**Proof: A True Crime Podcast**
**Season 2: Murder at the Warehouse**
**Episode 6: Mule Creek**
**Monday, February 19, 2024**

> **Jake Silva:**
> One day at a time, I can't do that. I gotta go like one hour at a time. It's more like half hour by half hour. Sometimes it feels like time drags on real slow. Next thing you know, I'm 42.

**Jacinda Davis [01:37]:** Jake Silva has spent most of his life in prison. For the past 23 years, that's all he's known. But he says it's never really felt like it's his life he's been living in there.

> **Jake Silva:**
> I'm living somebody else's life. Whoever that person is, is living my life, and I'm living his. Like we got, like somehow, someway, we got mixed up.

The person who killed Renee, whoever they may be, is walking around free. And Jake is living the life they should've been living. That's how Jake imagines it, anyway.

> **Jake Silva:**
> Like I was skating down the street and fell into an alternate dimension. And we switched lives somehow. I'm living his life and he's living mine. He should be, he should be dealing with this shit.

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**Susan Simpson [02:42]:** I'm Susan Simpson.

**Jacinda:** 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.

**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.

You're listening to Episode 6: *Mule Creek*.

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**Susan Simpson [03:33]:** Jake Silva would be the first to admit that he's been institutionalized. He knows how to live in a jail cell. He's pretty good at it.

> **Jake Silva:**
> I see everybody else around me struggling, running out of toilet paper, running out of this, doing this or that, having problem after problem. I don't have not one of those problems.

In prison, you don't have much to work with. But Jake knows how to make do with what he has.

> **Jake Silva:**
> You should see…I wish there was a way you could see my cell. I got badass shelves up on the wall that I made.
>
> It's probably the cleanest cell in this whole building. It's really nice. My bed's rolled up real nice. Everything's folded up nice.

It's not just his cell he keeps clean either. Jake had mentioned to me before that, in the evenings, he'd go out and clean the showers. But I'd assumed this was a job or something that he'd been assigned to do.

> **Jake Silva:**
> It's [unintelligible] cool with all these COs that work in here, so they let me stay out and clean the showers.
>
> **Susan Simpson:** Oh, you want to clean the showers.
>
> **Jake Silva:** Which is good.
>
> **Susan:** Wait, so you volunteer to clean the showers?
>
> **Jake Silva:**
> Yeah, I got to focus on something positive for myself. Living in a cesspool, you know, I'm miserable.

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**Susan Simpson:** Jake is good at surviving in prison. But that does little to blunt the misery of being caged.

> **Jake Silva:**
> Here there's a season when tarantulas come out. And these fucking idiots they go and catch them and bring them in the building and try to sell them. Because there's always guys around here that want to have a pet, you know? I hate that, too.
>
> Why would you want to have a little animal locked up in a cell? It's bad enough you're here, you know?. Or I'm here. And you want to have a little animal locked up like that.
>
> And I bought 3 of them. I gave one guy coffee, I gave one guy a couple soups. And I went and let them go.

**Susan Simpson [05:15]:** If Jake can't be free, at least the tarantulas can be. But from talking to Jake, I always get the sense that it's not the prison walls that make life in prison so unbearable.

> **Jake Silva:**
> It's not really prison itself. But it's just… the people. 'Cause there's nothing but hatred and anger and misery. I'm like an alien in this environment. That's really how it feels. I don't fit in…period.

Doing time in prison is hard. Doing time in prison with a rape charge is much harder.

> **Louis:**
> I can only fucking imagine what that fucking guy's gone through. He's got a fucking 'R' on his jacket. He's got a fucking target on his head. That R fucking is no joke.

That's Jake's friend Louis. Louis has spent time in prison himself. And he has seen first-hand what having an R on your jacket – a rape charge – means for an inmate.

> **Susan:** Would his life have been easier if he didn't have the R?
>
> **Sachse:**
> Yeah, it would've been a lot easier. Fucking-a right. They wouldn't have guys like me in there trying to stab him.

For the past 23 years, Jake's reality has been waking up in a cage surrounded by people who are waiting for their chance to kill him.

**Jake Silva:**
You don't have a clue of what I've had to deal with, just based on the rape charge alone. That stupid letter is all that matters. I hate it with all my heart and soul.

**Susan Simpson [06:46]:** Inmates who have the R can't afford to be making themselves even more of a target, Jake has told me. So, he doesn't do that; he minds his own business.

**Jake Silva:**
Literally the only way to stay out of trouble is to stay in my cell. I don't leave my cell for nothing.

And yet, sometimes Jake will tell me stories about his day that suggest he does not always follow his own advice.

**Jake Silva:**
There were bats. There was two, uh, free tail bats, little guys. I love bats, I got them tattooed all over me.

