

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN COOPER,) Case No. 04CV0656-H(LSP)
)
Petitioner,) San Diego, California
)
vs.) Wednesday,
) June 2, 2004
JILL L. BROWN, ACTING WARDEN,) 9:00 a.m.
SAN QUENTIN STATE PRISON,)
)
Respondent.)
_____)

TRANSCRIPT OF EVIDENTIARY HEARING
BEFORE THE HONORABLE MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE

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*Exhibits
from
6/2/04
hearing*

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

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EXHIBIT 1

DECLARATION OF DETECTIVE DEREK PACIFICO

I, Derek Pacifico, declare as follows:

1. I am a detective with the San Bernardino County Sheriff's Office, and am currently assigned to the homicide division.
2. On April 1, 2004, Detective Mahoney and I conducted an interview of James Taylor, an inmate at Ironwood State Prison. The interview occurred at Ironwood State Prison.
3. The interview of inmate James Taylor was tape-recorded. Attached hereto is a true and correct copy of the transcript of the interview with James Taylor.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of April 2004, at San Bernardino, California.



DEREK PACIFICO, Detective
San Bernardino County Sheriff's Office

L.T. Lester Taylor
D.P. Detective Pacifico
D.M. Detective Mahoney

D.M. All right

L.T. yeah

D.M. Come on in (unintelligible) how you doing? I'm Derrick Pacifico

D.M. I'm Don Mahoney

L.T. My pleasure

D.M. come on in and have a seat

D.M. We're from the ah San Bernardino County Sheriffs department

L.T. okay

D.M. do you ah have any idea why we might be here talkin' to ya

L.T. Well ah I got a vague idea

D.M. what do you think it is

L.T. that Kevin Cooper

D.M. that's the one you're right huh well first of all let me get a couple formalities out of the way your first name is James Lester Taylor right that's your whole name and your date of birth?

L.T. six twenty six fifty six (6/26/56)

D.M. six twenty six fifty six (6/26/56) okay all right and today's date is April first April fools day

L.T. Okay

D.M. two thousand four (2004) and the time right now is twelve thirty (12:30) the reason why we're here is like (unintelligible) my partner here we've been assigned to do some follow up investigation on the case now obviously when this whole thing went down we were kids

L.T. yes

D.M. and in school at the time so we don't have as much vested in this we didn't do the investigation when all this happened so um we're learning more about it as we read and, and really we're here because you just recently gave ah, ah wrote out a declaration and signed it

L.T. Yeah

D.M. did you did you write it or did somebody write it and then you signed it or

L.T. No, no, no I, I what she did was we

D.M. Who? Can I stop you who real who she

L.T. Um Sandra Coats and, (unintelligible) an investigator for ah obviously

D.M. did she say did she leave a card or anything like that or did she

L.T. Yeah I don't have it with me

D.M. Okay that's fine Sandra

L.T. Coats

D.M. And she's with who?

L.T. Ah I'm assuming that she with Kevin Coopers ah ah attorney

D.M. Oh

L.T. she's an investigator

D.M. Okay and so she came here like we are today

L.T. yeah

D.M. and when and what she say
L.T. well she just basically um asked me ah about what transpired to my best of my recollection and a lot of things I didn't remember but the majority of it I know what I did
D.M. Hmm
L.T. You know what I mean so that's basically where I put emphasis on and so the thing that the declaration said was that the things I remember I don't a lot of the stuff
D.M. sure
L.T. but I do recall dis the specific
D.M. Okay well would you consider this whole event ah pretty significant event in your life somethin' that's you know like if you were to list the top five things that happened to you in your entire life is this one of would this be up there in the top five as far as the Kevin Cooper case?
L.T. Man it it's just up there
D.M. it's up there yeah
L.T. Yeah and I'm like you know what transpired I don't have nothing to do with outside the gate the one issue and this is where I told her and I think she really didn't like it because she's like, like maybe ah pro him you know at this particular point in time was I know I gave him them shoes well
D.M. what shoes?
L.T. the ones that she questioned me about but the ones that I testified that I gave to him ah was the exact one I gave to him but he telled her after the fact that he didn't recall a lot of things he don't if I gave him shoes and that's what puts in my mind that everything else he's saying is a bunch of hogwash because I gave him them shoes
D.M. and that's what I was saying today if you were to close your eyes and look back on that day
L.T. Hmhmm
D.M. you'd, could you picture the gym?
L.T. yeah
D.M. You could picture the storeroom
L.T. (unintelligible)
D.M. picture were you were standing on the count you know near the counter what have you in term you can picture all that kinda stuff right?
L.T. (unintelligible) now
D.M. cuz it was a significant event and, and so
L.T. yeah
D.M. You, you remember taking his shoes you probably even picture what they look like (unintelligible) the shoes
L.T. Let me tell you what I remember so well without any without having to utilize that I was ah a inmate coach
D.M. Okay
L.T. guy came to me to play basketball and, and I put 'em in my mind this guy's gonna play everyday like, like he should
D.M. Hmhmm

L.T. then he needs these types of shoes

D.M. Okay

L.T. and it not no other way that, that transpires now I

D.M. (unintelligible) basketball and if I walked in and played some basketball and said hey I wanna I wanna learn how to play basketball

L.T. You wanted to try out for the team?

D.M. Right

L.T. Okay

D.M. I wanted to try out for the team

L.T. Once, once you try out for the team you get a pair of shoes

D.M. Okay pair of shoes if I wanted try out for the shoe team but you saw me play during the course of (unintelligible) generally sucks

L.T. No I wouldn't give you ah no

D.M. You wouldn't

L.T. that's not the, the this the ah, ah significant in that retrospect not in the specific retrospect once you're gonna be a every day player you know you used to get with the ah some shoes that were like maybe they would tear maybe after two games

D.M. Okay

L.T. Okay but if your gonna play a lot of games

D.M. (unintelligible) shoes

L.T. yeah we'd give you the PF flyers

D.M. Okay

L.T. and it, it goes without saying it's something that the coach wanted us to do something that goes with the program

D.M. Hmhm

L.T. and that's it and I recall this incident like it was yesterday

D.M. Okay

L.T. told 'em so

D.M. when you, you talked to her she you said there was something she didn't like about this Miss Coats

L.T. Yeah

D.M. ah something that she that she didn't like and you said it was something about I specifically remember given him those shoes

L.T. Yeah because I that's the only emphasis I could puttin' on she was saying that he had a foot (unintelligible) therefore he got some shoes which may be totally true but for him to come play basketball and was on the team and I recall that transpired I know what I gave him

D.M. now so you give him shoes but kind of shoes did you give him?

L.T. I gave him pro Keds

D.M. Pro Keds

L.T. Pro Keds

D.M. okay and what was the significant difference between Pro Keds and PF flyers?

L.T. the well lets get one thing straight the, the, the Pro Keds are considered PF flyers I don't know but we were utilizing a prison made shoe also

D.M. Do you know which ones the prisoners made?

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L.T. no not
D.M. Okay
L.T. the ones we were givin' out
D.M. Okay
L.T. they were like (unintelligible) that cheap
D.M. real cheap
L.T. that cheap
D.M. yeah
L.T. and once you solidified that you wanted to play basketball well you were given and you were gonna play on the team we were playing outside teams and, and within ourselves
D.M. Ah huh
L.T. we give you a pair of Pro Keds
D.M. Okay
L.T. (unintelligible)
D.M. because those are?
L.T. a better basketball shoe
D.M. Okay were they the, the best (unintelligible) sport shoe you had at the time or are they were just better than
L.T. No I think they were the best
D.M. (unintelligible)
L.T. they were the best cuz the other ones were you what we really used and we had some Pro Keds that weren't
D.M. Oh okay
L.T. so we kinda like kept those for the basketball players
D.M. And Kevin Cooper was he a pretty good basketball player
L.T. he was all right
D.M. Yeah
L.T. he, he made the team but I mean I didn't my distinguishing point was long as it was enough people to where I didn't havta like say okay I don't like this guy he can't make it and I, I never had to go through that
D.M. Oh
L.T. so I do recall him making the team
D.M. Oh okay so yeah different ones have the better shoes
L.T. yeah
D.M. (unintelligible) prison shoes
L.T. yes that's that's
D.M. (unintelligible)
L.T. that was the whole signifance of it
D.M. Okay
L.T. that's, that the whole signifance of it
D.M. Were the PF flyers were they better than Pro Keds or less
L.T. Um no the, the PF flyers and the Pro Keds are one brand then you got the prison made
D.M. Oh kay let me well let me when you say one brand you mean made by the same people or

- L.T. I assume they were made by the same people but the Pro Keds were the better ones
- D.M. Okay
- D.P. Yeah I want to stop you for a second cuz I wanna get something out before we go to far you started to mention earlier about you, you said when, when he asked you did you write that declaration out you said well this is how it was done and then and then we cut you off how did that physically get done?
- L.T. It get done she asked me ah we had ah extensive interview and, and we couldn't settle on a few things the only thing we could settle on was the fact that it's a true document I, I know the one your talking about I did sign it I read it before I signed it was the thing that I was emphasizing with that was a lot of things I don't remember if we talked about our girlfriends or having girlfriends or I don't remember all that I don't I don't
- D.P. yeah and I don't, and I don't care about that either
- L.T. Yeah
- D.P. but what were the issues you were arguing with her about
- L.T. On the document
- D.P. yeah (unintelligible)
- L.T. the issues that I was wanted the testimony was obviously something that I can't quote I never prepared it you see what I mean so I can't quote it word for word so those were
- D.M. if you could I'd be alarmed cuz I would think there was a problem
- L.T. I couldn't do it and she kept trying to throw little nickels and turn things around to where I'm when you had to be co I, I don't know no then this is how our conversation went look what do you want do you know what I mean and she said well I just want you to tell me what you remember about this and I wrote I said look the things some of the things in there I know I said and some thing I don't remember saying and that's what I signed
- D.M. Okay
- D.P. Did you hand write that out yourself
- L.T. No I didn't
- D.P. she wrote that?
- L.T. Yes
- D.P. Okay do you agree with the document that you signed?
- L.T. Ah I know I know the discrepancies I'm not saying that, that there was anything coached as far as prior to that document that I'm saying that I'm saying now derived no I don't agree with that and that said none of that was ever discussed what I do agree with is that I said what I said on that document was that a lot of things I don't recall
- D.P. kay that, that, ah that's not even mentioned
- D.M. no that's not even there no it's actually a very short document
- D.P. give, give him that one see if this thing
- D.M. this is the document that we got that here
- L.T. let me see let me see
- D.M. Now you say she hand wrote this and you signed it

L.T. Yeah

D.M. Okay

L.T. yeah

D.P. did you time stamp or anything okay

L.T. okay

D.M. do you see any problems with that document?

L.T. well she said that once again this was the emphasis the same thing you asked me I issued him one pair of (unintelligible) I issued him a pair of Pro Keds now if they called PF flyers also I do recall testifying that those are the names of that particular shoes P PF flyers Pro Keds

D.M. Okay

L.T. Pro Keds brand Pf flyers now cept that, that's I can point the shoe out that I'm talkin' about

D.M. Did she talk to you about like I, I asked you?

L.T. this is what I said this is what I signed though this is basically what I you know I signed

D.M. Did, did she talk to you about PF flyers Pro Keds being the same thing

L.T. Yeah

D.M. Did prior to her talking to you about that do you remember them being the same thing?

L.T. Well what I remember is that she liked (unintelligible)

D.M. and you remember them being

L.T. Pro keds

D.M. Pro Keds okay

L.T. that's what I remember ah that's what I kept trying to tell her I said now if you wanna make PF flyers Pro Keds you can do that

D.M. Okay

L.T. (unintelligible)

D.P. Is that what you have written yourself or would you have use the word Pro Keds

L.T. I would have used the word Pro Keds

D.P. Okay so this is this document a result no I don't wanna say that (unintelligible) mean I, I want to choose my words carefully so this doesn't come back on me

D.M. Okay

D.P. If you had been asked to write about that specific issue is that the document you would have written in those words?

L.T. Believe it or not other than the Pro Keds it's pretty accurate

D.P. Okay

D.M. (unintelligible)

L.T. other than that it's pretty accurate

D.P. Okay so that you would (unintelligible)

L.T. I would have wrote it like you said in my own words I would have probably did you know ah, ah identified the, the time period which was in question I would have identified my ah contact which pretty much this is about the same to the extent of the ah small conversations and ah I did issue him one pair of shoes and he never gave 'em back those shoes were Pro Keds

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D.M. Okay why is the word PF Flyer there

L.T. Well obviously there is another pair of shoes she's trying that if I testified to the fact that there were ah PF flyers I, I know what I meant they were Pro Keds that's what we called PF flyers Pro Keds now the other pair of shoes that we had were like shoes that, that someone would have left these were not state issued they came from upfront

D.M. Okay

L.T. Per say

D.P. In total besides and I don't ever wanna talk about the brown prison shoes

L.T. Okay

D.P. cuz they were never in question

L.T. No

D.P. we're talkin' about sport shoes

L.T. sport shoes

D.P. How many different types were there in the ware in, in, in the gym?

L.T. At that particular point in time there was the Pro Keds there were converse which were like old shoes that people had left and had donated to, to the institution but they weren't a standard issue as far as what we were able to issue lot of those would they'd say can you fit boy you wear those till you leave that's how we used to do with the converse but the Pro Keds was specifically for basketball I wouldn't give you anything else now this PF flyer we're talkin' about these are obviously shoes that you come from Chino reception (unintelligible) with they're, they're very cheap tennis shoes if the doctor gives you a (unintelligible) for bad feet and he says go to the clothing room and get you some tennis shoes they're gonna give you these

D.M. These being what?

L.T. the prison made shoes

D.M. and what are they called?

L.T. I would they call them PIA's

D.P. Okay

D.M. (unintelligible) called prison industries authorities

L.T. they call them PIA's I would never if somebody's gonna play basketball give them a pair of them

D.M. Okay

L.T. you know and this is what I was trying make the young lady understand was madam I'm not I'm not having a problem with that I'm having a problem with a lot of the things that you want to emphasize that I may have said and I know I said 'em and I don't wanna mislead you but I don't remember

D.M. What do you recall her trying to make you emphasize

L.T. Ah the difference between the two shoes distinguishing but are you sure you didn't give him PF flyers you said you gave him PF flyers I know what I said but I pointed out Pro Keds that's what I gave him they're called PF flyer Pro that these are not prison made shoes Pro Keds Pf flyers the prison industries shoes are PF flyers are not prison

made I did not give him and I did not give him Pf flyers I gave him Pro Keds

D.M. Why do you think the word PF flyer is in that document?

