

Bad Rap: How Aspiring Hip-hop Star Herbie Gonzalez Got Pegged as the Manhattan Beach Housekeeper Murderer

Anatomy of a false confession

By Paul Teetor

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Scene of the nightmare: Herbie Gonzalez, back at the strip-mall parking lot where he was kept handcuffed for hours.

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Gonzalez in his bedroom-closet music studio



Who is this man? Surveillance tape scenes from the day of the murder

Herbie Gonzalez glanced in his rearview mirror as he turned right from Normandie onto 35th Street. Sick with the flu, he barely noticed the white Dodge Ram lurking in the crosstown traffic behind him.

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Scene of the nightmare: Herbie Gonzalez, back at the strip-mall parking lot where he was kept handcuffed for hours.

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Gonzalez in his bedroom-closet music studio

Who is this man? Surveillance tape scenes from the day of the murder

The pickup truck followed Gonzalez onto 35th and stalked his blue Nissan Maxima as it headed east. Driving with his fiancée, rap lyricist and composer Blanca Piñon, Gonzalez pulled over to check out a bungalow with a *For Sale* sign out front, a possible home for the soon-to-be-married couple. The truck made a move to pass, then suddenly swerved and squealed to a stop next to the Maxima, wedged in so close that it blocked Gonzalez from getting out.

Now Herbie was paying *full* attention.

Thomas Sanders



Law power: Attorney Joseph Shemaria with client Gonzalez

Brad Graverson/Daily Breeze



New suspect Milton Gallardo

The longhaired white guy in the pickup leaned across the cab, stuck his head out the passenger-side window and gave Gonzalez a crazy-eyes stare, slurring his words like he was in a hurry: *“Hey dude, you know what time it is?”*

The rock & roll look didn’t bother Gonzalez, a 26-year-old rapper and law clerk with a receding hairline and a recording deal in the works, but the warp-speed words were all wrong.

“When some stranger asks you if you know what time it is in my neighborhood, it usually means you’re about to be robbed,” he said. “Like, time for you to give me your shit.”

Gonzalez and Piñon were parked at the geographical heart of a bipolar neighborhood, a residential area defined by its borders, with the University of Southern California to the east and the area formerly known as South-Central to the south. On this day, January 5, 2006, they had good reason to be wary: It was the morning after the now-legendary 2006 Rose Bowl, when Vince “Forever” Young and his posse of Texas Longhorn all-Americans snatched the National Championship from Matt “Sex Machine” Leinart, Reggie “Pimp my Crib” Bush and USC supercoach Pete Carroll with a last-second touchdown. The neighborhood had a nasty hangover — a concrete cocktail of disorderly drunks, depressed USC fans and die-hard partiers who refused to let this marathon New Year’s holiday weekend stagger to a merciful end.

So when the longhaired guy shouted out, Gonzalez kept his window up, his door locked and his mouth shut. But the driver jumped out of the truck and came right at him, screaming something unintelligible but clearly hostile. He was tall and thick, early-to-mid-30s, greasy black hair parted in the middle and spilling down onto broad, buff shoulders. He wore long black basketball shorts that hung down to his knees, high-top black sneakers and a black wife-beater set off by a bunch of jailhouse tats on big, bulging biceps.

“He looked like he had just left an all-night rave,” Gonzalez recalled, as he stood in the same spot on 35th almost two years later. “A lot of times partied-out college students wander into this neighborhood and ask for directions to the 110 or the 405.”

Gonzalez was just one block from home, and the last thing he needed this morning was some wacko white stranger asking stupid questions and getting up in his grill. After a week of being sick and eating almost nothing, all he wanted to do was get some chicken soup from his mother’s catering truck at the corner of Slauson and McKinley, his original destination.

So he looked hard at the rock & roll guy for a second, shrugged through the window and shifted into first gear.

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“I don’t know *what* this crazy guy wants, but I know he doesn’t really want the time,” Gonzalez said. “Maybe he wants to rob me to pay for drugs.”

Before he hit the gas, Gonzalez took one more look out his side window. Now the guy was waving a gun. A big gun.

“It wasn’t any old .22 or Saturday-night special,” he said. “He started banging on the windshield and screaming something about me getting out of the car.”

The news spread through Manhattan Beach like a teenager’s IM late Monday afternoon, April 11, 2005: Someone has been raped, strangled and burned to death in one of those expensive houses down by the ocean.

The attack happened five minutes away from the Manhattan Beach police station and 30 seconds from the Strand, the thick concrete ribbon that runs parallel to the ocean, overlooks the meticulously groomed beach and serves as a community boardwalk. The murder house was a modest duplex shoehorned into a millionaire’s row of new-money faux-Mediterranean McMansions.

And even though the killing happened in the middle of a weekday in the most populated section of Manhattan Beach, no one, not even the downstairs homeowner, heard or saw a thing.

The lurid details revealed over the next few days made the murder even scarier to the high-toned, high-income, security-conscious residents of the fourth-whitest city in Los Angeles County.

Libia Cabrera, a married 39-year-old housekeeper from Lawndale — 5 miles to the east of Manhattan Beach but a world away culturally and economically — had shown up for work in the upper unit at 120 28th Street on her regular twice-a-week schedule. Within 16 minutes she was sexually assaulted, strangled and stabbed in the neck. She was left lying naked on the floor in a pool of blood, her mouth gagged and her hands tied behind her back with a shoelace. Her torn panties and burnt bra were found lying nearby.

