a lie. That they'd made it all up.

Prosecutor Charles Schultz had to find a way to explain what was going on. And he does.

These witnesses all lied at trial, Schultz says, because they were all members of the Grim Crew skater gang, and Renee's murder had been, quote, "a Grim Crew situation."

In closing arguments, Prosecutor Schultz tells the jury:

> ***Kevin Fitzpatrick:***
> *Grim Crew is not a skate club or association. They ain't the Boy Scouts. It's a hard-core group of boys[.]*
>
> *The fear of retaliation permeates this group, and it came through with most of the witnesses that testified. It came through in their demeanor and their attitude. … [And their] fear of retaliation from Grim Crew."*

These teenagers told the truth to the detectives, Schultz said. But then they'd lied on the witness stand because they knew that if they testified against Grim Crew, then Grim Crew might kill them too.

Susan Simpson [38:56]: Renee's friends told us that there were a lot of things about this case that never made sense to them. And that's probably because there were a lot of things in this case that the prosecution never tried to explain.

Things like Renee's missing backpack.

> **April:** They never found the backpack?
>
> **Jackie:** Uh-uh.
>
> **Susan:** Or the shoes.
>
> **Jackie:** Never found her backpack or her shoes.
>
> **Susan:** Or possibly her socks.
>
> **April:** I don't understand that. How is that possible?
>
> **Jackie:** Just-
>
> **Jacinda:** It's somewhere.

Jackie/April: Yeah.

Susan Simpson [39:40]: Another thing the prosecution couldn't explain was when the party at Home Depot had even happened.

April:
Well, and there's no specific day either, if there was this big party at Home Depot there's specifics, but you can't tell me what day.

Jake's story has always been that he last saw Renee on Monday morning at Labor Ready. Multiple witnesses confirm that starting on Monday afternoon, Jake was asking if anyone had seen her. And that he spent much of the next week going around town looking for Renee.

But investigators believe this was all a ploy of some kind. They believe that when Jake first started going around looking for Renee, Renee hadn't been missing at all. In reality, she'd been alive and well and walking around Manteca for several days more.

Because Derek Collins testified that he saw Renee on Tuesday or Wednesday. So, she must have still been alive then. Prosecutor Schultz suggests then that maybe the party was held on the evening of Wednesday, May 31st.

Except – then there are two more witnesses who testified at trial – Renee's friend Aaron Due, and Fuji's neighbor Amy Tietjen. And both of them testified that separately they had seen Renee walking down the street on Thursday, June 1st.

And if Renee was still alive on Thursday, well then obviously she couldn't have been killed on Wednesday night. So maybe she was killed on Thursday night?

But hold on a minute. We know the Home Depot party could not have happened on Thursday night. Because that's the night that Jake was hanging out at the KFC. We know this for sure, because he tried to report her missing to a police officer he saw there.

So maybe Jake tried to file a missing person's report for Renee before the murder had happened, knowing that they planned to kill her soon? How does that make any sense?

In closing arguments, here's the explanation that Prosecutor Schultz ultimately settles on, to explain when the party at Home Depot took place.

Kevin Fitzpatrick:
We've alleged … that the crime occurred sometime between the 29th of May and the 5th of June of the year 2000. And it's because we don't know the exact date that it happened. …

> *[W]e know for sure she was dead on the 5th because that's the date we found her. … And we know she was dead a minimum from two days[,] [a]nd it might be a little longer.*
>
> *We've got two to five days. And in looking at that two to five-day time period the most reasonable [date] is somewhere about 31st of May -- or, no, the 1st of June.*

Susan Simpson [42:07]: This inability to say when Renee actually died had bothered Renee's friend Jackie back then. And it bothers her even more now.

> **Jackie:** How can we have certainty if we don't even have a day?

Jacinda Davis [42:22]: We don't have a day in this case, because for many of the witnesses, that week after Renee's disappearance was something of a blurry teenaged haze. These kids just do not remember when things happened. Not then and not now.

But there are a few events that we can pinpoint in time precisely.

For instance, we know exactly where Jake Silva was on Wednesday, May 31st, from 7:04 to 7:49pm, and on Thursday, June 1st, from 6:01 to 7:24pm.

Jake was at a hair salon. He'd found a hair stylist who'd agreed to cut his hair for free.