L.T. To identify the Pro Keds we called 'em PF flyers you know it's a slang

D.P. Okay PF flyers not an actual make brand or title? Kay Nike Air Jordan everybody knows that ni that Air Jordan is the name of a shoe

L.T. there you go

D.P. that's make by Nike

L.T. there you go

D.P. that Nike's the brand Air Jordan's the model like

L.T. Pro keds,

D.P. Okay

L.T. Pro keds the brand PF flyers the model

D.P. Okay

D.M. (unintelligible) well let me interject now go back to

L.T. Okay

D.M. did you ever see okay if, if, if I had a pair of Pro Keds on right now what would make you think that they were Pro Keds what (unintelligible) stand up to

L.T. the stripes

D.M. the stripes okay

L.T. they got ah, ah pup see that thing the stripe is just like that you know those Pro Keds like that has a stripe just like that on the side right here

D.M. my dad can be worse to your tracks (laughing) (unintelligible) four ninety nine

D.P. Yeah

L.T. hey

D.M. I wore tracks too (unintelligible all three talking at once) track, tracks and re stripes and ah what was it what was it thick tough skins

D.P. Yeah tough skins

D.M. I wore that (hard to distinguish who is saying what both detectives talking over each other)

L.T. Pro Keds are dif did you know east coast shoes basically Pro Keds they got ah blue and, and red stripe like a (unintelligible)

D.M. Ah huh

L.T. you know Pro Keds you know stands out that much with, with the blue and red strip right here

D.M. that's funny you say that how do you know they're an east coast shoe

L.T. Well they're not you know you can't really like go find 'em a lot of places here

D.M. You're right they are an east coast shoe

L.T. they are

D.M. Yeah

L.T. I don't

D.M. I just knew I just though that you knew that

L.T. I play basketball (unintelligible)

D.M. so you know your Pro Keds flyers I mean your Pro Keds

L.T. I, I would I wouldn't make a mistake like that
D.M. but so now does PF flyers have that stripe on there
L.T. not that I know of
D.M. Okay so they that would stand out to you
L.T. Yeah
D.M. did you ever notice ah
D.P. Well I'm confused now
D.M. Well PF flyers are different
D.P. Well wait a minute
L.T. (unintelligible) but we were calling
D.P. (unintelligible) well that's what I want to make sure we're clear on
right do we have
L.T. two pair of shoes we got we got the, the Pro Keds the prison made and
then the converse now the converse once again were not prison
standard issue they had another issue which were a cheaper brand
D.M. right
L.T. than the Pro Keds now they called they don't call them PF flyers they
call Pf flyers Pro the Pro Keds Pf flyers are the ones that you play
basketball in they are just a basketball shoe
D.P. Okay
L.T. then you got the prison made shoe then you got the scattered ones
that really don't matter
D.M. Do
L.T. I kinda forgot whose (unintelligible)
D.M. I don't (unintelligible) at least twenty years later and like
(unintelligible) I think what she did is she came in here and
D.P. well lets not talk (unintelligible)
D.M. and, and
L.T. I don't know what I, I,
D.M. Well I don't think she quite knows either
D.P. well lets go to the reason I'm sorry I ah I don't mean to take over but
I want to make sure that cuz what your what your saying today is that
Pro Ked and Pf flyer are the same shoe
L.T. yeah
D.P. Okay
L.T. It's a slang
D.P. Okay however
D.M. Well go with it (unintelligible)
D.P. just slang
L.T. just slang
D.P. okay
L.T. just slang now I'm ah I (unintelligible)
D.P. I, I believe what you (unintelligible)
L.T. I've got right here
D.P. sure
L.T. are we talking about another pair of shoes being involved in this the
only one else can be involved was there was another basketball shoe
that we don't utilize for basketball ball was a prison issue that okay

- D.P. You're, you're testimony back then and if you can turn to that page in there was and this is how I understood it and maybe for everybody involved this maybe misunderstood this is what we are trying to figure out apparently by your statement today and your statement back then you specifically recall getting Kevin Cooper or the person you knew him as what back then
- L.T. David Troutman
- D.P. You gave David Troutman someone who tried out for the basketball team a pair of
- L.T. Pro Keds
- D.P. Pro Keds but in your statements the way it reads from your testimony it sounds as if there were two different brand of shoes stay with me here Pf flyers and Pro keds
- L.T. Hmm
- D.P. and that PF flyers according to your statement were a lower brand that everybody was allowed to check out but if you were on the basketball team you got the Pro Keds
- L.T. that's right yeah
- D.P. A separate shoes
- L.T. yeah
- D.P. but now you're saying that the Pro keds is the PF flyer
- L.T. well they no, no what I'm saying is that's the name the Pro Keds it's, it's a brand
- D.P. right
- L.T. Pro keds PF flyers there was another basketball shoe that if your not trying out for the team you can come get it anytime we didn't issue
- D.M. were those PIA's
- L.T. yeah
- D.M. Okay
- L.T. but those are prison made shoes
- D.M. and how that areas is
- D.P. well there's, there's a couple areas broken off but um go back to the settings
- D.M. Okay um if I were
- L.T. (unintelligible) that's the point because I do recall it and it is like that
- D.P. Okay in what our understanding was my understanding and, and this is tell me if I'm wrong my understanding from reading the documents my understanding from talking to the deputy district attorney and others involved during that time frame was that there were three brands of shoes sport shoes
- L.T. Hmm
- D.P. Pf flyer Pro Ked and converse
- L.T. Hmhmm
- D.P. and that the PF flyer is not the Pro ked the Pro ked is has a different name
- L.T. but it is (unintelligible)
- D.P. Okay
- L.T. we used to call 'em PF flyers

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D.P. Okay

L.T. Pro ked Pf cover when you go up to the window you're gonna say we don't always know that you playing on the basketball team they'll say give me a pair of Pro Keds PF flyers you're gonna get the Pf flyers because your not if your on the basketball then the Pro Keds Pf flyers if your not on the basketball team you're gonna get the PF flyers another ah off brand

D.P. what does PF flyer mean?

L.T. I have no idea

D.P. Okay

D.M. did you ever see the name PF flyer written anywhere

L.T. no I didn't

D.M. Okay

L.T. No

D.M. How about Pro Keds

L.T. Yeah I see that we had

D.M. Where

L.T. they were new

D.M. Okay it was on ah box

L.T. yeah

D.M. ever see it on a shoe

L.T. ah I don't know if it's on the back if it's right back here you know a little sticker on the back I'm not sure I don't wanna (unintelligible)

D.M. (unintelligible) no (unintelligible)

L.T. go to ah but that's the point because that's how it is that's exactly I mean the truth we had the pro keds now I guess your calling this prison made shoe a PF flyer

D.P. I ah no I'm not calling it anything I'm asking you to tell me what it's called what, what is what is the prison made was

L.T. I

D.P. Con converse shoes seems to be not (unintelligible)

D.M. They're not they're not

D.P. Okay so those were off white

L.T. and I and I can explain that

D.P. what if someone came up and I, I some general inmate (someone talking over the detective) not a basketball player okay said I want some shoes what would you give him?

L.T. I would give him those prison made shoes

D.P. and what did you guys call them

L.T. Ah they were

D.P. they were called PF flyers?

L.T. No

D.P. Okay

L.T. that's not the quote maybe PIA

D.P. Okay

L.T. I just give 'em a pair of PIA's

D.P. Okay

L.T. You know they gotta sticker right here that says PIA prison industry on 'em right there now if, if you said what is bass I'm gonna try out for your basketball team you might have those on and if I if you if you come back and try out and you gonna be on this team you're gonna get a pair of Pro Keds because that was the best shoe in stock for basketball

(unintelligible)

D.M. Okay so if, if, if the guy comes in, in the morning you (unintelligible) and he say hey let me get a pair of tennis shoes I just wanna mess around so you give him the PIA's right?

L.T. PIA's right

D.M. which you know won't last in, in a real

L.T. NO

D.M. (unintelligible) hard basketball game

L.T. No they won't what would what we try to save those ones for the team

D.P. so then later on the same guy who you give PIA's before says you know I'm gonna try out for the basketball team

L.T. Yeah

D.P. You're gonna give

L.T. A Pro Keds

D.P. Pro Keds

L.T. yeah

D.M. Okay get his would the, the, the (unintelligible) well there's two things how many how many times did you issue Kevin Cooper shoes?

L.T. Once

D.M. Okay um you want me to read from

D.P. Read it

D.M. this is you remember Dek Hernandez

L.T. yeah

D.M. Okay you told Dek that um you said first pair I gave Kevin Cooper were a pair of PF flyers

L.T. Yeah because he wasn't on the team

D.M. and it, it was in the morning

L.T. Yeah

D.M. Okay by the end of the day he came back and um you gave him a pair of Pro Keds

L.T. Yes I did

D.P. that's why, why, why did you do that? Why

L.T. cuz he wanted

D.P. why PF flyers the first time and then later on in the day he comes back and he comes back (unintelligible) play some ball comes back in I may I wanna try out for the baseball team you say well then you need these

L.T. yeah

D.P. (unintelligible)

L.T. cuz he (unintelligible) the pro keds

D.P. so the pro keds are better than the pf flyers

L.T. yes

D.P. so they're not one in the same

L.T. no they're not the same

D.P. Okay

L.T. not the same

D.P. so what're they how what are they though but I'm still lost in your statement

L.T. I'm assuming that they're the prison made shoes

D.P. (unintelligible)

L.T. because I've never seen quote ah pro k ah PF flyers ah ah silk jumps you know what I mean

D.P. right

L.T. nothing like that nothing like that it's an ole slogan that's why I say it's a slogan you know when you, you come in hey give me a pair of PF flyers man if, if ah if you're on this basketball team you're gonna get the Pro Keds if you're not you're gonna get a pair of prison made shoes that you can that I guess are gonna take the name as Pro keds when he came in that mornin' he said I wanna play basket he did just like everybody else can I check out a pair of shoes sure I don't know he's gonna play basketball here okay whatever by the time the team had assembled to play we had a team ready to practice I gave him a pair of Pro Keds

D.P. Okay so that's where I that's where I'm gettin' this from so

L.T. Yeah

D.P. so the first time he comes in you know he's gonna play basketball you think he just wants a general athletic shoes

L.T. yeah

D.P. you gave him the PF flyers because to you PF flyers are PF flyers better or worse than pro

L.T. no they're random they're just for gym activities

D.P. but the Pro keds are a higher shoe that can withstand playing a hard game of basketball

L.T. (unintelligible)

D.P. then you gave him Pro Keds

L.T. Now you got it

D.P. Okay so the first time you gave PF Flyers the second time Pro keds

L.T. yeah

D.P. With that understanding and rereading your statement here do you think the PF flyers are the same as Pro Keds

L.T. No

D.P. Okay

L.T. No

D.P. Okay

L.T. No

D.P. see that's where I (unintelligible) confused because earlier you were saying that the pro keds are pf flyers but there are they or are they not?

L.T. No, no

D.P. okay

L.T. No
D.P. that's why that's why we did the analogy of Nike air Jordan as the make
L.T. well you know we identify the prison made shoe as pf flyers believe me
D.P. Okay
L.T. the, the, the pro keds are pro keds they say it
D.P. I understand (unintelligible)
L.T. Okay
D.P. you say you say they say it where do they say it
L.T. right on the I'm, I'm assuming right on the back
D.P. Okay
L.T. I'm assuming right here on back
D.P. Okay
L.T. it says pro keds
D.P. now a couple a minutes ago you also said that the pf flyers say pia
L.T. pia
D.P. or Pi or Poc or something but pia
L.T. right here yeah
D.P. Okay
D.M. (unintelligible) He's got it now he's got it he, he
D.P. So Pf flyers are the prison shoes
L.T. Yes it says Pia right here
D.P. but and keds are not pf flyers
L.T. No they're not (unintelligible) shoes they're, they're ah
D.M. Well okay the street shoes
D.P. Earlier
D.M. around these (unintelligible) right
L.T. yeah
D.P. Okay earlier in your when you first got to talking and we showed you the document you said yeah pf flyers pro keds are the same thing
L.T. well it, it is because we called um you see now your talkin' from the inside and I just I want be I want you to understand this
D.P. I do too and I don't I'm not challenging that your that your (unintelligible)
L.T. hey I can just tell you that I just gave him that one shoe in the morning which what we call Pro keds what you call pf flyer and the one I gave him to play basketball in are called Pro keds
D.P. did he ever give those back?
L.T. Never de never
D.P. the last thing you know of that you gave him that he never gave back to you
L.T. Pro keds
D.P. Pro keds
L.T. pro keds
D.P. Okay so with that in mind that document that I gave you right there that, that Miss Coats had given you
L.T. yeah
D.P. she wrote it out and then you looked at it and you signed it

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L.T. yeah

D.P. it actually addresses Pf flyers was Pf flyers the shoes that you last gave him and he left with or that, that he'd been

L.T. the last shoe I gave him that he didn't give back were Pro keds

D.P. Okay are you sure about that?

L.T. I'm positive I, I

D.P. Why, why are you certain?

L.T. Because he was on the basketball team

D.P. (unintelligible) were it for the basketball team

L.T. that's what we issued the basketball team and I made sure that I ah we talked I thought that I knew the way I, I don't know word for word and I can't quote but the way I told you we talked we talked for (unintelligible) I was the coach you see what I'm saying I'm running drills and everything so he wanted to get to know me

D.P. Hmhhh

L.T. I was the coach I helped and I'm not saying I didn't go do anything with him so I don't have nothing to gain I'm just you know

D.P. I and (unintelligible) no ones accusing you of anything we just want to check out the statement because the word pf flyer we understood to be a separate and independent shoe different from the pro keds and your statement before was that you gave him Pf flyers then you gave him Pro keds and now we get this declaration from this year saying no, no, no I gave him pf flyers only

L.T. Miss Coats (laughing) and I mean I, I understand and we had almost I almost got up and walked out because she kept driving to for that to be the situation and I'm saying well I thought about it and I said well we do call pf flyer pro keds

D.P. and so that's a nickname

L.T. yeah

D.P. You said in slang or

L.T. yeah in slang

D.P. so to you she heard you like that (unintelligible) pf flyers

L.T. yeah pro keds because if I if you're gonna play basketball you're not gonna get the pia prison industry shoes you're not gonna get those are a standard issue for what he did that morning and came and got was, was adequate for the standard issue which is the PIA tennis shoes they tear up maybe after three or four days now if you're gonna play on the basketball team and it is already perceived you're gonna be on this facility no about ninety days (90) at least we give you a pair of Pro Keds and especially if your and you've already made the team that's what I gave him

D.P. Okay where did the pro keds come from

L.T. ah you know what be honest with you I read that document about Midge Carroll I don't know if

D.P. what document Midge Carroll

L.T. well they showed me a document that after she came back and after the stay

D.P. Hmhhh

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L.T. she came back and Midge Carroll was another piece of ah declaration that, that the ah that was being ah looked in to and she gave the background to where those tennis shoes came from and I have ah, ah, ah idea that's where they come from but I don't wanna

D.P. Okay

L.T. quote her idea

D.P. let me let me ask you this so you were shown the declaration that Midge Carroll gave

L.T. yes, yes

D.P. prior to reading that

L.T. ah huh

D.P. from your recollection from working in the gym back in nineteen eighty three (1983) did you at that time in eighty three (83) know how the prison got those shoes?

L.T. You know what I didn't I just assumed they were donated

D.P. Okay did cuz it's not a big deal do you know do you know where the prison today gets it's spoons

L.T. No

D.P. do you know where today the prison gets your shirt?

L.T. yeah (unintelligible laughing)

D.P. (unintelligible)

L.T. they make 'em

D.P. Okay

L.T. they make 'em

D.P. from

L.T. at Folsom

D.P. but I mean as far as what's the name the name of what they call the make do you know that?

L.T. yeah

D.P. (unintelligible)

L.T. PIA

D.P. PIA there you go

L.T. I bet ya

D.P. there you go

L.T. this is the name there's what's on those tennis shoes

D.P. there (unintelligible) okay so now you can and

L.T. there's the emblem

D.P. is the

L.T. that

D.P. emblem from today as it was back then

L.T. same emblem that's the emblem

D.P. and those were on the shoes which you would call

L.T. standard issue

D.P. and what else would you call them what else would you call 'em what was the name

L.T. pf flyers

D.P. Okay

L.T. standard issue we mean it as a joke you know what I mean air, air core air whatever institution you're at oh you got a pair air core (unintelligible) you know

D.P. Oh okay

L.T. they're, they're that type of shoe

D.P. Oh okay

L.T. they're you got a pair of ah air Folsom's you know because you don't have any other tennis shoes

D.P. right

L.T. so you take those

D.P. Okay and, and, and, I'm not trying to be melodramatic but the point is you know where your clothes come from because you got labels on 'em

L.T. Yeah

D.P. but do you know where the prison gets their plates

L.T. No I don't

D.P. Okay do you care

L.T. I'd like to know about (unintelligible) are they filled with fiberglass (laughing talking over each other) what

D.P. but, but, but prior today me bringing up plates was never has never been an issue

L.T. never

D.P. you never investigated the fact

L.T. No

D.P. that where do we get out place

L.T. I never investigated the fact of where you got the tennis shoes from never but being at CIM we do know that there's a small other facility who donates a lot of stuff there they got the group the friends out side and stuff

D.P. Hmhmm

L.T. could be the only reason why this is, is, is transpire able is that this is a reception center

D.P. Hmhmm

L.T. so a lot of things that you get it if people don't have enough money once they be come in get ta get ta um get there and can't don't have the money to send the clothes home they donate 'em

D.P. Okay

L.T. and then they in turn go through ah, ah intuitional group called friends outside which in turn gives them back to where the institutional need is at

D.P. okay but that's gonna be odd items here and there

L.T. that, that

D.P. that's not gonna be

L.T. that's why I say the converses were not important because you'll only gonna get a pair here and pair there they're not prison they're not prison issue not standard prison issue

D.P. Okay pro keds were issued

L.T. yes only at that fac only at from that gym at that facility

D.P. how do you know that?
L.T. well I went to Jamestown and ah they had a different brand they utilize a different brand just like they use pro keds at CIM the utilize a different brand I don't know what brand it was but ah
D.P. why not
L.T. I don't recall
D.P. why not
L.T. well I just don't know I just don't know the name of 'em
D.P. maybe it wasn't important to you then does pro keds why do you remember pro keds today
L.T. well
D.P. is it because of something (unintelligible) get to attach to 'em
L.T. it I mean I know I've been playing ball all my life
D.P. Okay
L.T. I know a pair of pro keds when I see 'em hey got this one emblem that you will never distinguish it's same as that fan right there it's a blue and red stripe right there
D.P. do you think that if this whole issue back in nineteen eighty three (1983) had never happened and you were transferred to another prison and what have you did you still remember that the shoes the, the shoes in Chino were called pro keds or is because of
L.T. No I would remember that I would remember that I think
D.P. did you ever see those shoes any where else in any other prison
L.T. Ah you know I really can't say I have now they may have been the type at Sierra but were a different mold but they had the same once again to make you refer back would be the stripe
D.P. have we influenced your statement today?
L.T. you never have
D.P. have we made you any promises?
L.T. No
D.P. Have we threatened you?
L.T. No
D.P. Have we made communicated to you in any way shape or form known to humans that promised you threatened you coerced you did anything with administration reference your statement today?
L.T. No you didn't they did
D.P. Um is it is your statement today that without a doubt you gave David Troutman AKA Kevin Cooper what kind of shoes
L.T. for the basketball team pro keds no doubt
D.P. did he ever give them back to you
L.T. he never gave them back
D.P. Okay
L.T. and it's not a standard procedure to give 'em back
D.P. okay
L.T. (unintelligible) give 'em
D.P. go, go to that front thing and just run through the, the check list to make sure we covered all the issues this ah document that, that your

declaration that you read would you have written the word PF flyer or would you have written the word Pro Ked?