The killer tied a string of sheets, towels and blankets extending 13 feet from her body to a wall heater. He fled as the flames began to turn his crime scene into a homemade funeral pyre.

The homeowner living downstairs discovered the fire in time to save most of the structure. But when firefighters found Cabrera’s body in the back bedroom upstairs, she was burned so badly that she was unrecognizable.

Cabrera, a native of Colombia, emigrated to the United States in 1992. She had just passed her English as a Second Language exam and was one month from earning American citizenship. Friends and family described her as a salt-of-the-earth type without an enemy in the world, a hard worker and loving wife who was living every immigrant’s American dream of legal employment and cultural assimilation. This was the city’s first arson-murder in 20 years and the only Manhattan Beach murder in 2005.

Despite a quick and intensive response by the Manhattan Beach Police Department and, within hours of the murder, the Los Angeles County Sheriff's Department, the killer avoided capture in the critical first 48 hours, when law enforcement statistically stands the best chance of solving a case.

Within days, the downstairs homeowner along with Cabrera's employer, a doctor living in the upstairs unit where the murder was committed, were eliminated as suspects. Within weeks the killer's trail went cold.

As the no-news-is-bad-news weeks went by, an inconvenient question was debated on the Strand: Is there really a psycho surf killer floating around the beach cities of Manhattan, Hermosa and Redondo? Or was this a transplanted case of violence-in-the-hood that had somehow trailed Cabrera here from her home in Lawndale?

Early on, police said they had recovered enough male DNA from the victim's body to match it to a suspect. But within weeks Sheriff's detectives were left with only one other significant piece of evidence: a surveillance videotape recorded from the lower unit at 120 28th Street that showed a short, mid-20s Hispanic-looking male with a receding hairline, wearing dark sweatpants with a white stripe down each side. The video caught him walking back and forth on the sidewalk outside the house right before and after the estimated time of the murder.

"He takes three or four looks toward the building," Sheriff's Detective Katherine Gallagher told the press. "We don't know who he is or what he's doing. The family didn't recognize him."

Police quickly put out a flier with a sketch of the suspect based on the video, and they released the surveillance footage to local TV. On May 17, 2005, the Manhattan Beach City Council approved a \$25,000 reward for information leading to the arrest and conviction of the killer.

"We aren't at a standstill," Detective Gallagher told the press. "There's still a lot of work to do. It would help if someone identified him."

Herbert Orlando Gonzalez was born in El Salvador in 1979, just before that country's

civil war. After his biological father abandoned the family, Gonzalez came to America with his mother, Ana, in 1982. He grew up in Los Angeles on 36th Place, in a jigsaw-puzzle neighborhood of classic California front-porch bungalows, 1950s-style Craftsman cottages and a few modern student apartments. Some of the houses, like the Gonzalez bungalow on 36th Place, are kept shining and immaculate inside and out. Gonzalez's yard, full of lemon, lime and guava trees, is trimmed, watered and raked daily, and the grass is cut sharp as a putting green.

But other homes nearby are rundown eyesores, marred by old mattresses tossed out on the sidewalk and front yards littered with rusted-out washers, burned-out dryers and ratty old cars. All the homes, however, have one thing in common: tall fences and gates, with thick steel bars on the doors and windows. The Gonzalez home even has a lock on its mailbox.

At 5 feet 6 and 140 pounds, Gonzalez was physically tough enough to become a starting defensive back on the Manual Arts High School football team in 1995 and '96. But he is also a self-confessed mama's boy. He rarely strays far from his family and spends most of his time on his music.

Although cited and released once for possessing a marijuana blunt, he had never been arrested — a notable accomplishment for any young man in this neighborhood.

Over the years, Gonzalez had seen plenty of street violence from his porch, including several drive-by murders right in front of his house. So when the longhaired guy pulled the gun, Gonzalez reacted instinctively to the unfolding threat: He popped the clutch and hit the gas.

But he was stopped cold.

"One car comes flying directly at me, forcing me to stop before I could get going, and two more cars come roaring up behind me chasing me down," he said. "I didn't know what was happening. I was scared shitless ... I thought they were gangbangers out to kill me."

The worst part about the worst day of Gonzalez's life was that it was just getting started.

As Gonzalez gunned the Maxima and tried to maneuver around the pickup, an older, blond woman jumped out of the truck and flashed a gun and a badge. Five more guys in street clothes with guns tumbled out of another truck right behind her, rushed over to Gonzalez, reached in and yanked him out of his car. Gonzalez demanded to see their badges.

"All of a sudden everyone has a badge ... even the rock & roll guy," he said. "But I'm still wondering why no one is in uniform."

They handcuffed him, dragged him over to an unmarked minivan and threw him in the back. The side door slammed shut.

He was all alone on the floor of a stranger's van.

"The windows were shut tight, I was sweating like a pig, my nose was running, I can't breathe, I'm dizzy, I'm all fucked up and the handcuffs are killing me because of all the yanking on my hands," he said. "All I could think of was that this can't be happening to me in

America ... El Salvador, maybe, but not America.”

He sat up on his knees and looked out the window, searching for Piñon, whom he met in junior high school when they were 13. They were both passionate about making music and were going to be married soon after Gonzalez signed his new deal to record with the L.A. rap acts MC Magic and NB Ridaz.