> **Jake Silva:**
> My mohawk was black. When she first cut it, it was all the way black. And the next day, I went back and she bleached it.
>
> It was pure white like white-white, and in the middle it was black, and the tips were red. It was bad ass how it came out.

Jacinda Davis [43:22]: The hair salon was in the same shopping complex as the Food-4-Less grocery store. Security camera footage from the Food-4-Less shows Jake going to the hair salon first on Wednesday to get the mohawk, and then returning the next day to have it bleached and dyed with Manic Panic.

And on Thursday, Jake had not been alone. Another teenager is on camera arriving and departing with him.

That teenager was 16-year-old Jesse Howlin. And we know Jesse and Jake continued to hang out together that evening after leaving the hair salon. Because at 11:14pm, Jake saw a police officer at the KFC, and tried to report Renee missing.

Susan Simpson: Jesse was there with you at the time?

Jake Silva:
Jesse was the one who told me 'hey there's a cop right there'. He's doing, like somebody getting a ticket or something, it's the perfect time.

I didn't even see him, Jesse is the one who seen him. Soon as that cop wasn't busy, I went straight over there to him and told him about Renee and gave him Renee's mom's phone number and everything.

So, the detectives knew Jake had been hanging out with another teenager that day. The thing is, though – they couldn't figure out who he was.

Finally, on September 5th, Detectives Souza and Wells decide they'll just ask Jake: who's the kid that was with you at the hair salon, they ask him.

Jesse Howlin, Jake tells them. This is a big break for the detectives. The next day, they will go and interrogate Jesse Howlin.

And Jesse will tell them something that sets in motion the chain of events leading to the arrest of Jake and Ty and Ray.

Susan Simpson [48:00]: Jesse Howlin is a critical witness for the prosecution. Because he's the answer to a big gap in their case. Which is: Why exactly would Jake Silva and Ty Lopes commit a crime together?

Jake Silva:
See that's the whole thing, I didn't really hang out with Ty. He wasn't my friend. Robbie was my friend. He would buy us beer sometimes. He was just Robbie's uncle. I didn't like hang out with him on a daily basis.

Jake says that after the incident where Ty had touched Renee while she was sleeping that he had avoided Ty.

They weren't hanging out, they weren't doing things together aside from the time Jake had pushed him down and kicked him in the head anyway.

And detectives had no evidence that would show otherwise. Not until they found Jesse Howlin.

Proof.

Susan Simpson: Jesse Howlin's story is chaotic, but goes something like this:

On Thursday, after Jake tried to report Renee missing at the KFC, he and Jake went to Ty's house. Jake's friend Ray Goans is with them too, but he and Ty's nephew Robbie go off together somewhere, so they're not around for the rest of the night.

Jesse says he didn't know Ty and he was only there that night because Jake had brought him, and this was the only time he ever hung out inside Ty's house.

But that night, he, Jake, and Ty left the house to go find a 13-year-old girl, who lived a few streets over. They brought the girl back to Ty's house, where they hopped over a fence and snuck in the back sliding glass door and took the girl to Ty's bedroom. That's when Jake and Ty sexually battered the girl, groping her, trying to put their hands between her legs, trying to kiss her. While she protested and yelled at them to get away from her.

Jesse gets tired of this and says to Ty, "Hey dude, let's go to bed, tell the little girl to go home."

Which made Ty mad. He started yelling at Jesse, telling him not to tell him what to do in his own home.

Finally, at around 4:30am, Ty, Jake, and Jesse took the 13-year-old girl back to wherever it was she came from, and they left her there.

For the prosecution, Jesse Howlin was great evidence. Jesse's story shows that Ty and Jake are capable of gross predatory acts – and it also proves that Jake's claim that he was upset with Ty for touching Renee had been a lie.

It proves, Schultz tells the jury, that Jake and Ty had still been friends:

> ***Kevin Fitzpatrick:***
> *[W]here did [Jake Silva] go that night on [June 1st]? To Ty Lopes' home. He goes and stays with Ty Lopes …*
>
> *Here is a man, according to [Silva], who has molested Renee and did this disgusting thing, … whose ass he had to kick. Here is a man [that] did that, and this is where [Silva] stays that night. … That doesn't make sense.*

Susan Simpson [50:46]: What about that 13-year-old girl, though? What does she say happened that night, in Ty's bedroom? Does she verify what Jesse Howlin said?