L.T. I would have wrote

D.P. in regards to issuing him those shoes?

L.T. I would have wrote Pro keds I would not have used the slang pf flyer I wrote

D.P. as far as your concerned as far as you know pf flyer is not the actual name of a shoe it's a nickname that inmates used to refer to those shoes

L.T. Yes that's the truth

D.P. Okay until today until talking with you I assumed that, that was a brand of who ever

L.T. no it's not

D.P. It's not a brand

L.T. I've, I've heard the slang before but it's utilized in a lot of different areas it's not a particular shoe that I can identify as Pf flyers

D.P. Okay

L.T. we used pf flyers pro keds ah air corcrins or whatever you want to call 'em you know what I mean

D.P. Yeah

L.T. it's not ah, ah, ah prototype that I can give you like I can give you ah pro keds

D.M. Okay air corcrins are what are they also PIA's

L.T. Yeah

D.P. the same PIA's that everybody has

L.T. the ones they might have revived them a little bit

D.P. Okay but the okay so pf flyer totally a nickname

L.T. totally a nickname

D.P. Okay

D.M. just some clarify clarifies here um we had early discussed the first time he came to you for a pair of shoes

L.T. yeah

D.M. you, you gave him just standard issue

L.T. I ah yeah, yeah

D.M. so and then later he said he's gonna be on the basketball team like I wanna try out for the basketball team so you gave him the pro keds

L.T. Pro keds

D.M. according to your statement so with that in mind did you give him one pair of shoes or two pair shoes what's your understanding there

L.T. well I didn't give him two pair I gave him one because the ones that you issue you have to give 'em back

D.M. good that's what I want to clarify

L.T. yeah

D.M. because sometimes people try to turn it around

L.T. No I didn't give him

D.M. (unintelligible) yeah

L.T. You know I'm not gonna

D.M. so you had actually handed him two pair of shoes

L.T. well
D.M. one pair came back
L.T. yeah
D.M. and what pair was that?
L.T. the ah pf flyers
D.M. Okay
L.T. the standard the PIA
D.M. Okay so if, if, if you were sittin' on a stand again and someone was saying how many pair of shoes did you give him what would you say
L.T. Now with being enlightened with that scenario I issued him gave him one pair
D.M. Okay and gave him meaning that you didn't get 'em back
L.T. he didn't give 'em back
D.M. cuz you gave them to him
L.T. I gave 'em to him
D.M. Perfect just wanted to clarify that
D.P. did you know to take those back to the, the ah (unintelligible)
L.T. (unintelligible) yeah true, true yeah, yeah
D.P. he was allowed to
L.T. yes, yes, yeah that's that they are allowed to
D.P. Okay
L.T. I was allowed to
D.P. You were allowed to was he
L.T. We all were allowed to yeah
D.P. Okay so there was something in your statement about well don't get caught with these it's on you or something
L.T. Well
D.P. It's, it's
L.T. see this is unspoken that you know they see you walking around with a pair of ah tennis shoes the pro keds the, the officers would assume that you, you're from the gym but you get an officer who don't wanna take that as an assumption and well tell you that those are those are not prison issue tennis shoes those are for the recreation department and normally we get by because of Mr. Hill being so fluent around here in the facility they, they knows it's his basketball team
D.P. the letter of the law is the letter of the law was they don't leave the facility you have to but your brown shoes back on?
L.T. No
D.P. well what was what was the policy?
L.T. the policy if you're gonna play on the basketball team they'll check them out to you regardless so go ahead and keep 'em go ahead and keep 'em give 'em back when you can when you half to meaning give 'em back (unintelligible)
D.P. when you're not playing basketball anymore
L.T. Yeah give 'em back
D.P. but were you allowed to walk around with them on the facility freely?
L.T. yeah, yeah you were

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D.P. Okay but and so if the CO came up to you and you were over
wherever you were not by the gym and he says hey those aren't what,
what'd you guys call the brown leather ones the
L.T. state boots
D.P. if you're not wearing your state shoes did they jam you up well you're
not wearing them right now
L.T. No because you
D.P. currently in this interview you're wearing a pair of white what are
these?
L.T. adidas
D.P. white adidas
L.T. well because you, you have that luxury you can do that
D.P. Okay see I don't know
L.T. yeah
D.P. I, I (unintelligible)
L.T. you have that luxury and when you issued this, this standard tennis
shoes a lot of them you have that luxury that became an issue at that
particular point in time I don't know the boots we had a shortage or
what ever but they gave away the standard tennis shoe
D.P. Oh
L.T. as, as a part of your laundry
D.P. the PIA
L.T. Yeah
D.P. Okay
L.T. but once you became athletically involved in the recreational program
and basketball specifically you became you got a better pair of shoes
for that specific endeavor but there is no one that's gonna like say
don't you can't wear those because these guys have tennis shoes on
and you guys (unintelligible) unless someone says that and then you
have to give them back to the recreation department and get standard
issue back
D.P. Okay so it's the inmate's choice to wear tennis shoes or brown shoes
L.T. yeah, yeah at that particular point in time
D.P. okay I didn't know that I (unintelligible) thought that's what I that's
what my mistake was that's why I'm asking
L.T. No, no
D.P. I thought he was going to get jammed up for wearing those across the
courtyard
L.T. No
D.P. as opposed to putting his brown shoes on
L.T. no, no
D.P. so that was never an issue
L.T. no, no not that not that issue that wouldn't be
D.P. Okay
L.T. the issue was
D.P. clarified for me
L.T. the recreational department can use as opposed to the standard issue

D.P. Now going back to the declaration when this all began again this year um it was on the eighth of January that ah this Miss Coats came in and have a talk with you how long did you know how long that interview lasted for?

L.T. ah we talked a better part of the day of but maybe from bout ah eleven thirty to one thirty two thirty

D.P. Oh okay pretty late then (unintelligible)

L.T. yeah

D.P. Um and then she wrote out the declaration you read it then you signed it

L.T. Yeah

D.P. and then she left

L.T. yeah

D.P. did I understand you to say that she came back after the stay

L.T. Yes

D.P. and saw you again

L.T. yes she did

D.P. she saw you for a second time

L.T. Yeah

D.P. what's she tell you then?

L.T. ah she wanted to ah her and another young lady wanted to have some ah excess to my some of the things the desecrations that I would be making from my statement as ah in reference to um knowing basketball shoes knowing the difference from football shoes and different and you know and so I'm like what is this what'd you mean so the end of that interview was that she felt that, that declaration got this gentleman if you wanna call it that ah an opportunity to have another hearing and she made this very perfectly clear that that's, that's what she did but in the event that the statement that I made needs to be expounded on she wanted to have some preparation for that which there's very little that I can add

D.P. Hmhmm

L.T. and ah so we talked and, and the ah end result was that ah she was going to have an other interview with, with like obviously an attorney of some aspect and ah make sure that everything I said in the declaration is on tape cuz we never taped anything

D.P. of course not yeah oh I knew that (both detectives talking together) we were ready to come up earlier too

L.T. Yeah we never taped anything but I basically don't change I, I, I, I, know what happened I know what happened and I got caught up in slang and appose to identify the slang

D.P. Hmhmm

L.T. but she knows and I know from a few intricate things that we talked about that those things were not with something that wouldn't be important if she didn't have a problem

D.P. did does she say why she was showing you Midge Carroll's Declaration

L.T. Um no she well she said that yeah to the extent that, that, that the declaration that I that she had got from me as well as the one from

Miss Carroll was the only two that were being assessed again other than the new circumstances that were, were of another element you know which I can't see where anything I said then that I haven't said now would be a problem you know what I mean I've said everything I can say I wasn't

D.P. Yeah

L.T. involved in the lead the leaving of the

D.P. No

L.T. (unintelligible) leaving or nothing

D.P. No

L.T. but what I will say is that if I tell you how, how I how I feel about it I don't wanna be bias but you know he told her Miss Coats that

D.P. He being who

L.T. Mr. Cooper

D.P. go ahead

L.T. ah the doctor gave him a (unintelligible) for a pair of tennis shoes okay fine and dandy you don't come to the gym and get those tennis shoes those are state issues you gotta go to clothing room to get those

D.P. right

L.T. but when she first came and saw me that was the you know that's why she kept driving no you couldn't do this you couldn't of gave them to him because he had a (unintelligible) to get um from I said I've got to talk about basketball now why would he put so much emphasis on that which is true he could do that with out a problem but what about what I know what I did I know beyond a shadow of a doubt I'm trying to help and make sure that I get the best production out of what we were doing I know what I gave him

D.M. So if Kevin came to you with a cronno that's got no bearing on you giving him

L.T. Nothing to do

D.M. pro keds

L.T. nothing to do with me

D.M. Pro keds because it's basketball

L.T. basketball

D.M. right and if he's got a cronno he (unintelligible both talking over each other)

L.T. (unintelligible) come to the gym to get you know

D.M. Yeah

L.T. at that particular point in time you'd that cronno had nothing to do with the gym you gotta go to the clothing that's clothing issue state issue you had to go over there to get tennis shoes now to while playing on the team and we gonna do the other thing that we did

D.M. Okay

L.T. and my point is with all this on everything else not being there not hearing this not knowing that why would you have so much ah, ah emphasis on that when I know for the fact I gave you you wanted to have a discrepancy that's a good word for me he wanted discrepancies for that deriving

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With why now

D.M. I can't tell you

L.T. I can tell you (laughing)

D.M. (laughing) you tell me

L.T. (laughing) I can't tell you I'm just saying why would you want discrepancy, you know what I mean at, at any point of, of the if I'm charting my every move with my life involved why would I want a discrepancy from point a to point b to point c to point d, e, f, g

D.M. I can't tell you

L.T. yet you, you got me (unintelligible) about that but this is how I pointed it out to her ma'am wait a minute let me just explain this to you number one you don't come to the gym to get doctor ah ordered tennis shoes you that's a pair of clothing and this was just a recreational ah element but this gentleman is making a discrepancy over the fact that all that, that was ah, ah, ah serious endeavor but I know for a fact that I gave you a pair of tennis shoes I mean I'm just saying why would you, you know what I mean

D.M. Yeah

L.T. why would you have that kinda intricate you're investigators right

D.M. Hmhm

L.T. why wouldn't you have that kinda emphasis on intricate, intricate's that, that could, could or put you here or put you there when once she talked to me about it I know for a fact I gave you a pair of tennis shoes regardless of all that I gave you a pair ten of you gonna ask me that yeah I gave you a good pair of tennis shoes you want her to think that you didn't never you see what I mean (unintelligible) practically told me what I needed to know (laughing)

D.M. when she did interview you that second time and, and discussed your declaration and, and let you see Midge Carroll's had at any time of that interview or the previous interview did she ever promise you anything or

L.T. No

D.M. or anything (unintelligible)

L.T. (unintelligible talking over the detective) no, no she'd I made, I made it perfectly clear no she didn't

D.M. Okay

L.T. what she did was ah, ah let me know that, that you know it's only gonna go so far the, the circumstance with him it's only gonna go for far as reference to me as far as this is probably it which ever way pro or con this is probably it and we just wanted to do the best we can and I said what can I do to tell you that I gave the dude the tennis shoes and that's all you need to be asking me you know what I mean I did that and I said with all the intricate things that he told you seems like he didn't want you to know that I gave him them tennis shoes if I an't done nothing I mean you know

D.M. right

L.T. what difference would that make?

D.M. now you're expecting her to come visit you again it sound like

L.T. that's what she said

1201129-02

D.M. said one more time

L.T. Yeah

D.M. so if she were to come and visit you again um and she presented that same document to you the declaration that you signed

L.T. Hmm

D.M. would you change anything on that

L.T. I would ask about it I would ask about it and in fact without having nothing under the table because (unintelligible) nobody ever gave me nothing I never intended on anything like that we don't have anything under the carpet now why put it there? There's no (unintelligible) for me to have discrepancy what I'll do if she does I'll tell you straight out if she does I really do need to tell her the difference of, of how I distinguished the difference from what I said to her and I know what I gave him for basketball the pro keds

D.M. did you make it clear to her that you issued Kevin Cooper pro keds did you use the words pro keds during your statement with her?

L.T. yes

D.M. how many times do you think did you use it as many times as you did today?

L.T. about yeah because (unintelligible) I'm accurate

D.M. So I can't I, I didn't think about counting them but it must be at least twelve (12)

D.P. Oh

D.M. fifteen (15)

D.P. oh more than that

D.M. yeah

D.P. it's in the twenty's (20's)

L.T. I, I did I told her man I told her I gave him pro keds homes I did without any

D.M. but you made it clear

Side two of the tape

L.T. but the same scenario I told you I made it clear to Miss Coats

D.P. Coats

D.M. Coats

L.T. yeah I made it clear to her

D.P. Okay

L.T. that that's what I gave him for basketball

D.P. did she show you any other documentation from any, any other documentation at all have you read anything else

L.T. No, no it just every time there was a discrepancy she'd resort back to her notes and then try to make me remember without having notes and, and I'm like why I that's what I told her it's a lot of things I just don't remember

D.P. Do you in our interview of you today does it sound like we're trying to get you to say somethin'

Lester Taylor interview
H67-83
1201129-02

Cooper Case
04/01/2004

L.T. no it seems like you're trying to determine what type of shoe I issued to (unintelligible)

D.P. How do you feel about the interview with her?

L.T. I feel the same about it she, she really didn't mean any harm but she wants a certain scenario to be the way it was and I meant something different as far as the pf flyers pro keds versus pro keds in a prison shoe I would I mean

D.P. did we did we sound like we're trying to get a specific answer out of you

L.T. ah you're trying to distinguish

D.P. Okay

L.T. that's all it sounds like

D.P. but have we made you give you ah have we made you give us an answer that you did not want to give

L.T. No you haven't, no you haven't

D.M. when you say we, we try to distinguish try to distinguish between what

L.T. from, from actually what I said as ah oppose to what I didn't say or mean

D.P. on your on your declaration I have if there is anything you were going to change what do you think you might change?

L.T. Once again I would just for her benefit I would distinguish the fact of what I mean right here

D.P. Which is you point to where it says what

L.T. that I gave him a pair of pf flyers the pro keds pf flyer pro keds not the pf flyer not the pro keds ah the pf flyer prison issue

D.P. Okay

L.T. for basketball (unintelligible) the morning incident you through me off guard first time I heard about it again see what I mean about not remembering

D.M. sure

L.T. a lot of things

D.P. sure we do

L.T. Yeah that's been a long time now I do recall when the gym opened I seen him prior to giving him the basketball shoes so I know what I gave him I said that she we sat there I did say that but I meant pf flyer pro keds same thing I said in that testimony

D.P. but you got the pf flyers back

L.T. no I got I got yeah I got the prison shoes back and

D.P. which are

L.T. PIA's pf flyers

D.P. pf flyers okay

L.T. PIA's (unintelligible)

D.P. and the one that you gave out that you didn't get back

L.T. were pro keds

D.P. Okay

L.T. that's, that's all I would change

D.P. Okay

L.T. that's all that I would change

Lester Taylor interview
H67-83
1201129-02

Cooper Case
04/01/2004

D.P. so that, that statement there is what you said but, but it wasn't exactly what you meant

L.T. exactly

D.P. and we have clarified that today

L.T. yes you have

D.P. Okay

L.T. yes you have and I know what you need and that's really you know what man if there was any ah malice on my behalf I would clarify it now because it was a pretty serious incident for what he's being accused of (unintelligible) but from my standpoint I would make sure that I had no rocks under the covers

D.P. Okay that was your statement today and my from what I hear sounds consistent with what you said back then in nineteen eighty three (1983)

L.T. (unintelligible)

D.P. and in nineteen eighty four during the trial

L.T. right I don't

D.P. the only, the only issue that has come up was this declaration which um has some ambiguity with the per pf flyer that's why we came out to clear that issue up to see if um the where, where the discrepancy was and must and I think we have determined today correct me if I'm wrong that pf flyer is a ah slang term that referred to a multiplied of shoes but the fact of the matter is you issued him in your words pro keds for basketball shoes and you never got them back from him

L.T. You can write that as a bottom line

D.P. Okay did you ever see him again after that?