“I saw that older, blond lady badgering Blanca and showing her something,” he said. “It made me sick that she was being dragged into whatever crazy shit this was.”

After a few minutes, an older man slid into the front seat of the minivan. Gonzalez asked him if they really were police and why he was being arrested. But the man didn't answer and silently drove a few blocks to a strip mall at the northeast corner of Exposition and Normandie.

Neither the \$25,000 reward nor a featured episode on *America's Most Wanted* produced any viable leads in the Cabrera murder mystery. The homicide detectives moved on to other cases. But in December 2005, during an L.A. Sheriff's year-end review of cold cases, Detective Gallagher and her partner, Detective Sergeant Randy Seymour, decided to take a harder look at the only significant piece of evidence: the surveillance video.

After viewing the tape dozens of times, the detectives decided that the video told a crime story, a coordinated murder scenario that would lead them to the killer if they could just identify the short, balding Latino man outside the murder site.

They built their story around a white, circa-mid-'80s pickup truck that was videotaped going around the block outside the home several times, starting at 9 that morning and continuing into the afternoon. Then they noted the short man walking up and down the sidewalk outside the house shortly after noon, followed by Cabrera, who entered the house at 12:42 p.m.

Sixteen minutes later the short man walked down the sidewalk toward the Strand, moments before the homeowner called the fire department. This time the man was carrying a shoulder bag that could easily have held a laptop computer — the only thing the doctor reported missing from the crime scene.

The conclusion, Gallagher and Seymour said, was inescapable: Whoever was in the white truck had targeted Cabrera long before she arrived at work that day.

“We knew that the suspects had to know the victim and know her schedule,” Gallagher said.

Acting on that premise, they began interviewing neighbors of the victim in Lawndale. Eventually a woman mentioned a group of young men who lived next door to the victim. One of the men, Juan Morales, a minor-league studio musician known as Dreamer, had been to prison for repeated domestic abuse. A little checking revealed that he had gotten out of prison in January 2005, four months before Cabrera's murder. The detectives were also told that Morales' ex-wife, 36-year-old Alma Dongon, had fled to Virginia after he raped her at knife-

point.

Sensing a credible lead, detectives Gallagher and Seymour flew to Virginia at the end of December to interview Dongon. They arrived at her home in the midafternoon on Sunday, January 1, 2006. *L.A. Weekly* has obtained what defense sources say is a transcript of that interview.

Seymour, who is tall, fit and athletic, was clearly the alpha dog in the interview. He took the lead in questioning Dongon, who indicated that she was fearful of her ex-husband.

Dongon casually mentioned “Herbert” for the first time on page 15 of the transcript, which is marred by notations of inaudible words and phrases. Still, the trajectory of the interview is clear. Once Gonzalez appeared on the detectives’ radar screen, he evolved over the next hour from being one of Dreamer’s many cousins — just another relative with no connection to the crime — to the prime suspect in the Cabrera murder case.

First Dongon told the detectives that “Herbert” is about 5 feet 7, similar in height to the man in the video. Then she mentioned that he is balding, that he has a compact, muscular build and that he is a violent man who beats his girlfriend. “I seen her with black eyes,” she told them.

“That is false,” insisted Piñon in a recent e-mail interview, “I have never had a black eye. Why in the world would Alma have supposedly said that? Hmm ... I do not believe she ever said such things.”

Over the course of the interview, Dongon gradually morphed from witness into avenging ex-wife, eager to implicate the abusive Dreamer and his little cousin Gonzalez in this horrific murder. “Right. Let me remind, let me tell you about these guys,” she said. “When they do something like this, they stop seeing each other for a period.”

On page 37 of the transcript, when Seymour showed Dongon the surveillance footage on his laptop and the short, balding man first appeared, she said, “Oh, my god. That does look like Herbert.”

Seymour finally said: “Okay, now, on a scale of 1 to 10, 10 being ‘I know for 100 percent sure that’s him,’ 1 being ‘That’s 100 percent not him,’ as you [inaudible], as you look at it, you’re telling us what you think. Where would you put that?”

“Nine 9.99,” Dongon responded.

Later Seymour asked her why Dreamer and Gonzalez would murder Cabrera. Was it a robbery gone south? “Robbery gone south,” Dongon replied. “I’m positive.”

A few pages later Seymour summed up his conclusions: “Okay, I am very confident now that Herbert is our boy; and I’m also confident that Juan is [inaudible]. He was driving that truck.”

Two days after Seymour and Gallagher left Virginia with a name for their new prime suspect, the Manhattan Beach City Council doubled the reward for information in the Cabrera murder case to \$50,000. Two days after that, during a street stop by a Sheriff’s surveillance squad

that had been watching the suspect and his mother's house for 24 hours, Herbie Gonzalez was arrested.

Gonzalez knew right away where he was: The strip mall was his longtime corner hangout.

And he knew who was watching: his friends and neighbors of 25 years.

He didn't know that a search warrant and murder arrest warrant had been issued and, at that very moment, more than a dozen armed officers were scouring the house on 36th Place in a search for the Sony VAIO laptop missing from the crime scene and the dark sweatpants with white stripes worn by the man in the video. While his mother was at work, his two little brothers, his little sister and his grandmother all waited outside the house, frightened and confused.

