



DONALD R. KNIGHT

ATTORNEY AT LAW

MERI WRIGHT
PARALEGAL

May 14, 2021

David Prater
Oklahoma County District Attorney
Oklahoma County District Attorney's Office
320 Robert S. Kerr
Room 505
Oklahoma City, OK 73102

RE: Potential *Brady/Giglio* materials in the DA files re Richard Glossip

Dear Mr. Prater,

Since our work began on Mr. Glossip's case starting in 2015, we have been requesting information from your office. We have sent three prior letters, in addition to an in-person meeting in September 2015 between you and members of our team where you said you were willing to share your files, but then abruptly changed your mind. We have requested clean copies of all discoverable information pursuant to your local discovery rules; all information in your possession which you are required to disclose under *Brady* and *Giglio*; all notes from any interviews conducted with any witnesses (see letter dated October 8, 2020); and specific pieces of evidence critical to understanding what really happened on January 6-7, 1997 (see letter dated January 8, 2021).

We do not make these requests lightly and this is not a fishing expedition. We are making detailed, specific requests for evidence you should have and have not previously disclosed to any attorney for Mr. Glossip. All the information we seek is relevant to proving who killed Mr. Van Treese and why. If you believe in the strength of this conviction, there is no reason to withhold this information, and yet you refuse to even respond. Mr. Glossip is likely to receive an execution date soon. We request

additional specific information now so we may review it before the state sets a fourth execution date for this innocent man.

In that light, we now request information in your possession, custody, or control about State's witness William Bender. Mr. Bender did not testify at the first trial. At the second trial, Mr. Bender was a key witness to testify that he knew Mr. Van Treese was planning to fire Rich Glossip—the *only motive* the prosecuting attorneys alleged for arranging the murder. The State then explicitly relied on Mr. Bender's testimony in opposing clemency for Mr. Glossip in 2014, citing his testimony as the primary evidence of motive. William Bender was one of the last known people to see Barry Van Treese alive. This is a crucial witness. Any evidence that could have impeached him (or that could otherwise be exculpatory for Mr. Glossip) continues to be subject to constitutionally mandatory disclosure under *Brady v. Maryland*, 373 U.S. 83 (1983) and *Giglio v. United States*, 405 U.S. 150 (1972).

The only information the State has provided about Mr. Bender is limited to one, five-page typed police report (attached as Exhibit 1). This report contains several inconsistent statements made by Mr. Bender and indicates detectives thought further investigation was necessary. Given that the State put him on the stand at trial, and also relied on his testimony in opposing clemency, and given that the existing documentation identifies him as unreliable, we can only assume that at least some minimal follow-up was done after this initial report was taken. You have a constitutional obligation to provide us with that information.

Our review of the case materials we do have has identified the following issues:

I. **Documentation of the original police interview**

On its face, Detective Bemo's police report indicates more documentation of the interview with William Bender likely exists that was never turned over to any defense team. The five-page type-written report of the interview, which was conducted on January 8, 1997 (the day following discovery of Mr. Van Treese's body), indicates Detective Bemo reached Mr. Bender by phone at 3:40 pm. While not purporting to be a verbatim transcription of the conversation, Detective Bemo's report appears to track the course of an entire conversation sentence by sentence, rather than simply summarizing the information provided. For example, the report says:

Bender said Van Treese has had a lot of people in the manager's position steal from him in the past. Van Treese found out this guy (Richard Glossip) in Oklahoma City had been doing it (stealing) at that motel. (p. 2).

This sentence clearly suggests Detective Bemo is writing down specifically what Mr. Bender said (whether in real-time or later from a recording) and also introducing Bemo's own understanding of what is being said. He does the same thing throughout the report.

The report sometimes uses Mr. Bender's first-person voice in reporting what he said, rather than describing the content as something Bender had reported. For example, the report states: "Bender said I think Barry expected to find this motel in the same kind of condition as the motel in Oklahoma City. That is the way it has been in the past." (p.2) Again, this appears to be a semi-verbatim account of the conversation, rather than a summary or paraphrase of the information learned. This style of reporting continues throughout the report.

This typed report was not created contemporaneously with the interview. In fact, Detective Bemo did not even prepare it himself—the report's footer states it was typed by Detective Bill Cook. More importantly, the report's footer indicates it was created on March 4, 1997, nearly two full months after the interview. Given the level of detail in the report, either a tape recording, detailed notes, or both of this critical interview must exist. There is simply no way Detective Cook, two months later, could have prepared this report without an audio-recording or detailed, written notes.

We request a copy of all notes that Detective Bemo took while conducting the interview. If the interview was audio-recorded, we also request a copy of the recording. If there never was an audio recording of the interview, or any notes, or the notes that were taken no longer exist, we ask that you specifically so state.