D.M. How long did he have those shoes?

L.T. (unintelligible) I would assume into eleven that's, that's just fine with me

D.P. well (unintelligible)

L.T. (intelligible) (all three talking at once) and me

D.P. Okay and how long after you issued 'em to you did you hear about the escape how many days

D.M. what days (unintelligible)

L.T. I'll be as a matter of fact I was still on the facility I'm still in the west facility so it was a like a matter of days

D.M. a couple days later

L.T. yeah

D.M. Okay

D.P. Yeah

D.M. I, I (unintelligible) you okay it's ah time is now ah one twenty one (1:21) (unintelligible)

D.P. thirteen twenty one

D.M. (unintelligible)

D.P. yep

End of tape

1 **DECLARATION OF SERVICE BY MAIL**

2 I declare that I am employed in the County of San Diego, California; that I am over 18 years
3 of age and am not a party to the within-entitled cause; that my business address is 110 West A Street,
4 Suite 1100, P.O. Box 85266, San Diego, California 92186-5266; and that on **April 27, 2004**, I served
the attached

5
6 **RESPONDENT'S BRIEF RE**
7 **TESTIMONY OF WITNESS TAYLOR**

Cooper v. Goughnour
United States District Court
Southern District of California
04CV0656 H
CAPITAL CASE

8
9 by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in
10 the internal mail collection system at the Office of the Attorney General, for deposit in the United
States Postal Service that same day in the ordinary course of business, addressed as follows:

11
12 NORMAN C HILE
13 ORRICK HERRINGTON & SUTCLIFFE LLP
14 OLD FEDERAL RESERVE BANK BLDG
400 SANSOME ST
SAN FRANCISCO CA 94111-3143

15
16 DAVID T ALEXANDER
17 ATTORNEY AT LAW
332 SHERIDAN AVE
PIEDMONT CA 94611-3814

18 *Attorneys for Petitioner*
19 *Kevin Cooper*

20
21 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
22 was executed at San Diego, California, on **April 27, 2004**.

23
24 STEPHEN MCGEE
25 Typed Name


Signature

EXHIBIT 2

Declaration of James Taylor

I, James ^{Taylor} declare as follows.

1. I was an inmate at the Reception Center West (RC-W) at the California Institute for Men in Chino California in May and June of 1983.

2. During that period of time,

I met David Trautman, whose real name I understand to be

Kevin Cooper. I met Kevin

when he tried out for the basketball team. My job at the prison was

recreation attendant. I was

responsible for issuing basketball shoes

to me in our unit who played on the team.

3. I issued only one pair of shoes to Kevin Cooper. I issued him a pair of PF Flyers, which ~~was~~ mine. This brand was the best brand of shoe for basketball that the prison stocked. Kevin did not take these shoes into me for a pair of Keds, nor did he take these shoes into me for any other pair.

I declare under penalty of perjury that the foregoing is true and correct. James Ray, Jr. Dated 1/8/04

EXHIBIT 3

Copy

SUPREME COURT - STATE OF CALIFORNIA

THE PEOPLE OF THE
STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

KEVIN COOPER,

Defendant-Appellant.

SUPREME COURT NO. C11217455

FROM SAN DIEGO COUNTY

HON. RICHARD C. GARNER,
JUDGE

San Diego County Superior Court Case No. CR 72787

REPORTERS' TRANSCRIPT

VOLUME 85

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October 25, 1984, Pages 2494 through 2611

APPEARANCES:

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and Appellant:

IN PROPRIA PERSONA

ROBERT L. ROACH, CSR #1727
DONNA D. BEARD, CSR #1874
Official Reporters
San Diego County Superior Court
220 West Broadway
San Diego, California 92101

Exh 3

1 jurors, are the exclusive judges of the facts and of the effect
2 and value of the evidence, but my job is to determine questions
3 of law and admissibility of evidence, procedures such as that.
4 Don't worry about that, don't speculate as to what's going on
5 out of your presence, concern yourself with it any way.

6 Rest assured that we won't deliberately waste our
7 time, it is not having a second cup of coffee or anything like
8 that. We're working. And so you do your job and they will do
9 theirs and I will try and do mine. Don't worry about it one way
10 or the other.

11 To the media, I can tell you briefly that the
12 hearing was with reference to extended coverage as far as this
13 particular witness is concerned. You are welcome to be here but
14 no pictures shall be taken at all during the testimony of this
15 particular witness.

16 With that, sir, would you stand and raise your
17 right hand and you shall be sworn, please, as a witness.

18 Face the clerk if you, would.

19

20 JAMES TAYLOR.

21 Called as a witness on behalf of the People, having been duly
22 sworn, testified as follows:

23

24 THE CLERK: Thank you. Be seated.

25 Would you state your full name for the record.

26 THE WITNESS: James Taylor.

27

28

DIRECT EXAMINATION

1 BY MR. KOCHIS:

2 Q. Mr. Taylor, are you presently confined in the state
3 prison system in California?

4 A. Yes, I am.

5 Q. Have you previously been convicted of a felony?

6 A. Yes, I have.

7 Q. How many different felonies?

8 A. Three.

9 Q. Which ones?

10 A. I was convicted in '76 for robbery. I was
11 convicted of a petty theft in '80, and my prior conviction was a
12 grand theft, and I also was convicted in an institution for
13 possession of marijuana.

14 Q. When you talked about the petty theft, is that
15 petty theft with a prior conviction for petty theft which
16 resulted in a felony?

17 A. Petty theft with a prior conviction.

18 Q. In May of 1983, in June of 1983, were you in a
19 state prison in the State of California?

20 A. Yes, I was.

21 Q. At that time were you in the men's prison in Chino,
22 California?

23 A. Yes, I was.

24 Q. Did you have a job in May of 1983 at the men's
25 prison in Chino?

26 A. I had a job in June. In the R.C. West facility.

27 Q. You did have a job in May?

28 A. Yes, I did.

1 Q. What was your job?

2 A. I was a recreational instructor, supervisor, or
3 handing out equipment.

4 Q. Did you work in the gym at West?

5 A. Yes, I did.

6 Q. Did you have control over any of the equipment in
7 West?

8 A. Yes, I did.

9 Q. What type of equipment?

10 A. Basketballs, tennis shoes, et cetera. Athletic
11 equipment.

12 Q. In May of 1983 did the state prison in Chino keep
13 on stock tennis shoes for the inmates to use, for example, when
14 they played basketball?

15 A. Yes, they did.

16 Q. Were you assigned to issue those to people while
17 they played basketball?

18 A. Yes, I was.

19 Q. Would they have to give you any sort of
20 identification to receive a pair of tennis shoes to play
21 basketball?

22 A. Yes, they did.

23 Q. What type of --

24 A. California Department of Corrections Identification
25 Card.

26 Q. At the end of their playing period, what was
27 supposed to happen with the tennis shoes?

28 A. Well, the tennis shoes would be returned to us, I

1 would in turn give them back their I.D. card.

2 Q. What types of tennis shoes were on stock at the
3 institution in Chino in May of 1983?

4 A. At that time there were Pro Keds, P.F. Flyers and
5 assorted Converse.

6 Q. Did the Pro Ked tennis shoes in May, that you had
7 in stock, come in more than one color?

8 A. Not at that time, no.

9 Q. Did you keep in the gym Pro Keds that were more
10 than one color?

11 A. No, not at that time.

12 Q. Do you know what type of Pro Ked was kept in the
13 gym in May of 1983?

14 A. Yes, I do.

15 Q. What type was that?

16 A. The standard black.

17 Q. Directing your attention first to two photographs,
18 one of which has been marked for identification as Exhibit 35.

19 Do you recognize what that is a picture of?

20 A. Yes, I do.

21 Q. Could you tell the jury what the picture shows.

22 A. This is a picture of the athletic equipment room in
23 which I issued out the tennis shoes and assorted athletic
24 equipment.

25 Q. Does it in fact show the shelves on which the
26 tennis shoes were kept?

27 A. Yes, it does.

28 Q. Is that an example of some of the tennis shoes that

1 were kept in the gym back in May?

2 A. Yes.

3 Q. Directing your attention to what has been marked
4 for identification as Exhibit 32.

5 Do you recognize what is shown in that eight by ten
6 color photograph?

7 A. Yes, I do.

8 Q. What is shown?

9 A. In this photograph this is another room adjacent to
10 the room in which I worked where the new tennis shoes are stored
11 at. This is called the hot room.

12 Q. Who had access to the hot room?

13 A. The officers and certain inmates.

14 Q. And who was in charge of the equipment room?

15 A. Al Hill. Officer.

16 Q. Mr. Taylor, directing you next to an exhibit first
17 which has been marked for identification as Exhibit 38, which
18 appears to be a tennis shoe, and, second, another exhibit which
19 has been marked for identification as Exhibit 51, which is a box
20 from which I will remove two tennis shoes.

21 Do you recognize those types of shoes?

22 A. Yes, I do.

23 Q. Were those the type of Pro Keds that were in the
24 gym in May of 1983 when you worked there?

25 A. Yes, it was.

26 Q. Were those some of the types of tennis shoes you
27 would hand out to the inmates?

28 A. Yes, it would be.

1 Q. You would also hand out P.F. Flyers?

2 A. Yes, I would.

3 Q. Converse?

4 A. Yes, I could.

5 Q. Now, is there anyone present in court today that
6 you met at the men's prison in Chino back in May of 1983?

7 A. Yes, it is.

8 Q. Could you tell the jury where that person is seated
9 in the courtroom and what they're wearing.

10 A. He is seated between those two gentlemen here.
11 He's wearing a brown suit.

12 THE COURT: Indicating Kevin Cooper.

13 BY MR. KOCHIS:

14 Q. What name did you know him by in state prison?

15 A. David Trautman.

16 Q. How did you meet David Trautman?

17 A. Through playing basketball in the gym. He used to
18 come in every morning.

19 Q. Would he play basketball from time to time?

20 A. Yes, he would.

21 Q. Did the inmates have a basketball team back in May
22 of 1983?

23 A. Yes, we did.

24 Q. Were you a member of that team?

25 A. Yes, I was.

26 Q. Was Mr. Trautman a member of that team?

27 A. He was trying out for the team.

28 Q. That is the person in court.

1 A. Yes, sir.

2 Q. Were you able to determine what hand Mr. Cooper
3 used by watching him play basketball?

4 A. Yes, I was.

5 Q. What hand was that?

6 A. His left hand, basically.

7 Q. Did you see Mr. Trautman or the person in court on
8 the morning on that one occasion at the gym at CIM?

9 A. Yes, I did.

10 Q. Were you familiar with -- did you get a chance to
11 observe how he would wear his hair?

12 A. Yes.

13 Q. How would he wear his hair back in the men's prison
14 in Chino?

15 A. In braids. Long braids.

16 Q. Did he ever wear it in any other fashion other than
17 braids?

18 A. The Afro.

19 Q. Did you ever observe Mr. Trautman or Mr. Cooper,
20 the man in court, smoke cigarettes?

21 A. Yes, I did.

22 Q. What type of cigarettes?

23 A. They were hand-rolled state issue cigarettes.

24 Q. Did you ever observe him to smoke manufactured
25 cigarettes?

26 A. No, I didn't.

27 Q. Do inmates from time to time borrow cigarettes from
28 other inmates?

1 A. Yes, they do.

2 Q. This state issue tobacco you referred to, does it
3 come in a package of cigarettes, or how does it come?

4 A. It comes in a white box, inside the white box there
5 is a pouch in which tobacco is in.

6 Q. Where does one get rolling papers for that tobacco?

7 A. It comes in the same pouch.

8 Q. Did you see, ever see the person in court who you
9 knew as David Trautman roll cigarettes using that type of
10 tobacco?

11 A. Yes, I did.

12 Q. Directing your attention to what has been marked
13 for identification as Exhibit 59. Do you recognize that type of
14 item?

15 A. Yes, I do.

16 Q. Could you tell the jury what it is.

17 A. This is state tobacco, issued by the state.

18 Q. Do you know what the inmates pay for that?

19 A. Nothing.

20 Q. That is free?

21 A. Free.

22 Q. Was it available in May of 1983 over at R.C. West?

23 A. Yes, it was.

24 Q. Where were you houseed in May of 1983?

25 A. At Cleveland Hall, R.C. West.

26 Q. Had you been housed at Chino prior to arriving at
27 West?

28 A. Yes, I did.

- 1 Q. Where?
- 2 A. CIM Minimum, the main institution.
- 3 Q. Which building?
- 4 A. 25 Pine Hall.
- 5 Q. Is Pine Hall located anywhere near Cedar Hall?
- 6 A. Yes, it is.
- 7 Q. About how far away?
- 8 A. Estimated 50 to 75 feet.
- 9 Q. Did they have that state issued tobacco at the CIM
- 10 Minimum as well?
- 11 A. Yes, they do.
- 12 Q. Did something cause you to move from Minimum to
- 13 R.C. West?
- 14 A. Yes, it did.
- 15 Q. Were you what was called a roll-up.
- 16 A. Right.
- 17 Q. What's a roll-up?
- 18 A. CIM Minimum is a minimum level institution. A
- 19 roll-up from that institution is a roll-up to higher custody.
- 20 It could be medium, or it could be the highest custody.
- 21 Q. Were you apprehended at Medium with a -- were you
- 22 apprehended at Minimum with a marijuana cigarette?
- 23 A. Yes, I was.
- 24 Q. Were you charged with the felony of being in
- 25 possession of marijuana in a state prison as a result of smoking
- 26 that joint?
- 27 A. Yes, I was.
- 28 Q. And did you eventually plead guilty to that?

1 A. Yes, I did.

2 Q. Did that cause you to go then to medium security at
3 West?

4 A. That particular incident didn't cause it, what
5 caused me to be rolled-up is that at the Minimum facility, upon
6 being in possession of any a narcotic substance, you are rolled
7 up until the initial finding goes back to that. So, I was
8 rolled up to higher custody pending the investigation.

9 Q. So before you pled guilty they took you out of
10 minimum put you in medium?

11 A. Right. Right.

12 Q. That's where you met Mr. Trautman or Mr. Cooper.

13 A. Yes, it is.

14 Q. Did you have a conversation with the person in
15 court, Mr. Cooper, about the fact that you had been in Minimum?

16 A. Yes, I did.

17 Q. Did Mr. Cooper ask you any questions about the
18 security at Minimum?

19 A. Yes, he did.

20 Q. What did you tell him about the security at
21 Minimum?

22 A. Vaguely that it was loose. It was just like it
23 said, minimum custody.

24 Q. Did Mr. Cooper tell you why he was asking you about
25 the security at Minimum?

26 A. He made several accusations to why.

27 Q. What would those have been?

28 A. If he had intentions on leaving, which way would he

1 go. You know, what would be his chances.

2 Q. Is there a range close to the men's prison in
3 Chino?

4 A. Yes, it is.

5 Q. How close to the prison is the range located, if
6 you know?

7 A. My estimation would be no more than a city block.

8 Q. Did Mr. Cooper ask you any questions about the
9 range?

10 A. Yes, he did.

11 Q. What was that?

12 A. Where exactly was it located adjacent to the
13 institution.

14 Q. For the jury, whose never been out there, what type
15 of range are we talking about? A golf range?

16 A. No, no, no. It is a shooting range in which
17 correctional officers shoot on a daily basis.

18 Q. How could you tell there's a range out there?

19 A. The constant shooting sounds of weapons being
20 fired.

21 Q. Did there come a time when you found out that Kevin
22 Cooper was leaving West and was going to be transferred to
23 Minimum, the place you had come from?

24 A. Yes, it was.

25 Q. How did you find that out?

26 A. That same morning that he was to be transferred,
27 you know, he like informed everybody, "Hey, I'm gone. I'll see
28 you guys."

1 Q. Did you give Mr. Cooper any state issued tennis
2 shoes?

3 A. Yes, I did.

4 Q. Did you give him just one pair or more than one
5 pair?

6 A. I gave him more than one pair at one time.

7 Q. Do you recall what type of shoes you gave him the
8 first time?

9 A. The P.F. Flyers.

10 Q. Where would that have been, in the gym?

11 A. Yes.

12 Q. Did Mr. Cooper exchange those P.F. Flyers at
13 another time for a different pair of tennis shoes?

14 A. Yes, he did.

15 Q. Did you give him a different pair of tennis shoes?

16 A. Yes, I did.

17 Q. How many days, if you can remember, before Mr.
18 Cooper left for minimum did you give him a second pair of tennis
19 shoes?

20 A. It was over the course of, I'd say, three to four
21 days.

22 Q. What type of shoes did you give him the second
23 time?

24 A. Pro Keds.

25 Q. Do you remember what color?

26 A. Yes.

27 Q. What color?

28 A. Black.

1 Q. Do you remember what size you gave him?

2 A. No, I don't remember what size.

3 Q. The shoes that you were shown earlier that came out
4 of Exhibit 51, the Pro Ked Black Dude Hightops, are these two
5 examples of the type of shoe you gave to Kevin Cooper before he
6 went to Minimum?