But Gonzalez had his own problems at the strip mall. As he stood in the same parking lot recently and remembered the arrest, Gonzalez squatted in the same spot where he'd been kept handcuffed for several hours. He stared at the ground, head down. After a few moments, he looked up to see one of his neighbors, 46-year-old Tony Grisby of 39th Street, walking through the parking lot. Grisby, who has lived in the neighborhood for 12 years, came over to greet the young man he hadn't seen since January 5, 2006, when he was in the crowd that gathered to heckle the police.

Grisby said he remembers the arrest well because it was so shocking. He said most people in the neighborhood knew that Gonzalez was the hardest-working guy around and that he helped his single mom work her way up from taco-cart assistant to catering-truck owner. And that he hated gangbangers.

"I came over that day 'cause I heard a ruckus and thought some bangers might be hassling Herbert," Grisby said. "I saw they had him down on the ground, surrounded by a bunch of cops. I couldn't watch it."

Gonzalez was taken from his arrest to a Sheriff's substation in Lennox, where he was immediately forced to give a DNA sample, which Seymour then hand-delivered to the crime lab. The detectives didn't want to begin their interrogation until the DNA results came back so at first, Gonzalez says, no one told him why he was being arrested. He'd had little to eat and his flu was worsening. Later that night he got violently ill, began vomiting blood, and was transported to the Twin Towers jail downtown early Friday morning.

"They put you in these holding tanks where a hundred people are jammed in," Gonzalez recalled. "Everyone is standing up, crammed on top of each other. People smell like piss. They're coughing in your face, spitting everywhere, drunk, doped up, cracked up, talking crazy, touching themselves, touching you, arguing, fighting with each other. ... Half of them are totally crazy, mentally gonzo."

After two hours Gonzalez's holding cell was opened up. A hundred inmates poured out at the

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same time, all headed for the processing line.

Sick, confused and depressed, Gonzalez went to the back of the line.

And waited some more.

Naked.

“You have to take all your clothes off and put them in a bag,” he said. “So we’re standing there butt-ass naked for 30 minutes, and half these guys are checking you out. Suddenly the guards are telling me to turn around, bend over and spread my butt to make sure you got nothing in your anal cavity. I was like, no way, man. I’ve been naked with the football team in the shower, but that’s not the same as some cop telling you to take your clothes off and, ‘Bend over, punk.’”

Gonzalez was issued a jail ID number and County blues, the navy-blue jump suit that inmates wear at their early court appearances. Then he was sent to yet another Twin Towers holding tank. Consumed by anger, isolation, homesickness, an impending sense of his own death and a deep longing for Piñon and the children they had dreamed about, Gonzalez came up with some defiant lyrics that he later used in the chorus of a new song: “We don’t die, we just multiply.”

Detective Sergeant Randy Seymour had a big problem: Gonzalez’s DNA did not match the DNA found on the murder victim.

Despite Seymour’s high level of confidence that “Herbert” was “our boy,” the DNA wouldn’t prove his case. And nothing was found in the five-hour search of Gonzalez’s home that could link Gonzalez to Cabrera’s murder.

Still, the new information did not prove that Gonzalez *wasn’t* the man in the video and that he hadn’t been involved in the murder. Under California law, even if he didn’t commit the murder himself, he could be charged with the crime if he was involved in any way.

Meanwhile, the search warrant at Dreamer’s house had also failed to produce anything that would give the detectives probable cause to arrest him or link him to the murder. No white truck, no laptop, nothing. And Dreamer even had an alibi for the time of the murder, although Seymour later testified that he did not consider it solid. Nor did Dreamer’s DNA match the DNA left on the victim.

For his interrogation of Gonzalez, Seymour would have to resort to his worst-case scenario: He’d have to bluff.

Finally, the loudspeaker blared: Gonzalez 022.

“They escorted me back to a little room with no windows,” Gonzalez said. “There’s three people that look like detectives. Two big, beefy white guys and a mannish-looking white woman.”

Gonzalez was sure his nightmare was almost over.

“I’m eager to talk with these people. I have nothing to hide. I go to work every day. I’m proud of my life,” he said. “So I ask them, ‘What is this all about? Why am I here?’ ”

Before the formal interrogation began — or at least the recorded portion — Detective Seymour, “the guy in charge,” according to Gonzalez, introduced himself and Detective Gallagher. A Manhattan Beach Police Department homicide investigator was also in the room.

Gonzalez said he immediately asked for medical attention and that Seymour got angry, punched him in the stomach and told him to suck it up.

“After all I had been through for two days, that one punch in the gut broke my spirit,” Gonzalez said. “I felt like a beaten dog.”

In subsequent court testimony, Seymour denied that Gonzalez appeared ill, denied punching Gonzalez in the stomach and denied that he told him to suck it up. Seymour would testify that the introductions and the process of letting Gonzalez know what he had been arrested for — and of calming down a very emotional Gonzalez — took 30 to 40 minutes. Gonzalez said it took more than an hour. Despite the extended period of time before starting the recording and advising Gonzalez of his Miranda rights to keep silent and have a lawyer present, Seymour said that the detectives never asked their suspect any questions about the murder or made any accusations.

“We went in and spent some time explaining why he was in custody,” Seymour testified, “didn’t ask him any questions, didn’t ask him to respond to anything, just told him why he was in custody.”

But Gonzalez said that Seymour immediately handed Gonzalez a flier containing a grainy black-and-white picture taken from a videotape.

“Seymour says, ‘I have it all figured out,’ ” Gonzalez recalled. “I said, ‘What do you have all figured out?’ ”

When Seymour replied, “That’s you in the flier,” Gonzalez took a closer look at it. He admits he was startled by the similarity, at first glance and from a distance.