Well, we have no idea. Because detectives have no idea who that 13-year-old girl is. They never try to find her, at least as far as their records show.

Jake says he does remember a night when he and Jesse ended up at Ty's house. He thinks that really did happen.

> **Jake Silva:**
> Yeah, just one of the night's me and him were out fucking around, skating around town or whatever and we ended up at Ty's house because we didn't really have no where to go. I think I went there for Robbie.

There was no 13-year-old girl being molested, nothing like that happened that night. Jake says he has no idea where Jesse got that part from. But Jake does have a memory of a night when he was at Robbie's house, in the same room as Ty and Jesse. Jake thinks that really did happen.

What Jake doesn't remember is when this happened.

The prosecution says the night Jesse is talking about took place during the week when Renee was killed. But what if Jesse had his dates wrong?

What if we could prove that the night Jesse is talking about happened weeks earlier – before the night that Ty touched Renee, and back when Jake was still willing to hang out with Ty?

That would matter because Jesse's story about this night at Ty's house is the only evidence that Jake and Ty had any existing social relationship at the time of Renee's disappearance.

Aside from Jesse Howlin, all the other evidence shows that when Renee went missing, Jake hated Ty. And if Jake had seen Ty during this time period, he wouldn't have been inviting him to a party. He probably would have pushed him down and kicked him in the head again.

Jacinda Davis [52:42]: The witness testimony in this case may have been a mess. But Renee's friends could find comfort, at least, in the fact that there was forensic evidence that showed who had killed Renee.

> **Lori:**
> I remember them really like talking about like, something under her nails, skin or DNA under her nails.
>
> **Susan Simpson:** Did you think that Jake and Ty's skin's under her nails?
>
> **Lori:**
> I feel like that's what they were trying to say in the trial because in my mind,

they're not gonna convict them if they don't have DNA, right?

Jackie:
I remember that there was a hair that possibly had matched trace DNA of Ty and another hair that had trace DNA of Ray.

Jacinda Davis [53:31]: There were a lot of people we talked to who remembered something about hairs and DNA evidence proving Jake's and Ty's guilt at trial. And Ray's guilt too, for that matter. But that's not something that was ever actually said in court.

Jacinda:
They do talk about fingernail scrapings or, you know, so it is mentioned.

Susan: Yeah.

Jacinda: And sometimes, they can talk about it in a way…

Lori: That makes you, puts a picture in your mind, right.

Susan: You assume a conclusion.

Lori: Right.

Susan Simpson [54:06]: Here's what the hair evidence actually showed. Investigators found 17 hairs around Renee's body, a number of which, at first glance, had seemed to be of possible forensic interest – like the wavy brown hair two inches long that was found tucked inside of Renee's panty line. Though, oddly, that hair turned out to have come from a dog. Then there was the human hair that was found clutched in Renee's left hand – that hair did not come from Jake or Ray or Ty, so I guess it didn't matter.

In fact, none of those 17 hairs could have possibly come from Jake Silva. The State's hair expert concluded that they were just too different.

When it came to Ray and Ty, though, there were two hairs of possible interest. The hair expert testified that there was a pubic hair found near Renee's body that had some characteristics in common with Ty's hair samples. Though, not very much in common. The expert's report reads: "Ty Lopes cannot be eliminated as a possible donor" of the pubic hair, but "the strength of the comparison is not strong."

There was also a body hair found. The analyst concluded that this hair had similarities with Ray Goans' back hairs.

But this doesn't tell us anything about whether these hairs actually came from Ty or Ray. They could've come from millions of other people, too.

There's also another possibility here that can't be ruled out about where those hairs came from: they could have belonged to Renee herself.

The medical examiner forgot to preserve a sample of Renee's own hairs for analysis so no comparison can be done.

Jacinda Davis [55:42]: Aside from the semen in Renee's underwear, which had come from Jake Silva, no other DNA was found on Renee's body. They had checked under her fingernails – but found nothing to indicate she had scratched or grabbed at her assailant.

In fact, Renee did not have any injuries of the kind that might suggest she'd been fighting back against her attacker.