There was these idiot porters throwing shit at the fucking bat. It was scared, it didn't know what the hell was going on. I told all those dudes, "Hey man."

They were throwing shoes at it, I told 'em, "You throw that shoe at that bat, I'm gonna knock your jaw off."

He stopped, "Well get it out of here then, they carry diseases."

I said, "Man, you probably carry more diseases than that bat does, that bat is just scared, it's not hurtin' nobody. It's just scared."

I spoke to an inmate from the California prison system, a guy named Allen, who has done time at some of the same prisons that Jake has been in. And Allen told me that by putting himself out there like this, by refusing to back down, Jake makes himself more of a target.

**Allen:**
I don't know why he would walk around that yard like that, that's the last thing you need to do is draw attention to yourself.

**Susan:**
At the same time, if he'd been like skulking around and weak, wouldn't that also make him vulnerable?

**Allen:**
No, because there is a lot of sex offenders there and they're out the way, they don't want no attention, they're like, hey, I don't want no problems. They're making sure they're out the way.

**Susan Simpson [08:23]:** Most sex offenders try to stay out of the way. For their own survival. Jake does not always do that. But he has made it through so far, somehow.

**Jake Silva:**
Yeah, I was strong. You had no choice but to be strong. Either that or die, or something, you know? Luckily, I have a strong head. A hard head. The sucker punches, they don't do nothing to me. Just bounce off.

**Jacinda Davis [08:58]:** Having a hard head, as Jake puts it, has helped him, but so has learning new skills while in prison. Not long after his conviction, Jake got his first prison tattoo and found his new passion in life.

**Jake Silva:**
In 2003, so I was 21, I moved in with this guy from San Jose and he did my whole left arm. I was just watching him do it, and I'm really good at drawing, so I just fell into it.

I do portraits, everything and I got really good. Everybody wants tattoos around here. Especially if they're good. Usually, I land on a yard somewhere, and people are like, "Oh, yeah that dude, that dude tattoos hella good."

Everybody like, helps me out and looks out for me because they know how good I am at tattooing. Everything's easy. And then, you know.

And then, eventually, someone on the yard finds out about the 'R,' the rape conviction. And things get hard again.

**Susan Simpson:** Does it ever get easier?

**Jake Silva:** No. Nah, it just gets worse and worse.

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**Jacinda Davis [13:30]:** Before Renee's murder, Jake had had a lot of friends. After his arrest, though, almost none of them were willing to call him a friend any longer.

**Paige:**
Everybody just fell off the f-, face of the earth. Like, nobody wrote him. Nobody, they just all, you know.

That's Jake's childhood friend, Paige. After Jake went to prison, she made a point of staying in touch with him.

**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.

**Jacinda Davis:** Most people from Jake's previous life wrote him off completely. Paige's family wished she'd done the same. She was told that it was not a good idea to talk to him.

**Paige:**
He was just worried that, like, other people would find out and be angry about it. People just wanted it t-, to go away.

**Susan Simpson:** Yep, they still do.

**Paige:**
Yeah, they just wanted it to be done. And like, they just wanted to be like, this is the story we've given you. Accept it and move the fuck on.

And so, I think he was just worried, because again, I was like, one of the only people who was still talking to Jake.

Paige wasn't just one of the only people, she was kind of the only one, aside from his family. But the lives they were leading were very different and maintaining a friendship with Jake was hard. And it just got harder as the years went on, and the gulf between them grew wider.

**Paige:**
One of the reasons why me and Jake stopped talking is just, I mean, he went in there when he was so young. He has no like, bearing of like, responsibility because he never had to have responsibility.

I mean, he has whatever he has in there, but it's not the same as like, real life things. He never got to grow up.

In prison, having a rape conviction puts a target on your back. And in the outside world, being the daughter of a convicted rapist carries its own kind of stigma.

**Jacinda:** Because of your dad, you get shit around town as well.

**Mandi:** I used to. Not anymore.

Mandi's life wasn't easy after her dad went to prison. Everyone knew her dad was Ty Lopes and everyone believed he had killed and raped Renee. For Mandi, it got so bad for her that staying in school wasn't really feasible.

**Jacinda:** And that's not what your dad wanted for you.

**Mandi:**
No. He was upset. He was even telling me to change my last name to my mom's name so that nobody would mess with me.

**Jacinda Davis [16:17]:** The police in Manteca had not liked Ty Lopes. Some of them carried that dislike over to his daughter.

**Mandi:**
I got arrested, this was years later. I think I was, like, eighteen or twenty and they were back there watching me, like, him and three other cops.

He was, like, "I wanted to see Ty Lopes' daughter."

He's all, "By the time I retire, I'm gonna put you away like your dad."

And I was, like, "whatever." I was like, "try."

But um yeah, Tony Souza was mean.