7 A. Yes, it is.

8 Q. Have you had a chance in the past to look at the
9 bottom of tennis shoes such as these?

10 A. Yes, I have, in the past.

11 Q. The pattern that's on the bottom of these tennis
12 shoes, which came out of Exhibit 51, are those similar to the
13 pattern that was on the pair of black tennis shoes that you gave
14 Kevin Cooper?

15 A. Yes, it is.

16 Q. Did you ever get those tennis shoes back from Kevin
17 Cooper?

18 A. No, I didn't.

19 Q. When you gave Mr. Cooper the second pair of tennis
20 shoes, did you make any request that he return those shoes to
21 you?

22 A. No, I did not at the time.

23 Q. Were you giving them for him to wear?

24 A. Well, it is a basic policy that when you try out
25 for the basketball team we try to require you the best shoes
26 possible. For our particular floor this is the best shoe.

27 Q. When you knew Mr. Cooper was going to Minimum, did
28 you ask for the shoes back?

1 A. No, I didn't.

2 MR. KOCHIS: I have nothing further.

3 THE COURT: Mr. Negus, please.

4 MR. KOCHIS: Your Honor, I did have another area, now
5 that I sit down, it dawns on me.

6 THE COURT: You want to yield, Mr. Negus.

7 MR. NEGUS: Sure.

8 BY MR. KOCHIS:

9 Q. Mr. Taylor, to your recollection did Mr. Cooper
10 have any scars?

11 A. Yes, he did.

12 Q. Where?

13 A. Just above his right -- just below his right eye.
14 It was a small angular scar.

15 Q. Did he have a scar anywhere else on his person that
16 you know?

17 A. Yes. On his knee.

18 Q. Directing your attention to two photographs, one of
19 which has been marked for identification as Exhibit 63, another
20 has been marked for identification as Exhibit 64.

21 Do you see on either of those pictures the scar or
22 the area in which the scar appeared to you to be under Mr.
23 Cooper's eye?

24 A. Yes, I do.

25 " Q. Taking a red felt pen, could you mark the circle,
26 for example, starting with Exhibit 64, that would indicate the
27 approximate area on Mr. Cooper's face where you saw the scar?

28 A. (Witness complied.)

1 Q. Does that area, or does that scar appear on Exhibit
2 63?

3 A. Yes, it does.

4 Q. Could you likewise with the the red felt pen circle
5 that area as well?

6 A. (Witness complied.)

7 Q. When Mr. Cooper talked to you about the escape, did
8 he inquire about any other area in Southern California?

9 A. Yes, he did.

10 Q. Which area?

11 A. San Diego.

12 Q. Any area besides San Diego?

13 A. Calexico.

14 Q. Any country other than this country?

15 A. Mexico.

16 Q. Thank you. I have nothing further.

17 THE COURT: Now, Mr. Negus.

18 ME. NEGUS: Right.

19

20 CROSS-EXAMINATION

21 BY MR. NEGUS:

22 Q. Mr. Taylor, when did you first become aware that
23 the San Bernadino County authorities were interested in the
24 connection between Kevin Cooper and tennis shoes?

25 A. I became aware of that at a meeting I had with an
26 official who stopped my supervisor and asked him to bring the
27 tennis shoes.

28 Q. What -- Can you describe that official, what kind

1 of official was he?

2 A. He was a sheriff from San Bernadino County.

3 Q. Big, tall guy with dark hair and a moustache named
4 Mike?

5 A. Yeah.

6 Q. Did Mike talk to you on a Monday?

7 A. I don't recall what specific day it was of the
8 week. I recall the conversation.

9 Q. The supervisor that -- that -- that asked you about
10 the tennis shoes, who was that?

11 A. My supervisor.

12 Q. You said -- in your answer to my question before
13 you said that there was one of your supervisors and one of
14 the -- and the deputy, Mike?

15 A. Correct.

16 Q. Which -- Who was the supervisor?

17 A. Al Hill.

18 Q. Was there in June of 1983 a television, in fact two
19 televisions in the equipment room at R.C. West?

20 A. At one time during that period, yes, it was.

21 Q. Okay. And was one of the perks, that is, the
22 benefits you got from your particular job, that you could watch
23 television all day long as you were working?

24 A. Yes, it was.

25 Q. When the Chino Hills murders occurred, did you
26 watch the news stories about them?

27 A. Some of them. yes, I did.

28 Q. And did you watch the Chino Hills murders -- Chino

1 Hills stories about the authorities believing that Kevin Cooper
2 was a suspect?

3 A. No, I didn't, not at that time.

4 Q. Well, what do you mean "not at that time"?

5 A. When I was watching it there really was no suspect.

6 Q. Well, did you -- did you -- did you see on the
7 television the Sheriff of the County of San Bernadino and Mr.
8 Kottmeier here announcing that they had filed charges of murder
9 against Kevin Cooper?

10 A. Yes, I seen that.

11 Q. That -- you saw that before you talked to Mike; is
12 that right?

13 A. Yes, I did.

14 Q. Approximately four days before?

15 A. I couldn't give you a specific number on the days.
16 It's -- it's been awhile.

17 Q. Was that on June 9th?

18 A. Somewhere in that general vicinity.

19 Q. At the preliminary hearing you told me that the
20 television was broken during that period of time, didn't you?

21 A. At one period of time it was.

22 Q. Were both televisions broken?

23 A. No, not both of them.

24 Q. Why did you tell me the television was broken when
25 I asked you what -- if you'd seen anything on television?

26 A. Because at that time the specific question you
27 asked, the TV was broke.

28 MR. NEGUS: If I could read from Page 22.

1 MR. KOCHIS: I just need the lines.

2 MR. NEGUS: Lines 2 through 7.

3 MR. KOCHIS: I have that.

4 THE COURT: Go ahead.

5 MR. NEGUS:

6 Question to Mr. Taylor:

7 "Hear any news about the killings in the Chino
8 Hills?

9 "Answer: Yes, I did.

10 "Question: There was a TV in the office there in
11 the gym, wasn't there, as well?

12 "Answer: Not at that time it wasn't. It was not
13 working. It was in the shop."

14 Q. When you saw -- Showing you Exhibit 66, a Xerox
15 copy of a newspaper photograph, when you were watching the
16 television on approximately June the 9th, did you -- did you see
17 a scene depicted on the television such as is depicted in that
18 news photograph?

19 A. Yes, I did.

20 Q. After you saw that television program did you have
21 a conversation with Al Hill?

22 A. No. I had a conversation with my supervisor --
23 with his supervisor.

24 Q. Who was that?

25 A. Skip Arjo.

26 Q. On that date, June 9th, after you -- after you saw
27 the television program, did you have a conversation with Al Hill
28 about the -- about Kevin Cooper?

1 A. I don't recall a long extensive conversation, no.

2 Q. Long, short, medium, whatever length, did you talk
3 to Al Hill about Kevin Cooper on June the 9th?

4 A. I'm quiet sure we said something about it, but
5 there was no detail as far as to anything about this, no.

6 Q. Did you read anything about this case in the
7 newspapers?

8 A. No. We didn't have too much access to the
9 newspaper.

10 Q. So, you couldn't get newspapers in R.C. West.

11 A. No, not -- I couldn't get them.

12 Q. Did you -- did you listen to the news on the radio
13 about this particular crime?

14 A. Yeah, I listened to it.

15 Q. While you were in R.C. West?

16 A. Yes, I was.

17 Q. Do you remember at the preliminary hearing, Page 21
18 Lines 5 through 6, my asking you:

19 "How about the radio, do you listen to the radio?"
20 and answering:

21 "There's no radio at R.C. West."?

22 A. If I looked at it on TV I had to listen to it.

23 Q. Radio and TV, they are different, right?

24 A. Right. But I mean, but to understand what they are
25 saying, I have to listen.

26 Q. Did you listen on the radio?

27 A. I listened on the TV. I told you I watched it on
28 the TV.

1 Q. What about the radio?

2 A. There was no radio.

3 Q. No radio in R.C. West?

4 A. No, not in my specific area, no.

5 MR. NEGUS: I'd like to have marked as next in order --
6 Which would be what number, please?

7 THE CLERK: 67.

8 MR. NEGUS: -- 67, a piece of paper which we can put the
9 tag on at a more convenient time.

10 (Exhibit No. 67 marked
11 for identification.)

12 BY MR. NEGUS;

13 Q. Mr. Taylor, could you stand up for just a moment?

14 A. Yeah.

15 Q. Now, could you get so where the jurors can see the
16 clothes that you are wearing. Are those standard issue prison
17 clothes that you are wearing?

18 A. Yes, it is.

19 Q. The pants, those are the standard issue pants that
20 people get in the prison?

21 A. Right.

22 Q. And are those the same kind of pants that you get
23 when you're at CIM minimum as well as whatever facility you're
24 at now?

25 A. Yes, it is.

26 Q. The blue denim shirt, is that the same kind of
27 shirt that you get?

28 A. Right.

1 Q. And does that come in both long sleeve and short
2 sleeve?

3 A. At CIM minimum it does.

4 Q. The brown shoes that you're wearing, are those the
5 standard issue brown shoes that inmates get at the California
6 Institution For Men?

7 A. No, not these.

8 Q. Those are your own shoes?

9 A. No. They are institutional shoes, but these are
10 not the standard issue.

11 Q. If you could go to this piece of paper which we're
12 going to have marked as exhibit, and handing you this red
13 marker, could you give us a rough sketch of the outline of the
14 east end of the R.C. West gymnasium, which would include the
15 equipment room, any other -- any other rooms in that area, going
16 down to the hot room?

17 A. Okay. This first room here would demonstrate the
18 room in which I handed out the equipment from.

19 Q. Could you put equipment or just an "E" in that
20 room, please.

21 A. Okay. Next to that you have an office.

22 Q. Could you put an "O" in that, please.

23 A. Okay. This is a permanent work crew position.

24 Q. Then could you put "P. C. W." for permanent work
25 crew there.

26 A. Okay. Okay this office here would be Skip Arjo's
27 office.

28 Q. So, you put "S. A." for Skip Arjo, okay?

1 A. Right. This would be the rest-room.

2 Q. Put "R. R." for that, please.

3 A. And this would be the hot room.

4 Q. Would you put "H. R" for hot room?

5 And that pretty much takes care of the east wall of
6 the gymnasium; is that right?

7 A. Well, up here you have the room for the projector
8 in which movies are shown.

9 Q. Okay. Could you put, I guess, "P. R." for that
10 projector room. Is that sort of above the other?

11 A. Right; right. It's on top.

12 Q. Okay. But -- So what you've got there is then just
13 sort of -- what you've drawn then would be -- this would be a
14 counter area that -- that exists in the equipment room where
15 you've drawn the line; is that right?

16 A. Correct; correct.

17 Q. Okay. You can sit back down again. Where did Al
18 Hill, which one of those rooms did Al Hill work out of?

19 A. He worked out of the equipment room basically and
20 the room adjacent to that.

21 Q. Did Al Hill have a radio?

22 A. He had a cassette player.

23 Q. Did he have a radio?

24 A. He had a cassette player, that's all I ever seen
25 him play was cassettes.

26 Q. How about -- how about were there other
27 correctional officers in there besides Al Hill and Skip Arjo?

28 A. Yes, they was.

1 Q. Did they have radios?

2 A. No, they didn't.

3 Q. Nobody had a radio in that gymnasium?

4 A. Al Hill had the cassette player, that was it.

5 Q. But he didn't play the radio?

6 A. No.

7 Q. How about any of the inmates in there that came
8 into the gym, did any of the inmates have their radios in there?

9 A. Well, during my working hours there was an inmate
10 who had a radio, but it was never any need to play it with the
11 cassette player playing all day.

12 Q. When you -- when you spoke to Mr. Arjo on June the
13 9th, did you tell him anything about Mr. Cooper's desire or
14 interest in Mexico?

15 A. No, I didn't tell Mr. Arjo anything like that.

16 Q. Okay. You -- The television broadcast which had
17 Sheriff Tidwell's announcement about Mr. Cooper, that didn't
18 mention anything about Mr. Cooper being south in Mexico; is that
19 correct?

20 A. Not to my knowledge, no.

21 Q. On June the 10th, the next day, a Friday, did you
22 have a tape recorded conversation with investigator Zeke
23 Hernandez and Gary Murray?

24 A. Yes, I did.

25 Q. During that particular conversation did you bring
26 up for the first time Mr. Cooper's interest in going to Mexico?

27 A. Yes, I did.

28 Q. Had you heard the broadcast which had come on after

1 Mr. Tidwell's broadcast on the 10th indicating that the
2 authorities were looking for Mr. Cooper in Mexico?

3 MR. KOCHIS: Well, I'm going to object. That assumes a
4 fact that's not in evidence at this point.

5 THE COURT: He asked him: Had you heard.

6 Want to reframe it, maybe I missed it. You may ask
7 him: Did you hear a certain broadcast.

8 MR. NEGUS: That's what I asked him.

9 THE COURT: Ask it again, please, if you could.

10 MR. NEGUS: These --

11 MR. KOCHIS: Well, that assumes that a broadcast of that
12 nature came out on that day.

13 MR. NEGUS: I will make an offer of proof that I can
14 prove that it did.

15 THE COURT: Ask him if he heard "a" broadcast instead of
16 "the" broadcast.

17 MR. NEGUS: Fine.

18 Q. Did you hear a broadcast or any broadcast on the
19 10th before you talked to Zeke and Gary Murray concerning the
20 authorities looking for Mr. Cooper in Mexico?

21 A. I never heard anything about Mexico from the
22 authorities.

23 Q. No. I'm saying from the radio or the television or
24 the newspapers.

25 A. No, I didn't. No, I didn't.

26 Q. Was -- was -- was Mr. Arjo -- was Mr. Hill present
27 when you were talking to to Mr. Arjo?

28 A. No, he wasn't.

1 Q. Well, did you tell us that he was when you
2 testified at the preliminary hearing?

3 A. No, I don't believe I did.

4 Q. Did Mr. Kochis give you a copy of the transcript of
5 your testimony at the preliminary hearing for you to study
6 before you came down here to testify?

7 A. No, he didn't.

8 Q. You haven't seen that at all?

9 A. I seen it but he never gave me anything.

10 Q. Okay. Well, you saw it, yeah?

11 A. Yeah.

12 Q. Did you have a chance -- he did allow you to read
13 it?

14 A. Yes, he did.

15 Q. When was that?

16 A. That was Thursday of last week. I don't recall the
17 date, but that was the day.

18 Q. Okay. That was up at CIM?

19 A. Yes, it was.

20 Q. Did he also allow you to read the transcript that
21 was made of the tape recorded conversation that you had with
22 Zeke and Murray?

23 A. Yes, he did.

24 Q. Same time?

25 A. Yes, one after another.

26 Q. Did you have more than one conversation with Mr. --
27 with Mr. Arjo about Mr. Cooper?

28 A. No, I didn't.

1 MR. NEGUS: If I could read from Page 13, your Honor,
2 Lines 21 through 25.

3 THE COURT: Tell me the volume number, please.

4 MR. KOCHIS: Volume IV. If I could have just a minute.

5 THE COURT: Thank you.

6 MR. KOCHIS: I forgot the lines. Is it 13 --

7 MR. NEGUS: 21 through 25.

8 MR. KOCHIS: I have that.

9 THE COURT: Go ahead.

10 MR. NEGUS:

11 "Question: When did that conversation with Mr.
12 Arjo and Mr. Hill take place?

13 "Answer: In the month of June, about the 9th.

14 "Question: June 9th?

15 "Answer: Approximately."

16 Mr. -- Mr. Taylor, is the reason that you've given
17 inconsistent statements about when you talked to Mr. Hill about
18 this particular incident because on June the 9th Mr. Hill told
19 you that the San Bernadino authorities were trying to connect
20 tennis shoes with Kevin Cooper?

21 MR. KOCHIS: Objection. It's argumentative in the form
22 it's presently phrased.

23 THE COURT: No. Overruled.

24 You may answer.

25 THE WITNESS: No.

26 BY MR. NEGUS:

27 Q. Well, in fact, Mr. Hill did come to you and tell
28 you that the -- on June the 9th before that broadcast with

1 Sheriff Tidwell came on -- came on the news that these -- that
2 deputies had been out asking him about what kind of tennis shoes
3 were available in R.C. West; is that right?

4 A. Right.

5 Q. You denied that before, did you not?

6 A. Denied what?

7 Q. When I -- when I asked you about that conversation
8 with Mr. Hill at the prelim you denied that it took place,
9 right?

10 A. No. You asked me when did the conversation between
11 Mr. Hill and Mr. Arjo take place. It happened on the same day,
12 but neither were present at both conversations; it was only one
13 present.