> **Jackie:**
> Well, was there any ligature things, like, on the wrists or on hands where like was she tied at any point and released?
>
> **Susan Simpson:** No. It doesn't seem like that. There's no indication anyway.
>
> **Jackie:**
> You would think that if she was lucid enough, that she would be like, there would be, like, trying to claw underneath the -
>
> **Jacinda:** If she was.
>
> **Susan:** That's, that's what I mean, yeah.
>
> **Jackie:** Yeah, trying to claw underneath-
>
> **Susan:** And there's no sign of that, which is, it is, it is strange.
>
> **Jackie:** Yeah. Which goes back to the was she incapacitated?
>
> **April:** Exactly, mm-hmm.

Jacinda Davis [56:32]: Jake says he's never been able to understand why Renee lacked any defensive injuries. He says it makes no sense to him.

Jake Silva:
Renee was a fighter, she just, she wouldn't just lay down and let somebody hurt her, she would try her hardest. I know her, I know her.

Susan: She'd have fought back?

Jake: With all her heart, you know?

The detectives in this case seem to have been confused about this as well. And tried to come up with their own explanation for why Renee did not have defensive injuries.

The first time they spoke to Jake, they'd quizzed him about his and Renee's drug use, but Jake had denied any serious drug use by either of them. They smoked weed on occasion he said and had experimented with other drugs but not seriously, and not recently.

Both his blood and Renee's blood was tested, and the results of the tox screen backed Jake up. Both of them were negative for everything.

Months later, Souza and Wells sent in a request for a second drug screen, this time asking the crime lab to test for a substance they hadn't tested for before:

They wanted to know if GHB was present. They wanted to know if Renee had been roofied.

The result came back positive… Well, sort of. GHB was detected in Renee's blood. Although GHB can be used as a so-called "date rape" drug, it's also a naturally occurring compound that's found in all of us. And after death, the amount of GHB in our bodies increases, as part of the decomposition process.

The GHB level in Renee's blood was a little higher than you'd expect to find naturally. But it was also a little lower than you'd expect to find from someone who'd been drugged. But within the possible ranges for both scenarios.

Jackie:
It's like, okay, well, maybe the, the GHB that was in her system was actually from an attack, but, you know, but it still just –

Susan Simpson:
[Talk over] Yeah, we just don't know. They're really frustrating numbers in that it's, like, right in the, the (Talk over) area where we could –

Jackie: The gray area.

Susan: It could be either way.

Susan Simpson [59:04]: Prosecutor Charles Schultz acknowledged that the test results cannot prove that Renee had been drugged. But he told the jury, that it makes sense that Jake and Ty had roofied her before the attack:

> ***Kevin Fitzpatrick:***
> *By itself you can't say [ ] that she was drugged. [Y]ou have to look at the other evidence. … [I]f you wanted to get to a girl who didn't want to be raped, some girl who with a urinary tract infection who is pregnant and wants to leave the boy she's with, do you think she's going to settle down for this. How would you get to her except for drugging her?*

The issue of Renee's second pregnancy was a narrative woven throughout the prosecution's case at trial. It explained why Jake had been so angry, why he'd wanted to kill Renee.

But after looking into this case, I noticed something that I knew I needed to tell Jake about, though I knew it would upset him.

> **Jake Silva:**
> Yeah, it killed me when they said she was pregnant when they found her body.
>
> **Susan:** She wasn't.
>
> **Jake:** She wasn't?
>
> **Susan:** She was not.
>
> **Jake Silva:**
> They even said it at trial. Was that like a tactic of theirs to fucking hurt me that much more, by saying that?

Susan Simpson [01:00:16]: I don't think this was a tactic to hurt Jake or anything like that, but when the medical examiner testified that Renee was 8 to 10 weeks pregnant, he was wrong.

Pregnancy math can get complicated but the math in this case just does not add up.

Proof.

The simplest way to explain it is this: 6 weeks after an abortion, you cannot be 8 to 10 weeks pregnant. And 3 weeks after a negative pregnancy test, you also cannot be 8 to 10 weeks pregnant.

And math aside, the autopsy report does not show a current pregnancy.

Sometimes, following an abortion – whether spontaneous or induced – there is something called retained products of conception, where tissue gets left behind in the uterus. Sometimes this resolves on its own, but sometimes that tissue can lead to infection.

In this case, the medical examiner found something he described as 'reminiscent of products of conception'. He found a 1-centimeter-long piece of tan colored tissue that, under microscopic examination, turned out to be trophoblastic in nature. That is, the tissue that surrounds a developing embryo, and develops into support structures like the placenta.