When Ty Lopes was arrested for Renee's murder, one of the first things he did was to call his daughter Mandi from the jail payphone, and he told her that he was coming home.

Even after his conviction, when he'd call her from prison, he never stopped telling her that.

**Mandi:**
He said, "I would tell you, if I was not coming home."

He said, "I wouldn't just tell you I'm gonna come home and not come home or try to come home."

Ty assured Mandi that he wasn't telling her that he'd be coming home to give her some kind of false hope. He was telling her this because he believed it.

**Mandi:**
And he said, he's not going to stop. But he said there's only so many places he can go to reach out to try to help him, that if there was something that told him like, it's done, and it's over, he said, I'll tell you.

Ty ended up at Mule Creek State Prison – a prison that had a Sensitive Needs Yard for inmates at risk. Inmates like Ty. Mandi and her aunt Elena didn't know the full extent of Ty's problems, but they got glimpses of it.

**Mandi:**
I remember I went and visited him one time and he had a black eye but I think that was more like gang members getting him off their yard or whatever, because of what he was in there for.

**Elena:** Well, that, and he was known as the preacher.

**Susan Simpson:** The preacher?

**Elena:** Yeah.

**Susan:** How?

**Elena:**
Preaching Jehovah Witness words. You know, he just, I guess, when you get locked up, everybody finds God in some way. But that was his nickname is, the preacher.

**Jacinda Davis [18:30]:** While in prison, Ty never stopped his quest to have his conviction overturned. For years, he represented himself as a pro se litigant, filing hundreds of pages of motions and petitions with the court.

The dockets are filled with his pleas. Like a letter written directly to a federal judge: "I'm sorry to bother you sir, but I am totally innocent, and I believe Jake Silva is too. Have a good day, your honor."

Or a handwritten habeas petition, carefully setting forth a claim for relief: "I have been railroaded. It is totally obvious my conviction must be vacated now. It is so obvious that … there is no case law needed to be cited."

**Mandi:** He did always say stuff like that, too.

**Susan:** Yeah. Just, you can hear the desperation in his filings.

**Mandi:** Yeah. No, he was very desperate.

**Susan Simpson [19:32]:** Ty's legal arguments were not the sort that are likely to succeed in post-conviction proceedings. Without a lawyer, Ty had no chance of ever getting anywhere with his case.

**Mandi:**
He was trying everything he could. I know he was trying to get in with the Innocence Project. And then he was really happy once they accepted it.

**Susan Simpson:** It wasn't the Innocence Project that took on Ty's case, but a similar organization called Centurion Ministries. Similar to other Innocence Project chapters around the US, Centurion Ministries advocates for the wrongfully convicted.

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

He's like, "I'm gonna be coming back."

Centurion Ministries accepted Ty's case in 2011 and partnered with an Innocence Project chapter in California to represent him in court. Finally, after years of failed legal efforts, Ty's case got the breakthrough it needed. He had attorneys who began working on his behalf.

Then, on Halloween night in 2011, Mandi got the phone call.

**Mandi:**
I was out trick or treating with my kids and I guess maybe my grandma waited until the end of the night.

She ended up calling me and she was like, "I'm sorry, baby, your dad's dead."

And I kind of started yelling at her. I was like, "Don't lie about something like that, why are you saying that?"

And she's like, "I'm sorry, baby, your dad's dead."

**Susan Simpson [20:59]:** Earlier that evening, Correctional officers at Mule Creek State Prison had found Ty unresponsive in his cell. The circumstances were such that investigators from the

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Amador County DA's Office were quickly summoned to the scene to investigate a probable homicide.

Investigators talked to the other inmates on the unit about what had happened. One of the inmates they spoke to was actually Ty's former cellmate.

> ***Investigator:*** *Getting back to Mr. Lopes, um how was he as a cellmate?*
>
> ***Inmate 1:*** *He was the worst roommate I ever had.*

In prison, Ty had a reputation for not being the ideal cellmate. Opinionated, mouthy. He was not the only inmate on the unit though that was unpopular as a cellmate.

James Booker – aka Country – was also someone that no one wanted to room with. Investigators spoke to Booker's old roommate too.

> ***Inmate 2:***
> *I'm fully aware of his potential to be a dangerous person. That's not a question. I've been cellies with dangerous people like that, and I know how to deal with those situations.*
>
> *And I knew that staying in there with Mr. Booker was not in my best interest, nor his.*

**Susan Simpson [22:10]:** In October of 2011, both Ty Lopes and James Booker found themselves in need of new cellmates. And there was paperwork showing that they'd requested to be cellmates with one another. Though, investigators and inmates alike found this puzzling.

> ***Investigator:***
> *Mr. Lopes and Booker both signed a request to move in with each other.*
>
> ***Inmate 1:*** *And I could never understand that because Lopes didn't like him.*

This new cellmate arrangement did not last for long. Very quickly, Ty began trying to find a way out of his new cell.