14 Q. When you earlier today said that the first time
15 that you knew that the authorities were interested in tennis
16 shoes was when Mr. -- when Deputy Mike asked you about them,
17 that was false, correct?

18 A. No, it wasn't.

19 Q. Didn't Al Hill tell you that four days before, on
20 June the 9th, that the authorities had been asking after -- what
21 kind of tennis shoes were issued at R.C. West?

22 A. He told me to gather all the tennis shoes, that's
23 all I know about it.

24 Q. On the 9th though, before the broadcast --

25 A. That's right. He said gather all the tennis shoes
26 that were on stock right then.

27 Q. Well, did you talk to Mr. Hill after the broadcast
28 and try and put it together, why were they looking for tennis

1 shoes when they just had charged Kevin Cooper with the crime?

2 MR. KOCHIS: Objection. Vague as to time. Which
3 broadcast are we talking about?

4 MR. NEGUS: I will try and make it specific. I have no
5 problem.

6 Q. After the broadcast that you saw on June 9th --
7 which the by the way, was Mr. Hill watching that with you?

8 A. I don't recollect.

9 Q. Well, after that broadcast on June the 9th, did you
10 have a conversation with Al Hill in which he told you that
11 deputies from the Sheriff's Office were out at the
12 administration building at West and they had taken Xeroxes of
13 some tennis shoe imprints?

14 A. He never went into detail. He just told me to
15 gather all the tennis shoes on the shelf that were on stock at
16 that specific time and get them together for him. That's all
17 the order that he gave.

18 Q. Was that the date that you talked to Deputy Mike?

19 A. No, it wasn't.

20 Q. When you talked to Deputy -- to Deputy Mike, you
21 never mentioned to him anything about P.F. Flyers, correct?

22 A. I -- I don't know if I mentioned P.F. Flyers or
23 not.

24 Q. When you talked to Deputy Mike you just told him
25 you gave Mr. Cooper one set of tennis shoes and those were Pro
26 Keds, is that correct?

27 A. Those are the ones he left with, yes, that's what I
28 told him.

1 Q. Listen to the question, please, again more
2 carefully.

3 Did you -- is it correct that you only told -- Let
4 me do the question again.

5 MR. KOCHIS: Well, your Honor, I would object. It's been
6 asked and answered. The witness says, "Yes, that's what I told
7 him."

8 THE COURT: I will permit the question. Go ahead.

9 BY MR. NEGUS:

10 Q. Did you tell Mr. Mascetti that the only pair of
11 tennis shoes that you gave to Kevin Cooper was Pro Keds?

12 A. Yes, I did.

13 Q. Why didn't you tell him about the P.F. Flyers?

14 A. Because those weren't the tennis shoes that were in
15 question.

16 Q. How did you know what tennis shoes were in
17 question?

18 A. Because during our conversation Mr. Hill came
19 through. Mr. Mascetti asked Mr. Hill did he have the tennis
20 shoes that he asked about. Mr. Hill replied, "Yes, I do." He
21 asked me to come with him to get them.

22 Q. Showing you Exhibit No. 38, a tennis shoe, does
23 that appear to be the tennis shoe that you got and gave to
24 Deputy Mike?

25 A. I don't know if this is -- if it's the specific
26 shoe, but this is the brand and make.

27 Q. So, before you talked to Deputy Mike you knew that
28 Deputy Mike wanted that kind of tennis shoe, right?

1 A. When I knew he wanted this kind of tennis shoe?
2 That's the tennis shoes he said, "Bring me a copy of tennis
3 shoes," this is Mr. Hill talking, told me to bring the tennis
4 shoes that I took off the shelf; and those tennis shoes that I
5 took off the shelf they was a pair of Flyers, a pair of Pro
6 Keds, and a pair of Convers's. Mr. Mascetti specifically asked
7 me at that time did I give him a pair of Pro Keds. I said yes.

2 Q. Well, did you think by the fact that he asked you
8 about the Pro Keds, Deputy Mike, Mr. Mascetti --

10 A. Right.

11 Q. -- that that's what he was interested in, that was
12 the answer he wanted?

13 MR. KOCHIS: Objection. Speculation. That calls for
14 speculation.

15 MR. NEGUS: Goes to his state of mind.

16 Q. Did you think at that time --

17 MR. KOCHIS: Still calls for speculation as to what
18 someone else was interested in.

19 MR. NEGUS: I'm not interested in what Mike, Deputy
20 Mike --

21 THE COURT: I will permit the question. Overruled.

22 MR. NEGUS: Did you think when Mr. Mascetti singled out
23 Pro Keds that the answer he wanted was, yes, you gave Mr. Cooper
24 Pro Keds?

25 A. I didn't evaluate his reason for asking the
26 question. I just answered the question honestly, yes.

27 Q. I'm not asking you whether you are dishonest or
28 honest at this point in time. I was asking you what did you

1 think about when Mike Mascetti asked that question?

2 MR. KOCHIS: Objection. That's asked and answered.

3 MR. NEGUS: Mr. --

4 THE COURT: Overruled, Mr. Kochis.

5 Go ahead.

6 BY MR. NEGUS:

7 Q. Did you think that Mr. Mascetti wanted you to
8 answer you gave Kevin Cooper Pro Keds?

9 MR. KOCHIS: I would object. That calls for speculation.

10 MR. NEGUS: Presumably --

11 THE COURT: Overruled.

12 MR. NEGUS: -- he knows what he is talking about.

13 THE COURT: You can answer that yes or no if you can
14 first, please.

15 THE WITNESS: I can't recall what he wanted me to say.

16 BY MR. NEGUS:

17 Q. When -- when Mr. Hernandez, Zeke Hernandez and Mr.
18 Gary Murray were asking you questions about Mr. Cooper's smoking
19 habits, they brought that subject up; is that correct?

20 A. Yes, they did.

21 Q. And do you remember from -- from reading the
22 transcript that Mr. Kochis showed you, that your first answer to
23 the question: "Did Mr. Cooper smoke?" was, "No." Remember
24 that?

25 A. Yeah, that's right.

26 Q. And that was an honest answer as far as you know;
27 is that correct?

28 A. No.

1 Q. Well then, did you think that when -- the next
2 thing -- after you said, "No," did Zeke say, "Didn't he?"

3 A. I don't recall what he said. If you'd like my
4 reasons for why, I just mistakenly said no.

5 Q. Just --

6 THE COURT: Don't volunteer. Just answer the questions,
7 please. The other attorney can bring out other things if he
8 wishes.

9 BY MR. NEGUS:

10 Q. Do you recall -- you don't recall Mr. Hernandez
11 saying, "Didn't he?"

12 A. I read that in the transcript but I can't recall
13 him saying that right off at the time it occurred.

14 Q. Well, in the transcript did you -- did you notice
15 that as soon as Mr. Hernandez prompted you and said, "Didn't
16 he?" you changed your answer.

17 MR. KOCHIS: Objection. That assumes a fact that's not
18 in evidence, that anybody was prompting anybody.

19 THE COURT: All right. Sustained.

20 Don't answer.

21 BY MR. NEGUS:

22 Q. In the transcript did you notice that as soon as
23 Mr. Hernandez said, "Didn't he?" you changed your answer?

24 A. Yeah. I noticed that in the transcript.

25 Q. How did you get the job as equipment manager in the
26 R.C. West?

27 A. I had prior dealings with Mr. Hill.

28 Q. Did you get that job on May 10th, the day that you

1 arrived at R.C. West?

2 A. I arrived May 9th. I got the job May 10th, yes, I
3 did.

4 Q. You arrived May 9th?

5 A. Right.

6 Q. Well, you didn't go to West before you got --
7 "arrested" is not the right word -- but caught smoking
8 marijuana, did you?

9 A. Did I go there before?

10 Q. Right.

11 A. Yes, I was there prior to going to CIM Minimum.

12 Q. Okay. Well, let's -- in May though -- in May of
13 1983, did you go back, arrive back, be transferred from CIM
14 Minimum back over to West on the same day that you got caught
15 smoking marijuana?

16 A. Yes, I did.

17 Q. And wasn't that May 10th?

18 A. I believe it was around May 9th or May 10th. I
19 have a 115 that it's dated May 10th -- May 9th, excuse me.

20 THE COURT: Counsel, find a convenient break point.

21 MR. NEGUS: Fine.

22 THE COURT: Okay. Remember the admonition, ladies and
23 gentlemen.

24 Remain seated, sir, and let the jurors out this way
25 15, 20 minutes.

26 (Recess.)

27

28 THE COURT: You may continue, counsel?

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CROSS EXAMINATION (Resumed)

BY MR. NEGUS:

Q. The job that you had in the equipment room, um, that was -- that was a good job for an inmate, right?

A. Yes, it was all right.

Q. I mean, it certainly beats peeling potatoes and stuff like that.

A. Yes, sir.

Q. And, in general, inmates would rather have that kind of job than most of the other ones that they had available; is that true?

A. Yes, they would.

Q. When you came into West on discipline, was Mr. Hill doing you a big favor by giving you one of the better jobs when you were coming in on discipline?

A. No. I worked at the position before and he needed someone in there right then that, you know, that worked the position for him.

Q. You, at the preliminary, and at this particular hearing, have not wanted to have your picture publicized so it would go back to the institution; is that right?

MR. KOCHIS: Objection, it is irrelevant.

THE COURT: I don't know the relevancy.

MR. NEGUS: Attitudes towards testifying and it could go to bias.

THE COURT: I will sustain the objection, I fail to see that, counsel.

1 MR. NEGUS: Can I be heard out of the presence of the
2 witness to explain to you?

3 THE COURT: Conclude other aspects, if you can. Can you
4 go ahead and do other things first?

5 MR. NEGUS: I suppose?

6 Can I say in front of the witness.

7 THE COURT: No, counsel, I'm simply sustaining the
8 objection. Proceed otherwise.

9 MR. NEGUS: Well, let me try it a different way.

10 Q. Is it a big disadvantage in the prison system to be
11 known as an informant?

12 A. Yes, it is.

13 Q. And, if one is an informer in the prison system one
14 tries to keep that secret from the other inmates.

15 A. It would be -- yes.

16 Q. Are you known on the streets as Lester?

17 A. Yes, I am.

18 Q. And you are from San Diego; is that right?

19 A. Yes, I am.

20 Q. And you are from the general vicinity of Lincoln
21 High School.

22 A. Yes. I lived over there.

23 Q. Do you know a man named Ronnie Edwards?

24 MR. KOCHIS: Objection, irrelevant.

25 THE COURT: Foundational, Mr. Negus?

26 MR. NEGUS: Yes.

27 THE COURT: In the event it is not connected up, I will
28 strike it and admonish. Go ahead.

1 BY MR. NEGUS:

2 Q. Do you?

3 A. Yes, I know him.

4 Q. Was he in CIM Minimum at the same time you were?

5 A. Yes, he was.

6 Q. If one is an informer one is -- well, you are an
7 informer, right?

8 A. If that's what you want to call it.

9 Q. Is that -- is that -- is that how you would
10 consider yourself?

11 A. No, I wouldn't.

12 Q. Have you given information to the authorities about
13 other inmates?

14 A. No, I haven't.

15 MR. KOCHIS: Objection, your Honor. I think that is
16 irrelevant and I'd move to strike the answer.

17 THE COURT: No, he can define the terms. He's answered
18 in any event. "No, I haven't."

19 BY MR. NEGUS:

20 Q. If one is an informer does one need the cooperation
21 of prison officials to make sure that that fact is not made
22 known to other inmates?

23 A. In certain instances, yes.

24 Q. Did you inform on a Ronnie Edwards?

25 A. No, I didn't.

26 Q. Do you need the cooperation of prison authorities
27 to make sure that other inmates don't find out that you are
28 testifying against Kevin Cooper?

1 A. Could you ask that question again, please.

2 Q. Do you need the cooperation of the prison
3 authorities to make sure that the other inmates in your
4 institution don't find out that you've testified against Kevin
5 Cooper?

6 A. No, I don't.

7 THE COURT: I'm about to ask the same question. I think
8 its relevance is -- perhaps has been established, your Honor.

9 THE COURT: Ask it again. It may be.

10 BY MR. NEGUS:

11 Q. Is the reason that you didn't want the television
12 cameras and the still cameras taking your picture today, and at
13 the preliminary hearing, so that other inmates wouldn't find out
14 that you testified against Kevin Cooper?

15 MR. KOCHIS: Same objection, for the same reason.

16 THE COURT: That was relevance?

17 MR. KOCHIS: Yes, your Honor.

18 THE COURT: It may go to the state of mind. Overruled.

19 Go ahead, answer it.

20 THE WITNESS: No, that wasn't my reason.

21 BY MR. NEGUS:

22 Q. What was your reason?

23 A. I just don't want to be in the publicity.

24 Q. Well, at the preliminary hearing did you indicate
25 that being known in the prison as somebody who testifies for the
26 authorities could get you -- cause you problems?

27 A. It could, possibly.

28 Q. And that was the reason at that point in time that

1 you gave for wanting the cameras off?

2 MR. KOCHIS: Well, I would object. How is his feeling at
3 the preliminary relevant to today? It is not relevant.

4 THE COURT: Well, overruled. He may answer.

5 THE WITNESS: Could you ask the question again, please.

6 BY MR. NEGUS:

7 Q. Voiding problems in the prison with other inmates
8 knowing that you have testified, is that the reason that you
9 gave at the preliminary for having the cameras turned off at the
10 preliminary hearing?

11 A. Yes. Partly.

12 THE COURT: Let me mention to the jurors, when I rule
13 upon an objection, ladies and gentlemen, I'm simply ruling on
14 whether or not the evidence may come in. I assign no weight to
15 it. You will determine what weight, if any, the evidence has.

16 Go ahead.

17 BY MR. NEGUS:

18 Q. How many times did you gather up shoes to give to
19 the San Bernardino authorities?

20 A. I'd have to say from the day Al Hill asked me, that
21 is one. The day I went and picked them up with him, that's two.

22 Q. Let me try and get these statements in my mind
23 then. The day Al Hill asked you, what day was that? Can you
24 describe some things that happened that day?

25 A. That was the day that you brought into question
26 whether or not Al Hill had informed that is what they were
27 specifically asking about, shoes. The San Bernardino Sheriff
28 being "they".

1 Q. So that's day one. What was the other day?

2 A. When I was having my conversation with Dave and Mr.
3 Hill asked me could I help him carry the boxes of shoes over
4 there.

5 Q. Whose Dave?

6 A. That's Mascetti. Deputy Mascetti?

7 Q. Deputy Mascetti then.

8 A. Correct.

9 Q. The first time where it was not Deputy Mascetti but
10 just Al Hill, did Al Hill tell you that, "Wow, this is heavy.
11 They want tennis shoes, is what they wanted. They wanted
12 prints, and what for, I don't really know."

13 Did he tell you that?

14 A. No, he didn't tell me that, not on the day that I
15 took the shoes off the shelf for him. No, he didn't.

16 Q. Did he tell you that at some other time?

17 A. Yes. This was after our conversation with Mr.
18 Mascetti.

19 Q. Well, was Al Hill present when you talked to Mr.
20 Mascetti at the time?

21 A. No, he was coming through the office on his way to
22 work, and I guess --

23 MR. KOCHIS: Objection, it is nonresponsive. At this
24 point he's answered the question that was asked.

25 THE COURT: Yes, everything after no.

26 Just answer the question, don't volunteer.

27 BY MR. NEGUS:

28 Q. My next question I suppose is, what were the

1 circumstances of this particular question when Al Hill commented
2 to you about tennis shoes is what they want?

3 A. I beg your pardon?

4 Q. What -- when did that occur? Where did that occur,
5 that conversation where Al Hill told you that tennis shoes is
6 what they wanted?

7 A. That was sometime after he told me to come with him
8 to get the tennis shoes.

9 Q. Was that before you talked to Deputy Mascetti?

10 A. That was the exact time.

11 Q. When -- showing you Exhibit 39 and Exhibit 52.

12 When you talked to Deputy Mascetti, did he make any
13 Xeroxed prints of shoes, the type that I'm showing you?

14 A. He didn't do it in my presence, no.

15 Q. When Al Hill told you that they wanted prints of
16 shoes, what did you think he meant?

17 A. I don't recall Al Hill telling me that.

18 Q. Did Mr. Cooper tell you his true name?

19 A. No, he didn't.

20 Q. Did he tell you his girl friend's name?

21 A. He didn't.

22 Q. Do you know anything about his family?

23 A. Very little.

24 Q. Did you know what his job was in the institution?

25 MR. KOCHIS: Objection, that assumes a fact that's not in
26 evidence that Cooper had a job.

27 THE COURT: If any. Why don't you add that on to the end
28 of your question.

1 BY MR. NEGUS:

2 Q. If any.

3 A. I am not aware if he did.

4 Q. Do you -- do you know that he didn't have one?

5 A. I just said that I am not aware if he had one or
6 not.

7 Q. Did he ever tell you he was going to like have a
8 visit from some girl friend or friends, or things of that
9 nature?