The medical examiner found nothing that came from a developing embryo or fetus. Nor did he find any thickening of the endometrial lining, which would be necessary to support a pregnancy.

In short, the autopsy did not find evidence that Renee was currently pregnancy. Though, there was an indication that she recently had been — which would make sense, given the terminated pregnancy a month before.

According to the detectives, though, Renee's second pregnancy was the whole reason she had gone to the Home Depot in the first place.

> **Susan Simpson:**
> The party was being held to celebrate her pregnancy, according to Josh Burroughs, yeah.
>
> **April:** What?
>
> **Jackie:**
> Yeah, and I remember feeling confused. I remember that in court. And saying, like, oh, well, you know, that she was still pregnant. And we're like, no, she had an abortion. You know?

Susan Simpson [01:02:20]: There was one final witness at Jake Silva's trial that's worth mentioning. And that's Jake Silva himself. He took the stand and testified in his own defense for two days.

> **Susan:** Do you recall Jake's testimony?

Jackie: Yeah, I remember him being on the stand.

April:
I do, too. That is all I remember, is him being on the stand. I don't remember the words.

It's uncommon for a murder defendant to testify, and when it happens, it's usually a notable and intense portion of the trial.

But to Renee's friends, there'd been nothing about it that stood out to them from Jake's testimony. He pretty much just said the same things he'd been saying all along.

Jackie:
Like, I feel like his story has never changed from, in, in my memory, is, like, he, you, you know, saw the cop at KFC. He went to Labor Ready to check on her. He went to the park and waited for her. When she didn't show up to the park, he went back to Labor Ready.

Susan Simpson [01:03:14]: Jake's trial began in November of 2002, and lasted for six weeks.

Ty's jury had taken four days to reach a verdict. It took Jake's jury less than four hours. They found him guilty both of both rape and murder.

Jake Silva:
Couldn't believe it. Like fuck. Nobody, nobody cares about the truth, nobody cares about the reality of anything here.

Renee's friends had cared about the truth. And they knew they hadn't gotten it.

Jacinda Davis:
So, did you feel like, at the end of the trial, were you satisfied? Like, were you convinced it was Jake? And…

Susan Simpson: Or that you knew what happened.

April: I will easily say no.

Susan Simpson [01:04:03]: Which is one of the reasons why revisiting these memories is so difficult for them. Because it means confronting the possibility that the closure that they thought they'd found had been an illusion all along.

Jackie:
It’s, like, hi-, I, and, it, it's hard to say. Like, he, he didn't, he didn't do it, or he didn't, you know, like, I don't want to say, like, and it's weird for me…

April:
But also, there's this huge part of me that looks back now as an adult and recognizes that predetermined, sort of suspicions about Jake, just made it simple to be able to, to want to believe.

Renee’s friends know that, with us looking into the case again, they might lose whatever sense of closure they thought they’d found. But it wasn’t closure they’d wanted in the first place. What they’d wanted was the truth.

Lori:
I mean, for us any more clarity or any more answers that we can get that's important to us.

And maybe it doesn't leave us with more answers. Maybe it leaves us with more questions. But… the truth probably does need to come out.

I’m hoping you guys find out what happened.

Susan Simpson: Me too.

***

Jacinda Davis: Next week, on Proof:

Jake Silva:
You don’t have a clue of what I’ve had to deal with just based on the rape charge alone.

***

Male Speaker 1:
Guys like me that don't have nothing to lose, when we're not having to stress out or whatever, that's what we do. We, we, we go get those guys.

***

Proof.

Paige:
I more so wrote him just to kind of keep his spirits up. And just to like, be there for like someone for him to talk to.

***

Mandi:
He was all excited. He was like, they accepted my case, and he said, oh, now it's just a matter of time.

***

Jake Silva:
All I remember is waking up out of the coma. I could barely see, and my whole family was in the hospital room. I didn't know what the hell happened.

***

Jacinda Davis: You've been listening to Proof, a podcast by Red Marble Media in association with Glassbox Media.

We'll be back next week with Episode 6. Send us your questions and comments at proofcrimepod@gmail.com. We'll respond during our bonus episodes – Proof: Sidebar – on Thursdays.

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Susan Simpson: And lastly, a note to our listeners if you have any information related to this case, we'd love to speak to you, no matter how small a detail it may seem. It just might be more important that you realize. You can reach us by email or leave us a voicemail at (929) 267-3172.

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