> ***Investigator:*** *Now Booker and Lopes were cellmates for about 11 days.*
>
> ***Inmate 1:***
> *If that. I heard Lopes asked a couple people in the building if he could move.*

Ty's old cellmate couldn't understand why Ty would've wanted to move in with Booker in the first place. But he'd known exactly why Booker had wanted to move in with Ty.

***Inmate 1:*** *So Country said, I'm gonna have him move in with me.*

***Investigator:***
*What do you think, what was his intention to have Lopes move in with him?*

***Inmate 1:***
*Probably to kill him, between me and you. Because he wanted single cell status. And that's a way he can get it.*

Booker's former cellmate told investigators the same thing, about what Booker's plans had been.

***Inmate 2:***
*Specifically, how he was going to make CDC understand his need to be single celled.*

***Investigator:*** *Single cell.*

***Inmate 2:***
*And when Ty, when Lopes came in that cell -- Lopes is a big old fat sorry ass looking dude, he don't work out, don't do done of that. You understand what I'm saying?*

*What can he do against a dude like Booker? Nothing.*

In the end, Ty Lopes had not stood a chance against James Booker.

***Investigator:***
*Hmm, I'm just thinking that seems like pretty drastic measures that Mr. Booker would've taken, -- if, if, if…*

***Inmate 1:*** *I'm sure Lopes provoked him. I'm sure he did.*

**Susan Simpson [24:10]:** When Ty was killed, there'd been a couple dozen other inmates on the unit. Obviously, there's not much privacy in prison, so there were a lot of people who presumably would've heard or seen what went on.

Strangely, though, almost no one did.

***Investigator:*** *Did you hear anything coming from cell 115?*

***Inmate 3:*** *I did not.*

***Investigator:*** *Okay.*

***Inmate 4:*** *Didn't hear a thing last night.*

***Investigator:*** *Okay.*

***Inmate 5:*** *Um. Nah I think I was watching a movie at that time.*

***Investigator:*** *Haha, okay.*

Only a couple inmates admitted to hearing anything that night.

***Inmate 6:*** *I heard help, help. I think the fat Mexican guy was yelling, "Help, help."*

***Investigator:*** *Do you remember how long that would have lasted?*

***Inmate 1:*** *Went on for a while.*

In the end, only one inmate on the unit told investigators he'd heard the whole thing.

***Investigator:***
*Did you hear anything that happened relating to this incident last night?*

***Inmate 7:*** *Yeah, I heard the dude trying to get the tower's attention, repetitively.*

***Investigator:*** *Who was this?*

***Inmate 7:***
*Long before the dude was dead. Country, I remember him saying, "Hey."*

*Possibly a miscommunication, or whatever, but that dude made an effort - a valiant effort to get that dude out of his cell.*

**Susan Simpson [25:29]:** Investigators seemed surprised by this account, and they asked the inmate, "Wait, are you sure it was the guy who was committing the murder who had been calling the COs over to stop it?"

***Inmate 7:***
*Oh, it was Country. Yeah, he was yelling at the tower saying, "Get this dude out of here."*

*And then they would tussle some more. And then he'd say again, “Hey, get this fucking dude out of here," you know.*

**Jacinda Davis [25:50]:** The CO who’d been working the control booth that evening told investigators he hadn’t heard any of that. At least not until it was far too late.

***Correctional Officer:***
*I just kind of walked over to the window, and you know the shower noise was going on or whatever, and then you just hear this total conversational voice, “Hey, my cellie's bleeding.”*

***Investigator:*** *Okay.*

***Correctional Officer:***
*I kinda look over that way, and there's blood coming out from underneath the door.*

When the COs went to the cell door and looked in, they saw Ty Lopes on the floor, and James Booker standing at the back of the cell.

COs dragged Ty out of the cell, but he was already dead. His body was left there, in the middle of the unit, while investigators were summoned to the scene.

***Investigator:*** *There must have been some type of altercation in cell 115?*

***Inmate 8:*** *That's pretty obvious.*

***Inmate 1:*** *I'd never seen anything like that before.*

***Inmate 9:***
*I saw all the blood and just turned around and went back to watching tv, and minded my business.*

**Jacinda Davis [26:55]:** That night, when investigators arrived at Mule Creek, they tried speaking to James Booker, aka Country. But he decided he'd rather get an attorney before telling them about the incident with his cellmate.

But in declining to make a statement, Booker did make one curious comment to investigators.

***Investigator:***
*If you want to talk to me, if you want to tell me your side of the story of what happened tonight, okay.*

***Booker:***
*I talked to staff several times the last couple of days, and you know there's nothing else I can say.*

***Investigator:*** *Okay.*

What did Booker tell prison staff in the days before he killed Ty? We don't know. The investigators never asked the staff.