II. Documentation of follow-up investigation

Assuming some bare level of competence in the police department handling the investigation of Mr. Van Treese's death, the police file should contain notes, reports, recordings, or other documentation of the steps police took to follow up on the

information initially provided by Mr. Bender. Many of Bender's statements raised more questions than they answered, less than 24 hours into a homicide investigation. Examples of inconsistencies that should have prompted a good investigator to follow up include:

1. Tulsa Police Officer Harold R. Wells' involvement with Barry Van Treese

At the outset, Detective Bemo reported he learned of Bender as a potential witness from "Cpl. H.R. Wells, Tulsa Police Dept. . . Narcotics Division." Wells had called at 9:30 a.m. on January 8, 1997, i.e., less than 12 hours after the body was found. Wells "was a friend of Barry Van Treese and wanted to confirm his death." Wells also indicated that Mr. Van Treese worked closely with police and frequently provided a room "for the police to work their deals." These statements by Wells thus opened obvious important avenues for investigation.¹ This is even more relevant as the police found a large sum of cash in the trunk of Mr. Van Treese's car, some of which was stained with dye suggesting it was from a bank robbery.

In light of this background, the revelation of Mr. Van Treese's activities with police officers in Tulsa, including Mr. Wells, is pertinent to an investigation of who might have wanted to kill him. Detective Bemo surely would have followed up with questions to Corporal Wells or the Tulsa Police Department, or with formal interviews with officers who worked with Mr. Van Treese in Oklahoma City, to investigate Mr. Van Treese's role in such activities. That part of the investigation file is missing. We now request it.

2. William Bender's own motel mismanagement

According to the report, Mr. Bender believed that he was himself under suspicion for stealing money and mismanaging the Tulsa motel: he "believes Barry came up there

¹ In fact, several Tulsa police officers including Cpl. Harold R. Wells were later arrested for "working deals" in trashy motels and convicted for setting up methamphetamine sales in neighboring motels to the Best Budget Inn Tulsa. Curtis Killman, *Judge: Former Tulsa police officer to stay in prison*, TULSA WORLD, December 13, 2017, https://tulsa-world.com/news/local/crime-and-courts/judge-former-tulsa-police-officer-to-stay-in-prison/article_05bb0883-cfad-5a1e-8586-743144b925ae.html#:~:text=U.S.%20District%20Judge%20John%20Dowdell,a%2010%2Dcount%20federal%20in dictment.

with the intent on firing me and my wife (pg. 2),” and believed Mr. Van Treese “thought he was going to catch me embezzling money and stealing him blind” (pg. 3). Given that Mr. Glossip’s alleged motive for the murder was a fear of being caught doing exactly that, Mr. Bender’s activities at the Tulsa motel and Mr. Van Treese’s attitude toward them, were central to the developing investigation. Moreover, an understanding of Mr. Bender’s own potential liability would be crucial to assessing his credibility in casting blame on another manager. The materials we have been provided contain no documentation of further investigation about Mr. Bender’s management of the Tulsa motel or his relationship with Mr. Van Treese.

This lead is particularly salient in light of the State’s assertion, shortly before Mr. Bender testified in 2004, that he and his wife *were* fired for stealing money from the Van Treeses, in March 1997, just two months after this meeting between Van Treese and Bender. The prosecutor stated this information had come from Mr. Van Treese’s widow; any record of when and how investigators gathered this information, including conversations with Mrs. Van Treese and Mr. Bender before he testified and statements of other witnesses about Mr. Bender, are *Brady* material. And of course, evidence that Mr. Bender was stealing money from his employer is inherently impeaching. Whenever the State discovered this information it should have been disclosed to the defense, and certainly prior to the trial in 2004, and must still be disclosed today.

3. Questionable factual assertions

Per the report, Mr. Bender said, according to Mr. Van Treese, there were approximately 2500 registration cards missing from a series that should have been consecutively numbered when he visited the Oklahoma City motel on the evening of January 6, 1997. Later in the interview, Bender told Bemo that Van Treese indicated cards were “strewn all over the place and torn up. Some of them had been shoved into drawers.” It is unclear whether these were the same cards that were allegedly missing. The day after Detective Bemo’s conversation with Mr. Bender, Detective Cook was at the Best Budget Inn and interviewed Billye Hooper, the desk clerk. He must have asked her about these missing cards, observed the condition of the office, and inspected or copied the motel’s records to determine whether there was any truth to Mr. Bender’s statement—especially given that the state of the motel’s books was an important part of

the developing investigation—yet no documentation of this basic follow-up has been provided.

Mr. Bender also reported that when Mr. Van Treese arrived in Tulsa, he was angry that \$3,000 he was supposed to pick up in Oklahoma City had not been available and “wanted to know if we had any of our deposits available, because he didn’t have any money (pg. 2).” This information is in direct conflict with the testimony of several other witnesses who stated that that Mr. Van Treese had picked up approximately \$3000 in Oklahoma City earlier that evening. In fact, Justin Sneed admitted to taking cash from under the front seat of Van Treese’s car after he killed him. At the time of the interview, Detectives Bemo and Cook were also aware of the \$23,100 cash found in the trunk of Van Treese’s car. Competent investigators surely would have followed up to determine whether Mr. Bender was lying, or whether Mr. Van Treese had lied to Mr. Bender, and why.