“I said, ‘Yeah, it could be me. But it’s not me,’ ” he explained. “And I said it could be a million other guys in L.A. Anybody under 5 foot 7 and going bald.”

Seymour, Gonzalez said, embarked upon a long monologue about a laptop computer taken from a very expensive home in Manhattan Beach. Finally he stopped and looked at Gonzalez for a response.

“I said, ‘I don’t steal, I have two jobs, I work hard, my mom is a very hard-working lady, and she would buy me a hundred laptops if I asked,’” he said. “I don’t need to steal anything.”

Then Gonzalez asked the obvious question: Why all this law-enforcement response over one laptop?

The detectives finally showed him a videotape of a man who they said was him, walking down a sidewalk. Then they told him about Libia Cabrera's murder. Seymour laid out his whole scenario: Gonzalez was the man in the video. Dreamer was driving the white truck. Seymour added that he believed Dreamer murdered Cabrera and that Gonzalez simply took the laptop.

Gonzalez denied that he knew anything about the laptop or the murder. He acknowledged knowing Dreamer, but only because he is his cousin. He told the detectives he had never been to Manhattan Beach and begged them to give him a lie-detector test: "I know I'm telling you the truth, and I want you to know it too."

After rejecting his plea, Seymour and Gallagher just repeated the same points over and over: We know you took the laptop, because we know that's you in the video carrying it. Everyone knows that's you in the video. Don't worry about going down for the murder, 'cause we know Dreamer did that.

Gradually, in his sick and fevered state of mind, Gonzalez began to flash back to stories he had heard around the family dinner table about the old days in El Salvador. He had heard the adults talk about friends who disappeared forever after they argued with the police. Sometimes, he heard them say solemnly, "You just had to go along with whatever the police said if you wanted to stay alive and protect your family."

So he made a fateful decision. "I started thinking I should just cooperate with these officers. Maybe they'll have pity on me. I have nothing to hide," he said. "I trust in God and God will not allow anything bad to happen."

Reluctantly, grudgingly, in one- or two-word answers, he began to agree with whatever Seymour and Gallagher said about him carrying the laptop on the sidewalk, although he continued to deny ever setting foot inside the house.

Later Seymour would admit that he had shown Gonzalez the flier and the video during the period before the taping started. But he also said that Gonzalez quickly admitted that was him on the flier and, later, in the video. With no independent record of what happened before the recorder was turned on, the early portion of the interrogation process will always be in dispute. But *L.A. Weekly* obtained a copy of the 65-minute interrogation tape, and the recording reveals nuances and personal dynamics of the dialogue that are not reflected in the transcript. (See laweekly.com to listen to portions of the interrogation.)

The tape begins with Seymour stating his view of the final minutes of the unrecorded discussion that has just taken place. He talks in a low, authoritative yet compassionate voice, like a high school principal disciplining an unruly student who has disappointed him once too often.

"We've been talking for a little while," Seymour says, "and we've been talking about the fact that you're on camera here. Okay? And, I think all of us believe that you didn't kill Libia, and I think all of us believe that she didn't deserve to die."

Not much later, Seymour says, “If you ever watched TV, you know any cop shows or anything like that, you know that they advise people of their rights . . .” He goes on to tell Gonzalez that his police statement won’t be official until he agrees to it. Seymour then gives Gonzalez his Miranda rights and asks, “Do you understand all that?”

Gonzalez is not heard responding to Seymour on the tape.

The exchange later became the subject of a fierce legal dispute. Seymour testified that Gonzalez answered “yes” to his question about whether he understood his Miranda rights. But the transcript reads, “No audible response,” and Gonzalez testified he didn’t say anything because he was confused about what Seymour was talking about.

A close, repeated listen to the tape reveals two seconds of total silence following Seymour’s question. The silence is broken by Seymour whispering “Okay,” then resuming the interrogation.

Seymour shows Gonzalez the video, walking him through the murder scenario the detectives have worked out.

Seymour later testified that he was bluffing Gonzalez at this point, hoping his suspect would think the detectives had video of him inside the house where Cabrera was murdered. The detective testified that Gonzalez panicked and couldn’t face the prospect of seeing himself at the crime scene. But the audio tape reveals an alternative explanation for his sudden change in demeanor: Gonzalez, now being called “brother” and “man” by Seymour in a deep, soulful voice oozing empathy, simply can’t go along with the detective’s scenario anymore. Gonzalez’s voice sinks to a growling half-sob as he tries to explain how sorry he is that he can’t keep lying. But Seymour is fixated on the idea that his video bluff is the real cause of the sudden change in Gonzalez’s demeanor.

Seymour: “Okay, well, let’s just do this, then. Okay, I’m gonna show you ...”

Gonzalez: “I don’t want to see the video.”

Seymour: “I have to show it to you, brother. I want to banish this, okay? I’m taking this way far forward, okay? After that time when we saw you walking up the street.”

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Gonzalez: “I was never there ...”

When Gonzalez proclaims, “I was never there,” Seymour’s tone suddenly changes from that of compassionate father confessor to fed-up inquisitor.

Gonzalez: “Can you stop the video, sir?”

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Gallagher: "Stop the video."

Seymour: "Okay."

Gonzalez: "I'm gonna be completely honest with you guys."

Seymour: "Okay."