10 A. No, he didn't.

11 Q. Were you close with him?

12 A. Can you define what you mean by "close"?

13 Q. Were you friends?

14 A. Yeah, I used to talk to him.

15 Q. Did Mr. Cooper have any other friends that you knew
16 when he was in West?

17 A. None that I could see. He was -- the only time we
18 came in contact was in the gym.

19 Q. Well, when he was playing basketball, did you and
20 he sort of pair up?

21 A. We played on the same team a couple times.

22 Q. Did he have anybody that he always played
23 basketball with?

24 A. No, none that I know.

25 Q. Were you doing Mr. Cooper a special favor when you
26 gave him the tennis shoes?

27 A. Not necessarily.

28 Q. Why did you give them to him?

1 A. Because that is the policy. When you try out for
2 the team we give you the best shoes available and those are the
3 best.

4 Q. Aren't Converse the best?

5 A. No, not for our specific floor, they're too
6 slippery. The P.F. Flyers --

7 Q. I'm talking about Converse. Converse are not worse
8 basketball shoes than the Pro Keds.

9 A. From what we had -- all the Converse we had were
10 all old Converse. converse are not state issues. We never had
11 any new Converse.

12 Q. What do the Converse's look like?

13 A. Like a tennis shoe. Very similar to this, you
14 know, different -- different make.

15 Q. Did Kevin speak Spanish?

16 A. Not to my knoweldge.

17 Q. Did you tell Deputy Mascetti that Kevin spoke
18 Spanish?

19 A. No, I didn't.

20 Q. Did you ever make -- did Mr. Kochis show you the
21 report that Mr. Mascetti did of your interview with him?

22 A. No, he didn't.

23 Q. Did you ever state to Deputy Mascetti that you
24 thought that Kevin spoke a little Spanish as you had seen Kevin
25 speaking to one of the Mexican inmates, however you couldn't
26 really describe his ability to speak Spanish?

27 A. I don't know if he speaks it at all.

28 Q. Listen to the question.

1 A. No, I didn't.

2 Q. Stop, stop. The question was, did you ever say the
3 following things to Deputy Mascetti: That you thought that
4 Kevin spoke a little Spanish, as you had seen Kevin speaking to
5 one of the Mexican inmates, however, you were not able to
6 describe to Deputy Mascetti Kevin's abilities in speaking
7 Spanish?:

8 A. No, I never made that statement.

9 Q. When you talked to Deputy Mascetti, were you aware
10 that the authoriites were looking for Kevin in the Mexican
11 border area?

12 A. No, I wasn't.

13 Q. When you gave Mr. Cooper -- when you claim you gave
14 Mr. Cooper these shoes, did you think you were doing him a
15 favor?

16 A. No, I didn't.

17 Q. You were just giving him what he was entitled to?

18 A. By trying out for the basketball team, yes.

19 Q. Well, did Mr. Cooper actually make the basketball
20 team?

21 A. I believe he left before we could make our final
22 cuts.

23 Q. Who were the other players that were on the team at
24 that time?

25 A. Man. Melvin Goins, Ricky Brooks, a couple of other
26 people, I don't remember by name.

27 Q. Were there any other black players on the team
28 besides yourself and Mr. Cooper?

1 A. Yes.

2 Q. Do you remember their names?

3 A. I just gave you two of them. The majority of the
4 team was black.

5 Q. Did Mr. Cooper have tennis shoes when he arrived at
6 R.C. West?

7 A. That, I can't answer.

8 Q. Did you ever see him wearing tennis shoes prior to
9 your getting him tennis shoes?

10 A. Where?

11 Q. At West. Did you ever see Mr. Cooper -- what was
12 Mr. Cooper -- what kind -- what did he have on his feet when you
13 first gave him a pair of tennis shoes?

14 A. Shower shoes.

15 Q. Did you ever see him wearing brown state issue
16 shoes?

17 A. No, I didn't.

18 Q. When you were -- I'm on Page 3 of the transcript
19 with Zeke and Murray.

20 When you were talking to Zeke and Murray, did you
21 tell them that -- well, did Zeke -- do you recall Zeke and --
22 just let me finish the question before you answer.

23 Do you recall Zeke asking you what of kind of shoes
24 did he have? Meaning Mr. Cooper. and your answering:

25 "At that time he had nothin' but a pair of State
26 issues. A -- the brown, brogan type shoes. He
27 played basketball quite a bit. He used to come
28 over quite a bit. So, he asked me would it -- is

1 it anyway I could him some tennis shoes to keep.
2 And I said, 'Hey, I can 'em, but, you gonna have
3 keep 'em at your own risk, you know, because
4 they'll be ca -- contraband on the yard. And
5 he -- that's what happened. And he had 'em ever
6 since."

7 A. I recall making that statement.

8 Q. Why would they be contraband?

9 A. Because they're only for use in the gym.

10 Q. I thought that if you was on the basketball team he
11 could have them to wear.

12 A. No. They're only for issue in the gym.

13 Q. Well, were you breaking the rules by letting him
14 take them outside the gym?

15 A. I make the statement to him to what the rules were.

16 Q. Let me try the same question again.

17 Were you breaking the rules by letting Mr. Keef --
18 Mr. Cooper keep the tennis shoes?

19 A. No, I wasn't.

20 Q. Did you ever do any favors for Mr. Cooper?

21 A. No, I didn't.

22 MR. NEGUS: I would like, your Honor, if I could, I think
23 it's Volume IV, Page 18, Lines 2 through 17. I'd better start
24 on Page 17, Line 24 through 18.

25 MR. KOCHIS: If I could have just a moment. I have that.

26 MR. NEGUS: (Reading)

27 "Question: As best you can recollect, tell me what
28 you told Mr. Mascetti.

1 "Answer: I told him the same thing that I told Mr.
2 Hill and Hernandez.

3 "Question: What was that?

4 "Answer: That I knew Mr. Cooper periodically. We
5 dealt on a day-to-day basis for about three weeks.
6 He played basketball with me. He played
7 basketball on my basketball team. We gained a
8 rapport by kindness at the time by me having a
9 position where I could do certain things for
10 certain individuals that were not against the
11 rules; however, they were, you know, a plus. And
12 that's what I did for a lot of people, along with
13 Mr. Cooper.

14 "Question: What did you do for Mr. Cooper?

15 "Answer: I gave him a pair of tennis shoes without
16 using his I.D. card to check them out. That way
17 he could keep them for his duration of his stay at
18 R.C. West. I used to give him coffee in the
19 morning."

20 That's actually on to line 15.

21 Why did you tell Zeke that Kevin had the brown
22 leather shoes when he got there?

23 A. I didn't tell Mr. Hernandez that.

24 Q. Why did you tell Zeke that at that time he had
25 nothing but a pair of tennis shoes, the brown brogan type of
26 shoes?

27 A. I never made that statement to Mr. Hernandez.

28 Q. You never made that statement?

1 A. No.

2 Q. Do you remember if Mr. Murray was tape recording
3 your statement while he and Zeke were talking to you?

4 A. No, I don't.

5 Q. When Mr. Kochis gave you the transcript of that
6 conversation to read over, do you remember seeing that statement
7 in the transcript?

8 A. No, I don't.

9 Q. Why didn't you mention giving Mr. Cooper a pair of
10 P.F. Flyers at the preliminary hearing?

11 A. That wasn't the shoes in question.

12 Q. Do you remember just Mr. Kochis asking you: "Did
13 you ever give Mr. Cooper any shoes or clothing?"

14 THE COURT: I am not sure that is understandable.

15 BY MR. NEGUS:

16 Q. Do you remember Mr. Kochis asking you a general
17 question: "Did you ever give Mr. Cooper any clothing?"

18 A. No, I didn't -- he didn't ask me that.

19 Q. Do you remember -- let me just ask you another,
20 another question.

21 Did Mr. Cooper ever give you back a pair of tennis
22 shoes?

23 A. Yes, he did.

24 Q. What pair were those?

25 A. The P.F. Flyers.

26 Q. What date did you give him the P.F. Flyers?

27 A. The specific date?

28 Q. Yes. As close as you can come.

1 A. I can't recall a specific date.

2 Q. Well, okay. Was it like soon -- as soon as you got
3 to R.C. West?

4 A. No.

5 Q. Two weeks after you got to R.C. West. I just want,
6 you know, sometime during this period. Just give as close as
7 you can get.

8 A. As close as I can get to when I gave him the P F.
9 Flyers?

10 Q. Yes.

11 A. It was in the month of May after the 10th of '83, I
12 can tell you that much. I don't know the specific date.

13 Q. Okay. And do you remember when, when you gave Mr.
14 Cooper the Pro Keds?

15 A. Yes, I do. the same day.

16 Q. The same day as the P.F. Flyers?

17 A. Right.

18 Q. Had you ever checked out any tennis shoes to him
19 before then?

20 A. Prior to what, the P.F. Flyers?

21 Q. Yeah.

22 A. No, I hadn't.

23 Q. What do these shower shoes look like?

24 A. Beach thongs.

25 Q. Was Mr. Cooper playing basketball in beach thongs?

26 A. No.

27 Q. What was Mr. Cooper wearing when he was playing
28 basketball before you gave him the P.F. Flyers?

1 A. I don't recall him playing basketball until I gave
2 him the tennis shoes.

3 Q. Well, did you give him the tennis shoes three or
4 four days before he left?

5 A. That was pretty close.

6 Q. So, the first time that Mr. Cooper, -- you saw Mr.
7 Cooper playing basketball was three or four days before he left?

8 A. No.

9 Q. When was the first time you saw him playing
10 basketball?

11 A. When he tried ought for my team.

12 Q. Okay. How was -- was that right after you got
13 there? When was that as best you can --

14 A. I got the job the same -- the day after I got
15 there, therefore, I must have been working from five to seven
16 days before I ran into Mr. Cooper.

17 Q. Okay. Then -- so like approximate -- within a week
18 after you got there he was playing basketball?

19 A. Right.

20 Q. What was he wearing then?

21 A. I had give him the P.F. Flyers.

22 Q. Would it be a fair estimate to say that -- that Mr.
23 Cooper left Minimum on June 1st?

24 A. Yes, that's pretty good.

25 Q. And so all the basketball playing that you did with
26 Mr. Cooper was after you gave him the P.F. Flyers?

27 A. I gave him the P.F. Flyers in the morning.

28 Q. Yeah.

1 A. He told me he was going to try out for my team, and
2 when he came back that afternoon I gave him the Pro Keds.

3 Q. Okay. And then was that the first time you met Mr.
4 Cooper?

5 A. I had seen him around but I had never met him, no.

6 Q. Three or four days later he left, is that true?

7 A. No, it's not.

8 Q. Well, how -- how long after you gave him the tennis
9 shoes was it that he left?

10 A. I don't even recollect. You asking me something I
11 don't recollect his duration of stay there at the time.

12 Q. I mean, did you play a lot of games with him?

13 A. The gym was open every day, seven days a week.

14 Q. So did you play with him for two or three weeks?

15 A. I can't really say how long it was, if it was two
16 or three weeks or not.

17 Q. Do you remember -- Page 5, Volume IV, preliminary
18 hearing transcripts, looks like Lines to 15 -- Mr. Kochis asking
19 you:

20 "Now approximately three to four days prior
21 to the time Mr. Trautman was transferred did you
22 issue, did you give him any clothing?"

23 And your answering:

24 "Yes, I did."

25 And Mr. Kochis asking the question:

26 "What type of clothing did you give him?"

27 Your answering:

28 "A pair of state issued tennis shoes."

1 Mr. Kochis asking you:

2 "Do you remember the brand name?"

3 Your answering:

4 "Yes, I do."

5 Mr. Kochis asking you:

6 "What is it?"

7 And your answering:

8 "Pro Keds."

9 Remember that?

10 A. Yeah, I remember the specifics of it.

11 Q. Okay. Now when -- when you -- when you read over
12 the transcript that Mr. Kochis gave you, did Mr. Kochis ask you:
13 "Is there -- do you see anything incorrect about the
14 transcript?"

15 A. Yes, he did ask me that.

16 Q. Okay. Did you point out anything that was
17 incorrect in the transcript to him?

18 A. A couple things vaguely, but I don't, you know,
19 right now, I couldn't stay, well, this is what it was.

20 Q. Well, would you say that it was incorrect then that
21 it was three or four days prior to the time that Mr. Trautman
22 was transferred that you gave him a pair of state-issued tennis
23 shoes?

24 A. What I'd say is I don't remember. At the time I
25 made the statement it was more refreshed to my mind. As of now
26 I don't recall if it was are three or four days.

27 Q. Do you remember when Mr. Kochis asked you that
28 question why you said a pair of tennis shoes instead of two

1 pair?

2 A. Could you repeat that?

3 Q. Do you recall when Mr. Kochis asked you about
4 issuing Mr. Trautman clothing three or four days before his
5 transfer you gave him the answer "a pair of state-issued tennis
6 shoes" rather than specifying two pair?

7 A. The tennis shoes that were in question were the
8 ones I specified.

9 Q. Well, I mean how -- I mean, you just decided that
10 that was the only one he was asking about?

11 A. Yes.

12 Q. Prior to testifying at the preliminary hearing,
13 that would have been -- that was in November of 1983, correct,
14 that you testified at the prelim?

15 A. Uh-huh.

16 Q. Yes?

17 A. November, yes.

18 Q. There was no transcript at that point in time of
19 your -- of your conversation with Zeke and Murray, correct.

20 MR. KOCHIS: Objection. That calls for speculation on
21 his part as to what investigators did.

22 THE COURT: Yes. Reframe it "was there".

23 BY MR. NEGUS:

24 Q. You were not shown prior to your testimony at the
25 preliminary hearing the transcript of your conversation
26 between -- between Zeke and Murray, right?

27 A. Yes, I believe I was shown it.

28 Q. You were shown that transcript?

1 A. Right.

2 Q. Did you have a chance to read it and study it?

3 A. Yeah, I studied it.

4 Q. That was before you testified at the prelim?

5 A. Right.

6 Q. Were their Nike's available to pass out in the --

7 in the gym?

8 A. Yes.

9 Q. About how many different brands in total of tennis

10 shoes did you have there?

11 A. Four.

12 Q. Nike's, Converse, Pro Keds, and P.F. Flyers?

13 A. Right.

14 Q. No others than those?

15 A. None that I know of -- that I would know.

16 Q. When you went to the -- Did you have like a key to

17 the hot room?

18 A. No, not that -- not that I carried around.

19 Q. Well, did you have access to a key to the hot room?

20 A. Yes, I did.

21 Q. And where was that kept?

22 A. In Officer -- it was Officer Hill's key.

23 Q. So, you had to -- you'd ask him for it and he would

24 give it to you?

25 A. Yeah, or he would just come down there with me.

26 Q. Well, did you ever go in that room without Officer

27 Hill.

28 A. No, I didn't. It was always an officer present.

1 Q. The shoes that you -- the Pro Keds that you say you
2 gave to Mr. Cooper, were those new?

3 A. I don't recall either, the condition.

4 Q. Well, did you take them out of a box?

5 A. No, I took them off the shelf.

6 Q. Showing you Exhibit 36, off that particular shelf?

7 A. Yes.

8 Q. Do you recall where you got them from in there?

9 A. No. I don't.

10 Q. Does that particular photograph depict the full
11 range of shoes that -- that are available at -- in the equipment
12 room?

13 A. No, it doesn't.

14 Q. The shoe that's before you on the witness stand
15 there, Exhibit 38, is -- is that the same size, this one right
16 here, of shoe that you gave to Mr. Cooper?

17 A. I'm not aware of what he size I gave him.

18 Q. At the preliminary hearing were you shown that same
19 shoe by Mr. Kochis?

20 A. I believe I was.

21 Q. Did you tell him that that particular shoe before
22 you is an almost exact replica in shoes and "newativity" of the
23 shoe?

24 A. Yes, I did.

25 Q. "Newativity" has to do with about it's used or not?

26 A. Somewhat, yes.

27 Q. Is that what you meant by the word?

28 A. Right.

1 Q. Is that particular shoe there one of the -- one of
2 the bigger or the smaller tennis shoes that you would have
3 available?

4 A. It's a big one.

5 Q. Are you being allowed a family visit while you're
6 down here in San Diego?

7 A. No, I'm not.

8 MR. NEGUS: If I could read, your Honor, -- this really
9 goes back to some earlier statements but, -- from Page 23 of
10 Volume IV, Lines 3 through 15.

11 MR. KOCHIS: From 3 to what?

12 MR. NEGUS: 15.

13 MR. KOCHIS: I have that.

14 MR. NEGUS: "Question: Did you hear any reports in the
15 newspaper, the daily report on the radio or on the
16 TV that the authorities had found a bloody
17 footprint of a tennis shoes inside the Ryen house?
18 "Answer: No, I didn't. My first knowledge of that
19 was when I talked to the San Bernadino County
20 Sheriff.