The amount of money allegedly stolen from Mr. Van Treese and the combined cash later found on Justin Sneed and Richard Glossip were key pieces of evidence used against Mr. Glossip in trial, and information about the cash Mr. Van Treese had with him on the night of his death was directly relevant. For instance, if Van Treese was being truthful in telling Bender he had no money on him when he arrived in Tulsa, then he did not have \$23,100 in the trunk of his car at that time. How that money ended up in his trunk from the time he left Tulsa and before he returned to the BBI in Oklahoma City is clearly relevant, especially as this money was simply turned over to the Van Treese family as if it were hotel proceeds. Withholding information about these facts from the defense would implicate *Brady*.

Mr. Bender also told Detective Bemo two conflicting stories: that Mr. Van Treese had given Mr. Glossip only until he got back to Oklahoma City that night to come up with the missing \$3,000 (pg. 4), and that Mr. Glossip “had a week to get his act together (pg. 5).” At one point, Mr. Bender added that Mr. Van Treese said he intended to send Mr. Glossip to jail if he did not have the money (pg. 4). Detective Bemo noted in his report that these two versions—he was going back for the money that night, or Mr. Glossip had a week—were inconsistent, and he “never was quite clear on what Bender was trying to tell me. . . This part of Bender’s statement was not clear to me (pg. 5).” Given that allegations of Mr. Glossip being caught by Mr. Van Treese stealing money

from the motel on the night of the murder came directly and only from Bender, it is inconceivable that Detective Bemo did not return to this witness later in the investigation for the clarification he stated was required, especially because there is no indication of any other witness describing these same crucial events.

We request copies of all documentation, including reports, notes, and recordings, of any investigation into these critical discrepancies done by the police, any investigative agent or attorney from the Oklahoma County District Attorney's office, or any other investigative agency. This request includes, but is not limited to, all police reports, handwritten notes, or recordings of any interviews with Officer Harold R. Wells, Officer Tim Brown, Donna Van Treese, Kenneth Van Treese, Billye Hooper, Marty (Baker) Bender, or any other interview or investigative effort made to confirm, or attempt to investigate, the statements made by William Bender. If no evidence of any such investigation exists, we request a statement from your office that you have conducted your due diligence under *Brady* and have found no such information.

4. Mr. Bender's statements about the management of the Oklahoma City motel

Mr. Bender's descriptions of the workings of the Oklahoma City Motel were inconsistent with the information from other witnesses. Mr. Bender reportedly stated that managers were required to make daily bank deposits, that he himself (Bender) had once fallen behind on doing so, and that Mr. Glossip was "doing the same thing." Detective Bemo noted Bender "was unaware of which bank Rich was suppose [sic] to use (pg. 2-3)." Yet all the witnesses who worked at the Oklahoma City motel testified that they did not use a bank, per Barry Van Treese's policy, and the manager (Mr. Glossip) simply collected the money and held on to the cash until Mr. Van Treese would periodically pick it up. Mr. Bender's statements are also self-contradictory: if the money was supposed to be *deposited* daily, why would Mr. Van Treese have been expecting to collect \$3,000 at the motel on January 6, 1997? Apparently, Mr. Bender simply did not know about the money practices in Oklahoma City, the registration cards, or the fact that Van Treese had just been there and collected all the expected money from Richard Glossip.

Again, because the financial management of the motel, the potential for missing money, and the amount of cash on hand that night were all central issues to the alleged motive for the killing, the investigating officers should have looked into the books—and bank accounts—connected to both motels. Detective Bemo, or perhaps another detective more versed in financial investigations, would have followed up with Mr. Bender and likely with Donna Van Treese, who ran the books for both motels, to clarify the situation. No documentation of this investigation has been provided and we request that it be provided now.

5. Missing corroborative evidence

Mr. Bender reportedly stated twice that Mr. Van Treese had shown him a document comparing the performance of the two motels that supposedly showed deficient performance by the motel in Oklahoma City. Police would have searched for and obtained a copy of this document and confirmed with Mr. Bender it was the correct one. If it was not left at the Tulsa motel, it would likely have been in Mr. Van Treese's car, which the police had impounded. The document in question would have been crucial to assessing whether Mr. Bender's characterization of the evening was accurate. A copy should exist in the files and has not been provided to the defense; we request it now.