Gonzalez: "Everything I just said, I've just been going along with you guys, [INAUDIBLE] and that's the honest truth."

Seymour: "I know, and I want you to know that we're being totally honest with you."

Gonzalez: "I can't. Shit, I was never there."

"All right," Seymour responds but then shows portions of the video again.

"I don't want to lie to you guys," Gonzalez tells them. "I really don't. As much as I want to get out of here. I don't want to. ... I want to get out of here."

Seymour keeps pressing, insisting that Gonzalez was not lying at first to please the officers.

"It's a very, very detailed lie," Seymour says. "In fact, you, before we sat down and actually, you know, put this on the record, I mean, you talked about how ..."

"I was learning," says Gonzalez.

This exchange, even without Gonzalez's "learning" remark, would seem to undercut Seymour's testimony that the detectives "didn't ask him any questions, didn't ask him to respond to anything, just told him why he was in custody" before the recorder was turned on.

Now Seymour begins talking with a messianic urgency, and even tells Gonzalez that his fiancée told police that it was him on the surveillance tape (something she vehemently denied later). Seymour is apparently clinging to two unshakable beliefs: If they just keep saying it is Gonzalez in the video, he will eventually have to agree. And, Gonzalez's request that the video be stopped is tantamount to an emotional confession, an all-too-human reaction revealing that he can't bear to see himself at the scene of the crime.

"Sir," Gonzalez says at one point, "what if I tell you what you want hear, and then after all this, you find out that that wasn't even me on the tape?"

"If we could have found out that wasn't you on the picture," Seymour tells him, "you wouldn't be here now, but that's not the case."

“Herbert,” Gallagher says after more back and forth between Seymour and Gonzalez, “do you think that if you tell us how you got the computer that you’re gonna be arrested, that you’re gonna go down for the murder, is that what you think? ’Cause if you think that, you’re wrong.”

“You didn’t have anything to do with her death,” Seymour agrees.

“Yeah,” Gonzalez tells Gallagher, “I really think so.”

Seymour sets up a tricky either/or proposition for Gonzalez: If he doesn’t admit that he is the man on the surveillance tape, the investigators will know that he is the murderer.

“If you didn’t have nothing to do with her death, then why not tell the truth about the computer? Do you see where we’re coming from?”

At last Gonzalez gives up and once again rotely goes along with Seymour’s scenario.

But after a couple of one- and two-word answers, he stops again. “Is there any way, like, you can put me on the lie detector,” Gonzalez asks, hoping the machine will reveal that’s he’s just going along with Seymour.

“Dude, I believe in what you’re telling me,” Seymour tells him. “I’m believing you right now. I’m believing you. What I want to do is, I’m just trying to clarify everything. I’m believing you, I got no beef with that. I got none.”

At the end of the interrogation, Seymour assures Gonzalez, “Look, if somebody else did this and we can prove it, we are going to damn sure prove it. That’s where we’re going to go from here. ... The district attorney is going to make his determination Monday morning.”

Seymour’s assurances gave Gonzalez no comfort.

“It’s obvious these detectives are going to run a frame job on me,” he said later. “I was scared shitless. All I knew was Dreamer, but it seemed like that was enough for them. That made me guilty in their eyes, ’cause I was Dreamer’s cousin, and I was short and balding.”

By the time Gonzalez finally got to talk to his fiancée by phone, Piñon told him that his mother, Ana, had retained a criminal-defense attorney, who had one message for him: Don’t speak to the police.

He was transported to Torrance Superior Court Monday morning, January 9. Late in the afternoon he was charged with murder, residential robbery, burglary and arson. With his newly hired defense lawyer, Joseph Shemaria, he pleaded not guilty, then was remanded to Twin Towers for lack of \$1 million in bail. Gonzalez’s mother, he later learned, took out a second mortgage to hire Shemaria. After the retainer was paid, there were no other family assets to serve as collateral on a typical 10 percent bail bond — in this case, \$100,000 up front.

Back in his cell he was overcome by the seriousness of the criminal charges facing him.

“All I could think about was how Blanca and my family were going to take this, and especially how my mom is going to feel,” he said. “I learned that she didn’t take it so well and that my grandma Maria had a nervous breakdown.”

The Sheriff’s office did not call a press conference to announce Gonzalez’s January 5 arrest. Nor did the D.A.’s office issue a press release after his arraignment to alert beach-city residents that a suspect had been charged. For the next five weeks Gonzalez sat in Twin Towers without a single news organization realizing that an arrest had been made in the notorious housekeeper-murder case.

But *Daily Breeze* reporter Larry Altman is an old-school type of cops-and-courts reporter known for his police sources and his tenacity. On February 16, he broke the news that a 26-year-old L.A. man named Herbert Orlando Gonzalez had been arrested for the crime. The front-page *Breeze* story, headlined “Mystery Clouds Slaying Arrest,” said police had been secretive about the arrest.

Now Gonzalez realized that he had a new home: the Twin Towers medical unit. “I felt like Daniel in the lion’s den,” he said. “He survived in the mouth of the lions, so I figured I could survive in the Towers for at least a few weeks until the preliminary hearing.”

But a few weeks slowly turned into months. Shemaria and Assistant District Attorney Mary Suzukawa, bitter foes from earlier courtroom wars, were unable to agree on a date for a preliminary hearing. As they squabbled and blamed each other for the delays, the hearing was postponed several times until they finally settled on March 10 — more than two months after Gonzalez was arrested.