**Susan Simpson [27:42]:** When speaking to investigators most of the inmates on the unit told them they hadn't heard or seen anything that night. But when speaking to friends and family, those same inmates told a very different story.

Here's what Booker's former cellmate told investigators he had heard.

***Inmate 1:***
*Because the way he did that was, whoo. You could hear it all through the unit, like one of those animals being ate, you know what I mean, by a predator animal. You hear him hollering and all that, until the hollering simmers down to a whining. And then just a complete silence.*

Allen, the inmate I spoke to, had also spent time at Mule Creek. He wasn't on the same unit as Ty, but he knew some guys who were.

**Allen:**
I was buddies with the porter. They told me everything that happened and that he had him by the throat, he was screaming.

**Susan Simpson:** The porter could hear him begging for help?

**Allen:**
Yeah, he said, he said the whole, the whole tier, the whole, because it's, it's like a U-shaped building.

**Susan:**
I've seen the pictures. No COs came until it was all over. Did the porter mention why?

**Allen:** They- I think that they knew his case.

**Susan Simpson [28:51]:** Allen is familiar with how Unit 3 was set up, and where Ty's cell would have been in relation to the control tower. He told me the COs had to have heard what was going on in Ty's cell that night.

**Allen:**
I mean, there's no way they can't because where that cell is facing, there's no way they couldn't hear it.

**Susan:** Yeah.

**Allen:**
Maybe when he started screaming, they got up and walked away, but there's no way they didn't hear it. And I guess it went on for a while, too.

**Jacinda Davis [29:24]:** The investigation into Ty's death had wrapped up quickly. It was determined that Ty had been beaten, sexually assaulted, and killed by massive blunt force trauma.

Ty's cellmate, James Booker, was allowed to plead guilty to one count of manslaughter. Though, since he was already serving a life sentence for murder, that didn't change much of anything for him. No word on whether he did get his single cell after all. Hopefully he did.

And as for Ty, he was cremated by the state of California and his daughter Mandi paid for his ashes to be returned to her.

After that, Jake Silva was the only surviving defendant in the case. And since Jake wasn't pursuing any post-conviction challenges, the legal challenge to Jake and Ty's conviction died when Ty did.

Then, in 2014, when he was 31 years old, Jake was informed he was being transferred to a new prison, once again. They were sending him to Mule Creek.

**Jake Silva:**
They put me directly in the same building that Ty was in. I could look out of my window and see down to 115, the cell where Ty got killed.

Most of the inmates in Jake's new cell block had been there for years. They'd been there when Ty was killed.

**Jake Silva:**
That's how I know all the horror stories about it. The whole building heard him screaming. They said he was screaming all night long. "Help, Help," and the cops just ignored it.

That big guy named Country was going around telling everybody, he told all the COs, he told everybody, “I’m not taking a cellie. Whoever you put in the cell with me, I'm going to kill him.”

Everybody knew. Even COs told me that.

**Susan Simpson:** The COs told you that?

**Jake Silva:** Yeah, a couple of them.

Despite what had happened to Ty, Jake was actually happy to be at Mule Creek. If you have to be in the California prison system, Mule Creek is a good facility to end up at. Good food, good programs. Many inmates want to end up there.

**Jake Silva:**
At first it was great, at first it was cool. I got put in the GED class. I got my GED in two months.

One day, not long after getting his GED, Jake woke up, and realized he was no longer at Mule Creek.

**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. There my dad was, and my jaw was wired shut.

The doctors told the COs that were watching me that I was going to die, so they all decided to let my family in the hospital room. My aunt, my dad, everybody was there.

A doctor explained to Jake that he had been in a coma and that be been attacked by another inmate.

**Jake Silva:** I don't even remember anything about that.

**Susan Simpson:** What were you told happened?

**Jake Silva:**
That I was over there by laundry, basically on the yard, and guy snuck up behind me with that big rock and a bag and hit me in the head with it three times. They had to airlift me off the yard in a helicopter.

**Jacinda Davis [33:15]:** The weapon had been a large rock used for decorative landscaping in the prison yard. It had been placed inside of a laundry bag.

> **Jake Silva:**
> He snuck up behind me, the first hit was on the back of my head. I was unconscious after that. After I was laying on the ground, he hit me two more times.
>
> They said my mandible was just hanging there. That's what people tell me, I don't remember any of that, but.
>
> **Susan:** Was he someone you had problems with?
>
> **Jake Silva:** No, I never talked to him before. I never said two words to him.

**Susan Simpson [33:50]:** Allen, the inmate from Mule Creek that I spoke to, told me that Jake was right about this. Jake had never spoken to his attacker.

And Allen would know. He's the one who attacked Jake.