Mr. Bender also reported calling the Oklahoma City motel at some point, apparently earlier that same day of the interview (January 8), and speaking to Mr. Glossip "to see what was going on (pg. 4)." Mr. Bender's account of what Mr. Glossip purportedly said to him on this call was inflammatory and formed part of the evidence ultimately used against Mr. Glossip. Confirming this important call had happened would have been an elementary step: the Tulsa motel's phone records would have shown whether a call was placed. Given the other inaccuracies in Mr. Bender's statements, corroboration would obviously have been necessary. It appears the police obtained some phone records for the Oklahoma City motel which were disclosed (and became State's Exhibit 80), but the Tulsa phone records they would have obtained to verify this call have never been provided to the defense. We request them, and any documentation of investigators obtaining or analyzing them, now.

6. Chronology

The timing of events on the night of a murder is almost always critical. Indeed, in the report, Detective Bemo states: "I also wanted to find out for sure what time Barry Van Treese arrived in Tulsa (pg. 3)." Although he was the last witness to report seeing Mr. Van Treese prior to his murder, Mr. Bender did not provide an explanation for the course of the night. That would have required additional investigative steps. For instance, Mr. Bender said Mr. Van Treese left Tulsa between 12:15 a.m. and 12:20 a.m., and then called back to the motel at about 12:30 a.m. to ask if his wife had phoned. There is no evidence that Mr. Van Treese had a cell phone with him, so he must have stopped somewhere to make that call. Mr. Van Treese also reportedly requested the Tulsa staff tell his wife he would be home in five and a half hours, a potentially important clue to his plans. Police obtained records from Oklahoma PikePass to track Mr. Van Treese's movements that night, which have been provided to the defense, but they do not clearly reflect direct travel between the two motels. If the police made the expected attempts to find out where Mr. Van Treese had gone in the unaccounted-for time in the hours before his death, we request this information as well. If they made no such attempt, we request a statement to that effect.

7. William Bender's pre-interview knowledge

On several occasions in Detective Bemo's report, Mr. Bender specifically brought up Room 102, first stating that the missing \$3,000 was primarily "the money missing from room #102." Subsequently, Detective Bemo reported Mr. Bender asked him "if room 102 was the room Barry Van Treese was found in?" and then whether he "was fully dressed (pg. 4)?" Considering the victim was in fact not found fully dressed, this knowledge from the last known person to see Barry Van Treese alive should have made Mr. Bender a suspect. Mr. Bender would not normally have this non-public, specific information about a murder that had just taken place in another city. Investigators would have looked into how Bender had learned these details of the killing. No record of this inquiry has been provided to any lawyer in this case. We ask for them now.

8. Further investigation in Tulsa

During the interview, Mr. Bender suggested his wife was present when Mr. Van Treese arrived at the Tulsa motel on the night of January 6, 1997, and may have observed him and spoken to him, both in-person and on the phone, in the hours before his death. Thus, detectives had obviously identified Bender's wife, Marty Baker Bender, as a possible second witness to Mr. Van Treese's crucial visit to the Tulsa motel and Mr. Van Treese's intentions after leaving Tulsa and upon his return to Oklahoma City. In fact, according to payroll records Marty, not William, was the manager of the Tulsa motel. We have never received the police reports or any other documentation of their interview with her. We request them now. If no such interviews were conducted, we request a statement saying as much.

In the reports we do have, William Bender is the only witness the State identifies to several facts that became crucial in its theory regarding Mr. Van Treese's death. Given the questions raised by this interview with Mr. Bender, some of which Detective Bemo explicitly noted in his own report, it is inconceivable that the investigation was closed with no further contact with Mr. Bender and the other witnesses, such as Marty Baker Bender and Corporal Wells, identified in this interview. If William Bender were to be a witness of any value in this investigation and prosecution, it defies belief that nobody would have spoken to him in person before closing the investigation, let alone taking the case to trial and using him as a key witness. Mr. Bender was in Tulsa, a mere 90-minute drive away. Surely police would have documented their trip there to interview potentially important witnesses face to face. No documentation of any investigation in Tulsa has ever been provided to the defense. We request it now.

III. Documentation of later contacts between William Bender and the State

In addition to the information presumed to exist and that you have thus far withheld regarding the police investigation in 1997, it is also apparent that prosecutors spoke with Mr. Bender in preparation for the 2004 trial. He was not called, or even subpoenaed to appear, at the first trial in 1998. As the second trial approached, it appears from the record that the State had some difficulty locating him (for instance, the prosecutor commented during a January 10, 2003, pretrial hearing that they had been unable to find him). Subsequently, on November 3, 2003, the day the trial was scheduled to begin, the Judge, in confirming that Mr. Glossip was unwilling to accept the State's plea offer, summarized the parties' recent discussion, explaining:

[there was a] new witnesses that the State of Oklahoma has only recently discovered and testimony that we believe will significantly impair his attorneys to bring forward their theory of the defense as they have developed it so far. . . The State discovered another witness yesterday that they believe will be helpful to their case and as they make discoveries, they notify Defense Counsel but they certainly are not impaired from bringing forward witnesses that they have just discovered.