Judge Laura Ellison presided over Gonzalez’s preliminary hearing. Seymour was the state’s star witness. His mission was to emphasize Gonzalez’s incriminating statements about being in Manhattan Beach with Juan “Dreamer” Morales on the morning of the murder — and to minimize the defendant’s vehement denials about ever being there.

On Tuesday, March 14, Judge Ellison delivered her decision from the bench: Herbert Orlando Gonzalez was bound over to stand trial for murder, robbery and residential burglary. Gonzalez’s admissions that he was the person seen on a surveillance camera video walking outside the house where Cabrera was murdered made Ellison believe that he was acting as a lookout or a getaway driver.

As the hearing ended, Shemaria asked the judge if she would consider reducing Gonzalez’s \$1 million bail.

“Not even a little bit,” Ellison replied.

Gonzalez was soon transferred out of the Twin Towers medical unit and into the Old County Jail. A few visits from Piñon cheered him up a little, but the weeks and months dragged on.

As the trial date approached, the state had no more evidence than Gonzalez's since-recanted admission to being in Manhattan Beach on the morning of the murder. "I wish I had more, but I really don't," Detective Gallagher told the press. "But we're going to trial regardless."

On Wednesday, July 19, Gonzalez was transported to Torrance Superior Court to watch Shemaria and Suzukawa pick the jury. But first, the trial judge, Cary Nishimoto, heard Gonzalez's motion to suppress the so-called confession on the grounds that it was false, coerced and given without proper advisement of his Miranda rights.

Seymour again was the state's key witness. Gonzalez also testified, contradicting much of what Seymour said. When the judge returned from chambers to render his decision, Gonzalez fully expected the motion to fail. "Why would the frame job stop now?" he thought.

But as the judge began to speak, he sat and listened in stunned silence.

"Based on all of the evidence presented at this hearing," Judge Nishimoto said, "I have to say that it is very clear that there were two interrogations in this case: One was recorded, one wasn't; one was Mirandized, one wasn't, and that before the defendant was Mirandized, there was an extensive discussion about this case between the defendant and the detectives that was intended to and did culminate in defendant admitting the incriminating information. And for that reason, the court finds that the defendant's statements to the police were not voluntary."

Nishimoto went on to say, "Although the detectives testified that the defendant answered yes in response to the question, 'Did you understand your rights, your Miranda rights?' the tape-recording transcription shows that this question was followed by 'No audible response.' Not a statement that the response could not be deciphered, but no statement at all. And the detectives' testimony in this regard is in stark contrast to the tape recording. And this goes to the issue of the defendant's comprehension, I think, of what was happening to him at that point."

Judge Nishimoto summed up his decision by condemning Gallagher's implied offer of leniency if Gonzalez would just admit he took the computer: "During the recorded session, the detectives also made what appeared to be false promises of leniency to the defendant, which, according to the recorded statement, prompted the defendant to make an incriminating statement. So all in all, I think it is clear that this statement, or these statements, by the defendant, were involuntary. And I'm going to grant motion."

After Gonzalez had spent 193 days in custody, his so-called confession was thrown out, and he walked out of court a free man. For Gonzalez, the cracked, cigarette-butt-strewn sidewalk at the bottom of the Torrance courthouse steps seemed to glitter in the golden sunlight. He remembers that magical morning with a warm glow in his voice that returns every time he talks about it.

"Here was a brave judge who was honest, a judge who wouldn't go along with the frame job," he said. "Now the papers would have to tell the truth about me."

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Two days later he read the *Daily Breeze* report. The headline was innocent enough: “Suspect in MB Killing Is Freed.” However, the story made it crystal clear that police believed Gonzalez had gotten off on a technicality — and that he was still a prime suspect.

A few weeks later, Gonzalez filed a civil suit against the Sheriff’s Department, alleging that Seymour and Gallagher had made false statements to get a search warrant and used illegal interrogation tactics to get a confession.

Andre Khansari, a civil attorney who employed Gonzalez in his Marina del Rey law firm and now uses him part-time, said his release was badly tainted by the widespread perception that he had been involved in the housekeeper murder but got off because of a Miranda-warning screwup by the detectives.

“It was obviously huge for Gonzalez when the case was dismissed,” Khansari said. “But then the police just wouldn’t let go of him.”

Khansari added that he was shocked when he heard that Gonzalez was charged with murder, because he was the most professional employee among the law firm’s support staff.

“Gonzalez was the go-to guy for finding obscure documents and making copies of everything,” Khansari said. “He was a hustling guy, a happening guy with a lot going on — a couple of jobs, his music and his engagement.”

After Gonzalez was released, however, Khansari said he did not see that same spirit of energy and joy in him, as he went through a string of menial jobs. Gonzalez was even fired from a temp clerical job at IHOP after *America’s Most Wanted* reran its episode on the housekeeper murder — with Gonzalez pictured as the prime suspect — six months after the charges against him were dropped.

“Now he’s depressed,” Khansari said, “like a guy who’s been to war, seen some ugly stuff, came back and may never be the same. And he’s still not married.”

MC Magic, the rapper who has worked with Gonzalez in the studio and had planned to use him on his album *Magic City* — before the arrest derailed the deal — said the impact of the ordeal on Gonzalez was profound, even 18 months after his release from jail.