> **Allen:**
> I never said one word to him. I had seen him from a distance the way he would walk on the yard, he would walk with his chest out and his shoulders out, and it just, when you have, when you have that type of case on you, you shouldn't be doing that.

Another inmate had told Allen that Jake had an 'R' on his jacket. That he'd been involved in the rape and murder of a teenaged girl.

> **Allen:**
> I know it was Home Depot. I heard it was rape, murder and after the fact, sex with a dead body.
>
> I heard that, which bugged me the most, was that they threw her in a garbage can.

When this other inmate had told Allen what Jake was in for, Allen had not simply taken his word for it. That, he told me, would've been irresponsible. He'd done his own research. By asking Correctional Officers to find out for him what Jake was in there for.

The COs had confirmed for him that Jake had an 'R' on his jacket.

> **Allen:**
> Then when the COs looked into it, that's when the other part came out.

I was told, that they, yeah, they raped her and they tried to put in her private part battery acid to, to get rid of the evidence.

You know, in prison, there's so many stories that go on and hearsay and all that, I do admit that. But I knew he had an 'R', though.

**Susan Simpson [35:29]:** Allen said he was willing to talk to me about the assault on Jake because, today, he's at a different point in his life. But back then, he'd been stuck in a different mindset. A mindset where assaulting Jake had made perfect sense.

**Allen:**
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.

And that's, I was going through that, in my part of life, I had nothing to lose and he's walking around with his chest out and I was like, yeah, he's gonna get it.

And, and, and I know this is messed up, but he was a good-looking young man, he was a pretty boy so I, I, I was trying to take that from him. I heard he's blind, too.

**Susan Simpson:** Allen was not charged in connection with the assault against Jake Silva.

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**Jacinda Davis [36:22]:** Even before the assault, Jake had few connections to the outside world. After it, people kind of wrote him off. Not maliciously, or anything. But just, based on their understanding of what his injuries had done to him.

Ty Lopes' family had kept tabs on Jake over the years. And Ty's daughter Mandi remembers hoping that, after her dad's murder, maybe his attorneys could represent Jake instead.

**Mandi:**
But she called me after my dad passed away and she said that he, she can't continue his case. And I was saying, well, can you continue with Jake? But back then, Jake wasn't okay. He was actually beat up really bad. And he was all messed up and he couldn't.

**Elena:** He's a paraplegic now. From what I gather.

**Mandi:** The last time, I heard he couldn't talk for himself or anything like that, too.

**Susan:** He got, he's gotten a bit better.

**Jacinda Davis [37:16]:** Jake beat the odds and survived his injuries. But the physical and neurological damage was extensive.

**Jake Silva:**
Had to learn how to do everything again. The eating part, and like the basic movements of my arms, had to learn how to walk again, had to learn to do everything all over again. Everything.

Yeah, I don't think I'll ever get back on a skateboard, it's too late for all that. All my best years are gone, you know?

Jake's vision was severely injured in the attack, but, contrary to prison gossip, he is not blind.

**Jake Silva:**
See up close, up close I can concentrate my eyes enough. It's how I'm still able to draw and tattoo and stuff.

In the years since the assault, Jake's physical recovery has gone as well as could have been hoped. But the brain injury took something away from Jake that he's unlikely to ever get back.

**Susan:** When did you first realize your memory was not what it was?

**Jake Silva:** Right away. Right away I knew something, it was bad.

**Susan Simpson [38:17]:** In most of the cases that I work on, I've been able to use the defendant as a resource in my investigation. They're able to give background information and fill us in on factual details that are not recorded in the case file. But with Jake, that is not always an option. I too often forget that when I mention something to him about his case, for Jake, it can be like hearing it for the very first time.

Like the time Jacinda and I were driving around together when Jake called, and we were talking to him about his friend Fuji. And how Josh Burroughs had claimed, in his interviews with the police, that supposedly Fuji had been there also, on the night of the Home Depot party.

Jake had no idea this had been the story told at his trial. And the call ended before we could explain it to him.

**Susan:** The-, they thought he was there too, at the Home Depot.

**Jake Silva:** That supposedly, he was there too?

**Susan Simpson:** Yeah, that's what they believed.

**Jake Silva:** Wow.

[Phone disconnects]

**Susan:** Alright.

**Jacinda Davis:** Jake.

**Susan:** It's, it's so hard because…

**Jacinda:** His memory is kind of shot.

**Susan:**
And it's obviously not gonna sound great. People are like, "Okay, so this accused murderer just can't remember anything? How convenient."

One, it is not convenient - it's the opposite of convenient.

**Jacinda:** It's not convenient. And two…

**Susan:**
He doesn't remember anything, like his life is gone. It's not even the m-, murder stuff-

**Jacinda:**
Well, he has a traumatic brain injury. But he's, he, and he tries so hard. Like he's very conscious about memorizing phone numbers.