This witness is Mr. Bender; the only other new witnesses had either already been interviewed by then or were not interviewed until after the trial ultimately began in May 2004. The State has never disclosed any notes, reports, recordings, or other documentation of their conversations with Mr. Bender at that time or any other time before his testimony on Thursday, May 20, 2004. Indeed, the record confirms he had contact with the DA's office in November of 2003: his trial subpoena reflects it was served November 3, 2003 by Matt Steadman, who was then an investigator for the Oklahoma City DA's office. They were together that day.

The information about these intervening conversations is especially crucial if in fact the troubling 1997 interview was the only one, and the State did not think Mr. Bender a worthy witness for the first trial. Something must have happened between 1997 and May 2003 that led the State to determine it should call this witness it had not wanted before. None of those contacts have been disclosed to us.

Moreover, Mr. Bender's trial testimony included several details that had not been in the only police report from Detective Bemo that the defense was provided. This new information included, for instance, that Mr. Glossip was supposed to have the receipts boxed up when Van Treese arrived in Oklahoma City and had not; that Bender had once seen Van Treese angry about a water heater but never about anything else; that Bender's phone conversation with Mr. Glossip on January 8th was between 8 and 10:30 am; and that he had asked Mr. Glossip if he had killed Van Treese, and Glossip said no, but he knew who did and was in fear for his life. The content of his conversations with prosecutors as they discussed his testimony prior to trial should absolutely have been disclosed and should be disclosed now under your continuing duty to do so under *Brady*, and we are requesting them now.

IV. Conclusion

The information we are requesting in this letter, just like the information we requested in our letters to you on October 8 and January 6, is specific and relevant to the issues presented by the prosecution in the second trial against Mr. Glossip. It is clear from the previous letters we have sent you that we know the record and the facts of this case and that we are looking for specific information necessary to exonerate Mr. Glossip, as he is innocent of the murder of Mr. Van Treese. The State's case rests largely on the testimony of Justin Sneed, who benefitted from helping the State. There is nothing else in the documented police investigation connecting Mr. Glossip to this crime. The circumstantial evidence and changed statements that were made by all other witnesses, when compared to the disclosed police reports, indicate the State gathered more evidence by interview or investigation than has been disclosed to the defense to draw the links they alleged. These interviews and investigations should have been disclosed to the defense team under *Brady*.

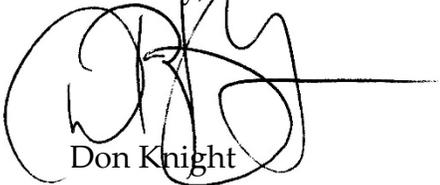
In Detective Bemo's interview with the filmmaker for the documentary *Killing Richard Glossip*, he confirmed that his investigation ended after he interviewed Justin Sneed on January 14, 1997. That does not mean that other officers and detectives from the police department, or attorneys and investigators from the Oklahoma County DA's office, did not investigate at any point before or during the 2004 trial. In fact, as stated above, members of the DA's office interviewed Mr. Bender prior to his testimony in 2004 and interviewed Donna Van Treese about the firing of Mr. & Mrs. Bender as early as 1997, and none of the notes from these interviews have ever been supplied to the defense.

That is why, in this letter, we request that you conduct a thorough review of all the information you have about this case. In addition to whatever information you may find in your office, we request that you interview the detectives, investigators, and district attorneys involved in this case to determine if any such evidence or notes ever existed and, if so, where it might be located today. The *Brady* obligation is not personal to the attorney receiving the request; it extends to all the information held by your office and involved law enforcement agencies. Once you have conducted this search, please detail in a report or letter whether any of the information we request herein is in your possession and, if not, if there is someplace else it might be found.

Please understand that, as stated above, we are now talking about potential *Brady/Giglio* material regarding Mr. Bender's testimony. The Supreme Court does not look fondly on prosecutors who withhold such information; in *Turner v. United States*, 137 S. Ct. 1885, 1893 (2017), the Court specifically noted the Government had "adopted a 'generous policy of discovery' in criminal cases under which it discloses any 'information that a defendant might wish to use.'" The Court then confirmed, "this is as it should be." *Id.* Failure to turn this over to us now is a constitutional violation and will give Mr. Glossip standing to bring this matter back to court on those grounds.

Finally, as you are aware, the State of Oklahoma is preparing to begin executions and may set such a date as soon as this summer. We have no way to know when Mr. Glossip may face death again. The information we request herein, and in the other letters we have sent to you as stated above, is critical to Mr. Glossip's innocence claim. We need the requested information, or statements that you have searched for it and do not have it, as soon as possible so that we can finish our investigation and assert the claims to which these issues give rise. We ask that you notify us in writing within fourteen days from the date of this letter that you are performing your responsibilities under *Brady* and when we might expect to receive the information we request.

Sincerely,

A handwritten signature in black ink, appearing to be "Don Knight", with a long horizontal line extending to the right from the end of the signature.