“I noticed that his confidence is not the same. He used to be a can-do kind of guy. Whatever needed to be done, Herbert would always find a way,” he said. “Now he seems weaker, less focused. The mental effects of that experience would kick any human being right in the ass.”

Gonzalez’s downward spiral came to a screeching halt on October 5, 2007, when he got a call from the attorney handling his civil suit, John Burton of Pasadena.

“John said they had arrested someone else on the basis of a match to the DNA left on the victim,” Gonzalez said.

That day an inmate at Wasco State Prison, 25-year-old Milton Gallardo of Hawthorne — a short Latino man with a prematurely receding hairline — was charged with Cabrera's murder on the basis of a match with the DNA sample he had to give when he entered prison on a felony car-theft conviction. The D.A.'s office did not hold a press conference to announce the arrest.

"First they get a guy, Gonzalez, and get him to confess," Burton said. "Eventually he's cut loose. A year later there's a dead-bang DNA match on this horrible, horrible crime, and yet there's no press conference. That's a huge thing to me. I think they didn't want it in the *L.A. Times* because they have a Herbie Gonzalez problem."

Gonzalez's civil suit won't go to trial until November. "I think that's the only way to really clear my name and expose what these detectives did to me," he says.

After Gonzalez's so-called confession was thrown out, Sheriff Lee Baca announced a review of the interrogation-recording policy for his detectives. But Baca declined to comment to the *Weekly* on Gonzalez's case or his position on mandatory taping of interrogations, which, as in 42 other states, California law does not require. Captain Jim Curtis, head of the Sheriff's Homicide Bureau, declined to comment on Gonzalez's case but said his policy is still the same: He allows his detectives to decide for themselves if they are going to tape an entire interrogation or just parts of it.

"Of course we always want the best evidence available, so we encourage taping as much as possible," Curtis said. "But we leave it up to the individual detective."

Detective Sergeant Randy Seymour told the *Weekly* that he has no regrets about his conduct during the Gonzalez case. "You can't cry over spilt milk," he said. "My only regret is there may be other people involved that we haven't charged yet."

Still, Seymour said that after Gonzalez's confession was thrown out, his personal policy now is to tape-record every interview from the moment it begins. "If I were interviewing Gonzalez today," he said, "I would just turn the doggone tape on right from the beginning."

Many nagging questions remain about Gonzalez's case. Why did Alma Dongon appear to go out of her way to implicate Herbie and Dreamer? *L.A. Weekly* has been unable to contact Dongon despite repeated attempts to reach her in Virginia.

Gonzalez, however, speculates that Dongon simply took the opportunity for revenge on her ex-husband.

"I got caught in the middle of their domestic problems," he said.

The white pickup truck so crucial to Seymour's scenario turned out to belong to a construction crew working near the murder scene. Police refused to believe the truck owner's story that he was simply driving between two construction sites. They impounded the vehicle and kept it for many months despite his heated protests. Finally, the owner told the *Weekly*, it was returned to him in a trashed condition and he has been denied any compensation.

Gonzalez's cousin, ex-convict Juan "Dreamer" Morales, was never charged with anything in connection to Cabrera's murder.

Despite the collapse of the prosecution's case in court, Detective Katherine Gallagher also said she has no regrets about her conduct during the Gonzalez investigation. "We just followed the evidence where it led," she said. "Just doing our job."

Gallagher said she still believes that Gonzalez was somehow involved in the murder, even if he didn't rape Cabrera.

"Our biggest wish is that facing the death penalty, Gallardo will tell us who else was involved," she said. "I think Gallardo holds the key to the whole mystery. He'll talk someday."

And Gallagher thinks she knows where Gallardo will lead the detectives if and when he does finally tell all: right back where they started with a guns-drawn arrest on 35th Street.

"In my mind, Mr. Gonzalez is still involved in this murder," Gallagher said. "I think he was in that house and grabbed that computer. The elaborate story he told us fits in so many ways."

But even the DNA match to new suspect Gallardo doesn't quite fit the scenario Gallagher lays out. Gallardo's public defender, Sam Leonard, told the *Weekly* last week that Gallardo, who lived in Hawthorne, has given a statement to the Sheriff's Department in which he claims he had an ongoing affair with Libia Cabrera. Gallardo admitted that he was at the Manhattan Beach house that April day and said that the two had consensual sex and that Cabrera was alive and well when he left.

Gallardo has been charged with murder with special circumstances — it was committed during a rape and burglary — which would make him eligible for the death penalty if he is convicted. He is also charged with arson.

A preliminary hearing for Gallardo is scheduled for May 7 at the Airport Courthouse. He remains in jail on his car-theft conviction.

Two sources familiar with the investigation told the *Weekly* there may be evidence to support at least the first part of Gallardo's story. In a portion of the surveillance videotape not yet released to the public, the sources insisted that there appears to be a nod of recognition between Gallardo, on the street, and the victim, in the backyard, before she goes into the house shortly before her murder.

"The police have said all along that they believe the killer knew the victim, and knew her schedule," one of the sources said. "I think they're right. They just had the wrong guy for the right theory. How else does Gallardo end up in that house at that time?"

Sheriff's investigators, however, refused to confirm this theory.

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Gonzalez, meanwhile, realizes how lucky he was to get a last-second exit from what looked like a fast-track ride to death row. And he is tortured over his own role in putting himself in that position.

“I kick myself every day,” he said not long ago. “I was one of those people who always said they would never confess to something they didn’t do. Now I know it can happen to anyone.”

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