And, but like he said, sometimes he'll go back to his cell and if he just sits and thinks, memories come back to him.

**Susan Simpson [39:58]:** Jake does remember things. Most of him is still there. If you talk to Jake about his trial, or what various witnesses said there, he often has no idea what you're talking about. But when it comes to things that Jake himself saw or did, there's a lot he does remember.

But the holes in his memory are still profound.

In the process of making this podcast, I've talked to Jake for hours. And very often, I will find myself asking him to tell me more about a conversation he had with one of his old friends --

only to find out that, not only does he have no memory of that conversation – but that he also has no memory of that friend.

> **Jake Silva:**
> You're telling me and I'm like, holy shit. I lost like, a- It's like I'm losing myself, it's like I'm falling away. It's a bad fucked up feeling, you know.
>
> **Susan:** To lose parts of yourself.
>
> **Jake Silva:** You remember more about me than I do.

***

**Jacinda Davis [44:00]:** When Ty was alive, he was always pursuing his legal case. Trying to prove his innocence. But even before the assault, Jake never really did anything.

> **Jake Silva:**
> Staying alive is the only plan I could come up with I guess. There's no time to make a plan. Live one hour at a time, you know.

His friend Paige says this didn't surprise her. Jake and Ty had been at very different points in their lives when they went to prison.

> **Paige:**
> So, you stuck a kid in a prison, of course he doesn't know how to advocate for himself. Ty was an adult. Like he'd have, he's had jobs and paid bills and had responsibilities had to make…
>
> **Jacinda:** He had a child.
>
> **Paige:**
> Yeah, he had to make d-, decisions. Like he had problem solving skills. He had all of those things from being an adult. Jake had none of those things.

For years, Paige was the only person aside from Jake's own family that stayed in touch with him. Then, one day, out of the blue, a mutual friend of Jake's messaged Paige, and asked her how to get in touch with Jake.

> **Paige:**
> Louis is the only one that's ever asked me for Jake's address and has ever like mentioned talking to him.

**Susan:** Louis is the only one that…

**Paige:** Yeah, that, yeah.

**Susan:** …kept writing him.

Initially, Louis had dropped out of Jake's life the same way everyone else had. Many years would go by before they got in touch again.

Then, one day, Jake received a letter. Not from Louis himself – but from Louis' mother.

**Susan Simpson:** Can you read me the letter?

**Jake Silva:**
*Hello, you may not remember me. I am the mother of Louis. I'm writing this note for him. He is doing well. He wants you to call him. He said he has money on his phones so it won't cost you anything. He said it's very important.*

*His number is [...]. Thank you,*

*Victoria*

It says in parentheses, "*it is also important to me*."

That's the whole, that's the whole note right there.

**Susan:** I don't think I knew it was Louis' mother that first reached out to you.

**Jake Silva:** Yeah, twice.

**Jacinda Davis [46:18]:** That's how, after a long hiatus, Louis and Jake resumed their friendship.

**Louis:**
He still sounds like Jake and still feels like Jake, you know? And uh, he just still wants to pick up right where he left off.

**Susan Simpson:** I knew exactly what Louis meant by this. For us, out here, it's 2024. But for Jake, it's always the year 2000. He's a California skater-boy with Manic Panic hair, frozen in amber.

**Susan:** How would you describe the Jake now compared to the Jake back then?

**Louis:** They sound the same, that's for sure.

**Susan:** He sounds like an eighteen-year-old.

**Louis:**
He sounds like a kid still, that's the thing about prison is it preserves you. All that high sodium food? [Laughs] It mummifies you.

You know, I feel for him. Especially him, he's been on some bad yards.

**Susan Simpson [47:21]:** When they were kids, Louis and Jake had bonded over their common love of skateboarding. Now, as adults, they have something else in common. Knowing how to survive on a Level 4 yard in the California Prison System.

**Louis:**
I haven't had to do that much time, you know, like he has, but, you know, you do time or time does you, time's doing him. You, don't look at the clocks, don't look at the walls, the calendars, you know?

Read, read the Bible read some psychology books, read something, and it's just like, he just wants to listen to fucking listen to metal music.

**Kevin Fitzpatrick:**
I think he's probably tormented by the fact, too, that he didn't do it.

**Louis:**
That's a fucking rough one, too, you know? There's a lot of factors, playing into the time doing him.

Jake can handle himself in prison. Obviously. He knows how to survive in there. But I thought I understood what Louis had meant, about time was doing Jake, instead of Jake doing time. I asked Jake about it.

**Susan:**
So we did talk to Louis this week and one thing he said to me was, "I don't think Jake has ever learned how to do time."