Don Knight

Standard Supplement Report

DEFENDANT'S EXHIBIT 7

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261
Code: 21-701.7 SS Crime: MURDER 1 Class:
Occurrence Date: 01/07/97 Day: TUESDAY Time: 08:00-
Status: SA FILE ST ADUL Closing Officer: 000165 COOK WILLIAM
Location: 301 S. COUNCIL RD., OK RD: 52

INVOLVED PERSONS

INTERVIEWEE: BENDER WILLIAM HOWARD DOB: 11/30/60 Race: W Sex: M
34 S. SHERIDAN TULSA RD., OK
Apt: State: OK Zip: 74112 Phone: (918) 835-2351 Adul/Juv:
POB: Hair: BRO Eye: HAZ Hgt: 505 Wgt: 130 Bld: SMA
Business Name: BEST BUDGET INN
34 S. SHERIDAN RD. Phone: 918 835-2351
TULSA, OK 74112

NARRATIVE

Body of Report

On 1/8/97, at 9:30am, this officer was contacted by Cpl. H.R. Wells, Tulsa Police Dept., 1/918/669-6839, Narcotics Division. Cpl. Wells said he was a friend of Barry Van Treese and wanted to confirm his death. I advised Cpl. Wells that Van Treese was dead and it was being worked as a homicide. Cpl. Wells said he worked in Narcotics and knew Barry Van Treese very well. Further, that Barry owned another Best Budget Inn in Tulsa and cooperated with the police frequently. Barry would always provide a room for the police to work their deals. Cpl. Wells said the Best Budget Inn in Tulsa was not one of their better motels and catered to the more trashy type of individuals. Wells was calling to inform me that the manager of the Best Budget Inn in Tulsa had some interesting information. Further, that he was standing by to talk with me.

Several attempts were made to make contact with Mr. Bender by telephone on 1/8/97 without success. Finally, at 3:40pm this officer made contact with Mr. Bender. The following information is a result of a interview conducted with William Bender.

Duplicate

INTERVIEW WITH WILLIAM HOWARD BENDER

On 1/8/97, at 3:40pm, this officer conducted an interview with William Bender over the telephone. I identified myself to Mr. Bender and explained I was one of the Detectives investigating the death of Barry Van Treese. Further, that Cpl. Wells of the Tulsa Police Department had telephoned me and gave me his name. Bender said he had been trying to call Det. Horn, but was unable to reach him. Mr. Bender was told to call the Oklahoma City Police by one of the brothers and was given Det. Horn's name. I then asked Mr. Bender if he would tell me what he knew about this incident. The following information is what he told me.

Bender said on Monday night, 1/6/97, Barry Van Treese arrived in Tulsa at 11:30pm. Barry arrived in a very bad mood. Bender said Van Treese was in a bad mood, because he had just come from Oklahoma City and

Standard Trailer - First Page

WMF 0521

Reporting Officer: BEND ROBERT Number: 000179 Date: 03/04/97 Time: 11:47
Typed by: WCOOK Number: 165 Date: 03/04/97 Time: 11:44
Approving Officer: PACHECO, STEP Number: 000115 Date: 03/06/97 Time: 12:28

Standard Continuation Page

WMF 0522

Reported Date: 01/07/97 Time: 15:10

Case: 97-002261

Page: 2

Code: 21-701.7 SS

Crime: MURDER 1

Class:

found approximately 2500 registration cards missing. Bender said that as a hotel owner, Van Treese is accountable for those registration cards to the IRS and they are all numbered. Bender said Van Treese has had a lot of people in the manager's position steal from him in the past. Van Treese found out this guy (Richard Glossip) in Oklahoma City had been doing it (stealing) at that motel. Bender said Van Treese discovered he was missing 2500 registration cards from the Best Budget Inn in Oklahoma City not in consecutive order, but in different groups. Several daily reports were also missing.

I asked Mr. Bender who it was that Van Treese thought was stealing from him? Bender said Van Treese thought it was Rich that was stealing from him. This was the only person Van Treese mentioned to him. Bender said there was another person working at the motel, but she was an older lady (Billye Hooper) and is senile and she makes mistakes. Bender said it was his understanding that this other employee was as honest as she could be. She has worked there for the past 15 years.

Bender said he believes Barry came up there with the intent on firing me and my wife. Bender said I think Barry expected to find this motel in the same kind of condition as the motel in Oklahoma City. That is the way it has been in the past. Bender said Barry came through the door and slammed it open. I extended my hand and told Barry I was glad to see him. Bender said Barry was a day late for his pay day and the housekeeper's pay day is on Monday. Barry has to pay her by midnight, that is why he was running so close to that time when he arrived here. Barry told us he had stopped by Oklahoma City and tried to get all his paper work together and found he was missing \$3000 dollars in deposits. Barry also told us Rich was two or three weeks behind with some other deposits.

Bender went into further explanation in reference to how the victim tallied the finances of both motels. Barry kept two sheets of papers with three columns on each. One of the sheets was for Oklahoma City and the other was for Tulsa. The two sheets of paper contained lists of deposits for the months of September, October, November, and December for the past three years. For example, in Tulsa we average renting approximately 65 more rooms a month than Barry did in the past. On the other hand Oklahoma City was about 135 rooms a month short from what it was last year.

I asked Bender if the victim told him how much money he picked up in Oklahoma City? Bender replied, Barry was suppose to pick up \$3000 dollars when he returned to Oklahoma City. Barry wanted to know if we had any of our deposits available, because he didn't have any money. Bender said he told the victim no, that they had already been deposited and Bender showed Barry the deposit slips. Bender said the only money they had was the money taken in that evening, but that would not be deposited until the next day. Bender went on to explain, that several months ago he had neglected to make 4 or 5 bank deposits and this was due to some personal problems he and his wife were having back then. Bender said Rich or the guy in Oklahoma City was doing the same thing, but none of his

Standard Trailer - Continuation

Reporting Officer: BEND ROBERT	Number: 000179	Date: 03/04/97	Time: 11:47
Typed by: WCOOK	Number: 165	Date: 03/04/97	Time: 11:44
Approving Officer: PACHECO, STEP	Number: 000115	Date: 03/06/97	Time: 12:28

Standard Continuation Page

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 3
Code: 21-701.7 SS Crime: MURDER 1 Class:

deposits have made it to the bank. Barry told us back then when he first discovered that we hadn't been making daily deposits, that couldn't happen at more. Barry wanted the deposits made on the following business day before noon. Bender was under the impression that the manager in Oklahoma City was suppose to make his deposits on a daily basis also. However he was unaware of which bank Rich was suppose to use.

At this time I wanted to clarify something Bender had said earlier in the interview. I asked Bender again about his statement, that the victim indicated he had no money when he arrived in Tulsa? Bender said the victim indicated to him he had no money. That he was returning to Oklahoma City to pick up money. Bender said that the victim was not when he arrived in Tulsa. Bender said the victim was planning to fire him for the same thing he has fired every other manager working for him. The victim thought he was going to catch me embezzling money and stealing him blind. Bender said he didn't know Mr. Van Treese was coming to Tulsa that night. Usually Van Treese just mails our checks to us using one of the express services, Federal Express or UPS. Bender said that Van Treese made him open up four rooms he picked to look at. The idea being they were not listed on the daily reports and Van Treese was checking to see if they were occupied. If they had of been occupied then Bender would have been embezzling money from Van Treese.

(Barry checked over all of my daily reports for 1996 and all of our registration cards. Everything was in order. Bender said it was his understanding after stopping by Oklahoma City, Barry found half of his registration cards gone, strewn all over the place and torn up. Some of them had been shoved into drawers. Nothing was in order and Barry expected to find the same thing here. Bender then told me about his proficiency at maintaining the records for the Tulsa motel for several minutes.

approx. 1/2 hour

I also wanted to find out for sure what time Barry Van Treese arrived in Tulsa. Bender said it was about 11:30pm on Monday evening. Bender said Barry left the motel about 12:15 to 12:20am on 1/7/97 after finding the motel in good shape. Bender said that Barry called his wife at about 12:30am and asked her if his wife had called. Barry was told she hadn't called. Barry then instructed us to tell his wife if she called, that he had left Tulsa at 12:40am. And he would be home in 5 1/2 hours. Barry also wanted us to tell her he was going to stop by Oklahoma City and pick up some money on his way home. I asked Bender if Barry made any comments about the operation of the motel in Oklahoma City to him? Bender said yes he did! Barry took his list out and showed him a comparison in the difference between the two motels and how they were being operated. Barry then hugged Bender's wife and thanked them for taking care of his property. Barry said they are stealing me blind in Oklahoma City and I am going to get rid of them. Barry told us he was going to confront them as soon as he arrived in Oklahoma City.

Then Barry asked me if we were ready to move to Oklahoma City and take over that motel? Bender said that was the main reason Barry hired

Standard Trailer - Continuation WMF 0523

Reporting Officer: BEMO ROBERT Number: 000179 Date: 03/04/97 Time: 11:47
Typed by: MCOOK Number: 165 Date: 03/04/97 Time: 11:44
Approving Officer: PACHECO, STEP Number: 000115 Date: 03/06/97 Time: 12:28

Standard Continuation Page

WMF 0524

Reported Date: 01/07/97 Time: 15:10

Case: 97-002261

Page: 4

Code: 21-701.7 SS

Crime: MURDER 1

Class:

us. He was going to break us in here first to see what kind of job we did with the smaller motel. Then if our work was satisfactory, we were going to move to Oklahoma City and take over the larger motel. Bender said they really didn't want to move to Oklahoma City right now, because their kids were in school and they were pretty stable right now in Tulsa. Bender said Barry told him before he left that he was going to Oklahoma City to pick up the money Rich owed him. Barry also said he told Rich to have the money ready! I asked Bender how much money Barry thought Rich owed him? Barry said there was about 3 or 4 weeks, about \$3000 dollars missing and in particular the money missing from room #102. Barry said during one three week period he collected only \$1180 dollars from the motel in Oklahoma City. Bender said that is only about \$38 to \$40 dollars a day. I averaged the total Bender quoted to me against 21 days and the average amount a day was actually \$56 dollars.