**Jake Silva:** Like, do time in prison? Are you serious?

**Susan:** Yeah.

**Jake Silva:** That's all I know. What does he mean by that?

**Susan:**
I think he means that you've never really found a way to survive or exist day-to-day.

**Jake Silva:** I'm sitting here now.

**Susan:**
Yeah, but…I think what he meant and what I understood it to mean is that you, when I talk to you it feels like every day you wake up and you're still in shock this happened. You're still trying to process the fact that you are where you are.

**Jake Silva:**
Yeah. I grew up in here. I was an eighteen-year-old kid. This is all I know.

**Susan Simpson [49:10]:** All Jake knows is a world where letting your guard down for even a moment can carry fatal consequences. Where there are always people around him waiting for a chance to kill him. And where most of everyone else spends their time telling each other false and incredibly dark stories about who he is.

**Jake Silva:**
They're man enough to say it behind my back but they're not man enough to come up and say it to my face. Because they know I am very angry, I'm very strong. And I will fight, I'm real quick to fight.

I am not this person. I'm not. I'm gonna start crying. I'm not this person. I fucking hate it, man. [Crying.]

Twenty-four fucking seven for twenty-three years straight. I fucking hate this life. I didn't do this shit. I'm getting sick of this fucking life.

I was this dumb idiot kid on a skateboard. And I loved Renee so much. I'm sick of my life, I know that.

From talking to Louis, I didn't get the sense that he's someone who is prone to unwarranted optimism. But he had an optimism for Jake that I hadn't expected.

**Louis:**
Yeah, he's damaged, his heart's broken. You know what I mean? He's broken but not mentally, I don't feel he's mentally ill, mentally ill and institutionalized aren't a good combination but he's just…

**Susan:** Broken?

**Louis:** Broken. You know, you can fix broken things.

**Jacinda Davis:** Put it back together.

**Louis:** Some fucking take longer than others to fix.

**Susan Simpson [50:58]:** After finding out about our investigation, Louis has done what he can to help us put the pieces of this case back together.

He's gone out of his way to help us investigate, using his contacts and knowledge of Manteca to connect us with the people we needed to talk to.

**Susan:** What do you hope to see from this, what we're doing?

**Louis:**
What do I hope to see? I'm hoping that you guys can put something together good enough to where somebody will be willing to pick up a case pro bono that's willing to take on a corrupt little city, you know? And for justice to be served and for Jake, you know…

If he's innocent that he gets to be a free man one day and, cut some grass and fucking mow a lawn or fucking eat some ice cream. It's the little things.

And then, and if he did it, fucking, I hope he rots in hell. But I feel he didn't, you know and whoever did, I hope they fucking die.

**Susan Simpson [51:55]:** Louis wants to see Jake free. If Jake is, in fact, innocent. And Louis wants to see whoever did kill Renee be held responsible. Whoever that person may be.

***

Hold on a minute. [abrupt music stop] When Louis and Jake got back in touch again, it had actually been Louis' mother, Victoria, who had reached out to Jake first. Which had struck me as curious when I heard about it.

**Susan:** I don't think I knew it was Louis's mother that first reached out to you….

**Jake Silva:** Yeah, twice.

**Susan:** Do you know why she was writing to you?

**Jake Silva:** Just because she was concerned, or worried about me.

**Susan Simpson [52:48]:** Jake had been touched that Louis' mom cared enough to write to him and express her concerns for his well-being. He didn't get many letters like that, so he'd held on to this one.

But – Louis' mom had not known Jake. Not more than in passing, anyway. It was odd that she would want to reach out to Jake, so many years later, with that particular message. It felt like there might be something more to it.

And there was. I couldn't tell Jake yet. But I knew why Louis' mother had written to him. I knew why this was, as she'd added in parentheses at the end of her letter, "important to her too."

It was because she believed she knew who'd killed Renee. For years, she'd suspected it was someone close to home – someone who was close to her son Louis, too. She had hoped she was wrong about that. But she didn't think she was. And she'd been writing to Jake because, if his case ever did get reopened, she wanted whoever was looking into it to know what she knew.

***

**Jacinda Davis:** Next week on Proof.

***Kat:***
*I just have this vision of her, it's almost like a Little Red Riding Hood thing. She's just Little Red Riding Hood surrounded by wolves.*

---

***Joey:*** *Because he's the only one that says he even had them in his car.*

***Susan:***
*Of the post Memorial Day sightings, he is the only one who says he actually talked to Renee. Everyone else says they saw her walking down the street.*

---

***Greer:***
*And I seen the backpack and the shoes in the closet at that house. I seen that backpack in her closet with the tennis shoes. That's right when I contacted the police.*

Proof.

---

***Jake Silva:***
*This whole case is a big old, tangled web of rumors. That's why nobody wants to work on it. Nobody wants to take the time to untangle it.*

***

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