Bender then asked me if room 102 was the room Barry Van Treese was found in? I told him it was. Bender then asked if Van Treese was fully dressed? I told him no. Bender said that Van Treese would not sleep on a waterbed. He would absolutely refuse to sleep on a waterbed, because of his back. Bender said that Van Treese did not have keys to the rooms in Oklahoma City and would have had to wake the manager in order to be taken to a room unoccupied. Bender said Barry would have stayed on the buzzer until someone let him in.

I asked Bender if he had ever heard the name of the maintenance man in Oklahoma City, Justin Taylor? Bender said no. He had heard Van Treese talk about Rich a couple of times. And on one occasion, he had called the motel in Oklahoma City to get tax information, so they could pay their housekeeper. This was when Barry had left on vacation.

Bender said they stayed up all night and no one ever called them to let us know what was going on. Bender said he decided to call the motel in Oklahoma City to see what was going on. Bender talked with Rich and asked if there was any information about Mr. Van Treese? Rich says, Oh yeah! We found him (Barry Van Treese). Bender said then he is okay? Rich replied, No! He is deader than a door nail! He is cold as ice. Then Bender stopped and said Rich's exact words were "he was beaten to a bloody pulp!"

Bender begins to relate the first story he was told. Bender says, Donna called him to find out what time Barry left Tulsa. Donna told me Barry's car was found parked in front of a credit union in Oklahoma City and \$3000 dollars was missing. Bender said the \$3000 dollars was the money Barry was suppose to pick up from Rich. Bender said Barry was suppose to pick the money up from Rich and if Rich did not have the money, Barry was going to send him to jail! I think after Barry arrived in Oklahoma City and confronted Rich about the number of rooms he was renting averaging between 18 to 22 on a weekend as opposed to 45 to 50 when he was in town, Barry was tired of the stealing that was going on.

Another point of clarification I wanted to make was in reference

Standard Trailer - Continuation

Reporting Officer: BEND ROBERT	Number: 000179	Date: 03/04/97	Time: 11:47
Typed by: WCOOK	Number: 165	Date: 03/04/97	Time: 11:44
Approving Officer: PACHECO, STEP	Number: 000115	Date: 03/04/97	Time: 12:28

LWW 28864

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 Standard Continuation Page
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 Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 5
 Code: 21-701.7 SS Crime: MURDER 1 Class:

something Bender had told me. Bender told me, after Barry leaves the motel and then calls back to give his wife a message, part of the message was "Rich was going to be told he had a week to get his act together!" I said to Bender this statement indicated to me that Barry was going to allow Rich to stay in the motel. Bender said no. Bender believes it was only the amount of time Rich had to get the money. But I asked, I thought Barry was suppose to collect the money that night? Bender said right. Bender said we are talking about money that Rich has stolen from Barry. I never was quite clear on what Bender was trying to tell me. I can only think that if Rich did not have the money, Barry was going to give Rich a week to get the money together. This part of Bender's statement was not clear to me. I did ask Bender if it was his impression Barry was driving to Lawton that same morning? Bender said it was.

Bender said when Donna called us on Tuesday between 1:00pm to 2:00pm she sounded strange. I asked Donna if she was alright? Donna asked me if I had seen Barry? Bender told Donna, he had not seen Barry since last night when he left Tulsa around 12:30am. Donna asked if Barry left her a message? Bender told her, yeah. Barry said if you called to tell you he would be home in 5 1/2 hours. You mean Barry is not home yet? Then Bender asked Donna if she had called Oklahoma City about Barry. Donna said they said they had not seen Barry! Bender said that is when we started worrying about Barry. Then I was told Barry's car was found in front of a credit union. I was told the car was unlocked and the powerwindow was still there. Bender said Barry never left his car unlocked.

I asked Bender if Rich said anything else when he was talking to me? Bender said yes he did. Rich told me I better get my family out of the motel, because he was going to bring it to the ground! Rich said he was being accused of Barry's death and I'm going to show everybody! Rich told me he would be gone now if the police had not told me to stick around.

This concluded my interview with William Bender.

end of report
 Insp. Bob Bemo

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WMF 0525

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 Standard Trailer - Continuation
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 Reporting Officer: BEMO ROBERT Number: 000179 Date: 03/04/97 Time: 11:47
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 Approving Officer: PACHECO, STEP Number: 000115 Date: 03/06/97 Time: 12:28