21 "Question: He told you that?

22 "Answer: No, he asked me to give him every
23 specific type of shoe that could possibly be
24 issued to an inmate at our facility.

25 "Question: That was the first time you heard that
26 there was any interest in tennis shoes?

27 "Answer: Yes, it was."

28 At the prelim why did you say that the first time

1 you heard there was any interest in tennis shoes was when you
2 talked to Deputy Mascetti?

3 A. Because that was the first time I heard any
4 interest in it.

5 Q. What about your conversation with Al Hill?

6 A. I told you he didn't go into detail, he just told
7 me gather up the shoes. He wanted the shoes that -- he wanted
8 me to get all the shoes that were available on the shelf that
9 day. Now the interest or the cause, I don't know at that time.

10 Q. Did Zeke and Murray question you at some length
11 about your giving Mr. Cooper tennis shoes?

12 A. No. They asked me had I given him any tennis
13 shoes. That's about it, they didn't dwell on the fact, and they
14 asked the basic size. I didn't know.

15 Q. The brand?

16 A. Brand.

17 Q. Ask you other questions about Mr. Cooper's shoes?

18 A. No.

19 Q. Did you -- did you deduce from -- from the
20 questions that they were asking you that they were interested in
21 tennis shoes?

22 A. Could you clarify what you --

23 Q. Did you figure out that from the questions that
24 Zeke and Murray were asking you that they were interested in
25 tennis shoes?

26 A. No, I didn't go over it in my mind as far as going
27 into detail, I just answered the question.

28 Q. Did you mention the shower shoes to Zeke and

1 Murray?

2 A. I don't recall if I mentioned the shower shoes to
3 them or not.

4 Q. Did you tell Zeke and Murray that all you ever saw
5 Mr. Cooper in was tennis shoes?

6 A. When he was in the gym.

7 Q. Well, where did you see him in shower shoes?

8 A. When you come into the gym you turn in -- you
9 usually leave your shoes that you're wearing to the side, or if
10 you don't have an I.D. card you can ask someone, maybe someone
11 will do it for you, hold your shoes, for the tennis shoes.
12 Okay. In his particular case he used to wear the shower shoes
13 and check out tennis shoes with his I.D. card.

14 Q. When -- when you were talking to -- to Zeke and
15 Murray, did you tell them that you gave Mr. Cooper a pair of
16 P.F. Flyers, and then somehow somewhere or another he had -- he
17 had got some -- come up with some Pro Keds; did you tell them
18 that?

19 A. I don't recall if I said that or not.

20 Q. Well, do you recall when you were talking to --
21 to -- to Zeke and Murray being confused about whether or not you
22 gave Mr. Cooper any Pro Keds?

23 A. There was never a doubt of any confusion.

24 Q. Why would you have said then: "Somehow, somewhere
25 or another he got them, come up with some Pro Keds."

26 A. I just told you, I can't recall making that
27 statement, knowing how he came up with them.

28 Q. Did Zeke ever tell you that he -- it looked to him

3 1 like you weren't quite sure about whether you gave him the Pro
2 Keds or the P.F. Flyers?

3 A. No, I don't recall him saying that.

4 Q. What hair style did Mr. Cooper have when you knew
5 him?

6 A. Braids.

7 Q. Is that all you ever saw him in?

8 A. No. I saw him with his Afro out a couple times.

9 THE COURT: Are we beginning to repeat ourselves, Mr.
10 Negus?

11 MR. NEGUS: I don't think I have asked that question
12 before.

13 THE COURT: Maybe Mr. Kochis did.

14 MR. KOCHIS: I did.

15 THE COURT: All right.

16 BY MR. NEGUS:

17 Q. How did you know that Mr. Cooper normally wore the
18 brown Brogan shoe; did he tell you that?

19 A. I just told you, I don't recall making that
20 statement.

21 Q. At -- reading from the transcript of the
22 preliminary hearing, Page 29, Lines 8 through 14, if I may:

23 "Question: What kind of shoes did Mr. Cooper
24 normally wear other than those tennis shoes that
25 you gave him?

26 "Answer: The regular state issue.

27 "Question: What does that look like?

28 "Answer: Brown Brogan looking shoe.

1 "Question: Was it made ought of leather?

2 "Answer: Yes, it is."

3 How did you know that Mr. Cooper normally wore --
4 when you testified at the preliminary hearing, how did you know
5 that Mr. Cooper normally wore brown leather shoes?

6 A. I don't know that Mr. Cooper wore brown leather
7 shoes. I only said about the shower shoes. I don't see him on
8 the yard.

9 Q. Well, why did you testify at the preliminary
10 hearing that he normally wore brown leather shoes?

11 A. You must have been mistaken. I said "shower
12 shoes".

13 Q. You never testified at the preliminary hearing in
14 the manner that I just read to you?

15 A. I don't recall it. If it is, it's incorrect.

16 Q. Did you, when you read the transcript that Mr.
17 Kochis gave you, did you point that out to him as an error?

18 A. I'm not sure if that was one of the points I
19 pointed out or not. I pointed out a couple points that were
20 errors.

21 MR. NEGUS: Your Honor, could we clarify for the jurors
22 that when we read from the transcript without objection we are
23 in fact reading from the transcript of the preliminary hearing,
24 or whatever transcript it is, and that's to be the purpose for
25 that particular proceeding?

26 THE COURT: Yes.

27 Ladies and gentlemen, testimony given at a
28 preliminary hearing is testimony given in open court after the

1 witness is first placed under oath just like here. You can
2 consider that testimony the same as if it were given hear in
3 court.

4 The other transcript that you've read apparently
5 was an interview by officers, and that's not under oath.

6 MR. NEGUS: Right.

7 THE COURT: But you may consider that if there are any
8 contradictory statements.

9 Go ahead.

10 MR. NEGUS: With respect to the other things, your Honor,
11 we're not -- they're not in evidence except by way of the
12 question at the present time, but I just wanted to make clear
13 that we are introducing into evidence parts of the transcript of
14 the preliminary hearing when we so state.

15 Any objection to that?

16 MR. KOCHIS: Not at this point.

17 MR. NEGUS: There are a couple of other matters I need to
18 go into, but I determined when I got my tape recorder here that
19 my batteries are dead and I have to go get some other ones --
20 Oh, we have.

21 I can let Mr. Kochis begin his recross and then
22 interrupt it, or we can set up the tape recorder right after
23 lunch, whichever is more convenient for the Court.

24 MR. KOCHIS: At this point I have no redirect. If we
25 could finish the examination, we could do that now.

26 MR. NEGUS: Fine. It won't be very long. If I could
27 just -- it will take me a few minutes to get it set up because I
28 was intending to do that before I got here this morning, and --

1 THE COURT: How much longer would you estimate?

2 MR. NEGUS: I just want to play a couple parts.

3 THE COURT: Let's try and stay with it.

4 MR. NEGUS: Okay.

5 MR. KOCHIS: Your Honor, before he does that there is an
6 area I would like to be heard on, and rather than bore the jury
7 with our arguments, we can do that out of the presence. It
8 wouldn't take but a moment or two.

9 THE COURT: Well, we're going to have you back this
10 afternoon, Mr. Taylor.

11 We will take the noon recess, ladies and gentlemen.
12 Remember the admonition I have repeatedly given to you.

13 MR. KOCHIS: Your Honor, because of his status he
14 presents additional complications for me in terms of housing. I
15 would have no objection, if the jury was willing to sacrifice
16 ten minutes of their lunch hour or something, we would start
17 later.

18 THE COURT: Counsel, I will run the court, Mr. Kochis.

19 MR. KOCHIS: I know you will.

20 THE COURT: Have a seat, please.

21 We are going to take the noon recess at this time.
22 Remember the admonition I previously gave to you.

23 Would the people in the audience, please, permit
24 the jurors to leave.

25 (The following proceedings were had in open court
26 without the presence of the jury.)

27 THE COURT: Mr. Kochis, is it something we can go into
28 now that the jurors have departed?

1 MR. KOCHIS: Yes. I would be interposing an objection on
2 two grounds: Cumulative and asked and answered.

3 THE COURT: Objection to what?

4 MR. KOCHIS: To Mr. Negus, what he apparently is going to
5 do is, he has asked Mr. Cooper questions -- excuse me, Mr.
6 Taylor questions based on the transcript that was prepared of
7 the tape, and now he's going to again go through those in the
8 form of an oral tape recording, and we have already covered
9 those areas.

10 THE COURT: Was that your intention?

11 MR. NEGUS: My intention was to play and authenticate
12 through Mr. Taylor hearing his own voice that these statements
13 which he denied having made --

14 THE COURT: I'm not going to permit the whole tape to be
15 played.

16 MR. NEGUS: I'm not going to do the whole tape, that's
17 why I wanted some sometime to set up to find the relevant
18 portion.

19 THE COURT: No. I will not take that. The usual way to
20 impeach is through the prior testimony, through the impeaching
21 witness and the other persons, prior conversation; otherwise we
22 have to start and edit and everything else.

23 MR. NEGUS: What I'm saying is, give me the lunch hour,
24 will take me five minutes to do it. I don't think it will take
25 a long time. They are not very long portions. We can provide
26 the reporters with the copy of the transcript so they don't have
27 to hassle with that.

28 THE COURT: The contradictory statements have come in

1 without evidence.

2 MR. NEGUS: Right. I want to get them into evidence.

3 THE COURT: I meant without objection. So that can be
4 authenticated in some manner that such statements were made.

5 MR. NEGUS: I don't think -- the record does not now
6 reflect that the statements were made. There is a denial that
7 they were made, and that's all. And I have to be able to prove
8 that have they were made.

9 MR. KOCHIS: Well, your Honor, I have -- I will stipulate
10 to the tape, and I am prepared to stipulate to a transcript of
11 the tape so the court reporter is not burdened by trying to take
12 down the tape, and the whole thing can come to the jury as far
13 as I'm concerned.

14 THE COURT: You mean the tape recording?

15 MR. KOCHIS: Start to finish.

16 THE COURT: Want to do that?

17 MR. NEGUS: I don't think start to finish is particularly
18 relevant. I just want to play the parts that are relevant, and
19 that's a lot shorter.

20 MR. KOCHIS: That distorts the nature of the interview.

21 MR. NEGUS: Well, there is stuff on the --

22 MR. KOCHIS: The impeaching things are in. I haven't
23 objected, no objection. The jury is allowed to consider it.

24 THE COURT: He has a right to prove up the conversation
25 which hasn't yet been done.

26 MR. KOCHIS: Mr. Hernandez is here this afternoon. He is
27 going to testify that he had the conversation, reduced it to
28 tape recording on June the 10th.

1 THE COURT: Would you stipulate, counsel, --

2 MR. KOCHIS: Yes.

3 THE COURT: That all the statements read by Mr. Negus
4 from the interview with Zeke Hernandez and Gary Murray --

5 MR. KOCHIS: On June the 10th of 1984, were in fact made.
6 Yes.

7 THE COURT: And then that would put it into the record.
8 You can mention it in argument and everything else.

9 MR. NEGUS: I just wanted to ask him a couple questions
10 about it once I proved it. The only reason I wanted to do it --
11 prove it through Mr. Taylor, so I could then -- once he -- he's
12 denied that it happened, once we established that it did happen,
13 there is a couple other questions.

14 THE COURT: All right. We will do that. Let's mention
15 the stipulation when you return from lunch then.

16 MR. KOCHIS: No. If we are going to go into it, we are
17 going to go into it. I'm not saving anybody any time by any
18 stipulation. Whatever way the Court and Mr. Negus desire to
19 proceed.

20 THE COURT: How many places are there, Mr. Negus?

21 MR. NEGUS: I believe there's only a couple.

22 THE COURT: All right. Get prepared to do that then when
23 we return.

24 MR. NEGUS: That's what I intend to do.

25 THE COURT: All right. We will be in recess. 1:30.

26 Counsel, if you're going to have a session like
27 this morning where there is some special procedure -- and
28 bailiff as well -- where when come I out at 9:30 the jurors are

1 not here, don't let the attorneys tell you when something like
2 that's going to happen. Check with me first so I know what to
3 expect when I come outside.

4 MR. KOCHIS: That was my fault.

5 THE COURT: If there is going to be some special -- it's
6 just a matter of us communicating, too. If there's going to be
7 some special hearing or something desired, please, let me know
8 ahead of time so we can prepare for it. I was taken aback a
9 little bit.

10 MR. KOCHIS: I apologize.

11 THE COURT: Thank you.

12 (Noon recess.)

13

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1 SAN DIEGO, CALIFORNIA, THURSDAY, OCTOBER 25, 1984 1:35 P.M..

2 --oo0oo--

3

4 (The following proceedings were held in open court out of
5 the presence of the jury)

6

7 THE COURT: Counsel, before we bring the jurors back in,
8 is there something else?

9 MR. NEGUS: Yes. I want to explain what we intend to do
10 to make sure it was okay. I have a copy -- I don't have it
11 marked or anything, but just for your use, a copy of the
12 transcript of what we're going to play.

13 I also have a copy of the transcript which I can
14 hand to the reporter, if that's agreeable with counsel.

15 THE COURT: It makes it easier for the reporter to follow
16 the transcript.

17 MR. KOCHIS: I understand that. The only thing I was
18 concerned about is the interview was lengthy; there are some
19 areas in the transcript that I think Mr. Negus does not want the
20 jury to hear about.

21 THE COURT: I didn't think this was going to be lengthy,
22 just a couple of points.

23 MR. KOCHIS: You have the entire transcript. I just
24 don't want there to be any confusion that doesn't go back at
25 some point in the jury's deliberation.

26 MR. NEGUS: I was going to hand it to the reporter, a
27 copy of the transcript, and stipulate that he can use that
28 transcript in transcribing what the tape says as part of his

1 notes.

2 MR. KOCHIS: So stipulated.

3 THE COURT: Accepted.

4 MR. KOCHIS: We did need one additional moment to find
5 the second location on the tape. We have the first portion set
6 up, we need a moment to do the second.

7 MR. NEGUS: We also were going to play it a little bit
8 longer -- it is about two pages worth of transcript.

9 THE COURT: Be prepared to tell me when I come back out.

10 MR. NEGUS: If you would look at your transcript, Page 2,
11 right in the middle of one of Mr. Taylor's answers, it ends
12 there is something about a ice pick and then it begins "Really."
13 We're going to start with "really."

14 I can mark it if you want to hand it to me.

15 MR. KOCHIS: It is the paragraph in the middle of the
16 page.

17 MR. NEGUS: I marked the reporter's but I didn't --

18 THE COURT: About -- it is the sixth line down. I have
19 it. Right after the word "and I.."

20 MR. KOCHIS: Yes, your Honor.

21 MR. NEGUS: It then goes onto Page 4 and --

22 THE COURT: Page 4.

23 MR. KOCHIS: We would play the entire remainder of 2, the
24 entire Page 3, Page 4 starting with "Did he" all the way down to
25 "Taylor: That I don't know. I couldn't say." In reference to
26 size.

27 THE COURT: All right.

28 MR. NEGUS: This was necessary to sort of combine

1 different parts both sides want to play. So, we thought that it
2 would be easier just to play the whole thing.

3 THE COURT: We will mark the next one. Before we start
4 then let me know.

5 MR. KOCHIS: I have the next one as well on the
6 transcript, your Honor. That would be on Page 9, the third time
7 Mr. Taylor's name appears there. Right underneath that "Mr.
8 Hernandez: Did he smoke?" Continuing on until Mr. Taylor says,
9 "Yes, after the state tobacco." I'm sorry Mr. Murray says,
10 "Bugler?" Mr. Negus wanted that in as well.

11 MR. NEGUS: Right.

12 THE COURT: Okay.

13 MR. NEGUS: Can we just test it so we know that when we
14 play it --

15 THE COURT: Sure.

16 MR. NEGUS: -- that the jury can hear it. Can I just
17 swing this mike around.

18 Is that hearable?

19 MR. KOCHIS: I can hear it.

20 THE COURT: I can understand.

21 THE BAILIFF: The speakers are right here on the back
22 from the mike so they can hear it.

23 MR. NEGUS: Let me just reque it because this could be
24 somewhat critical.

25 And we would agree, I believe, stipulate we could
26 mark one of these tapes after we get through playing the
27 relevant portions to the jury. We have two different tapes.

28 THE COURT: Not put it into evidence but mark it as an

1 exhibit.

2 MR. NEGUS: Yes. I don't care whether it goes into
3 evidence.

4 THE COURT: What is this, Detective Arthur?

5 MR. ARTHUR: This is the third portion of tape.

6 THE COURT: That was just used --

7 MR. NEGUS: We have two tapes, their tape, our tape. One
8 of them is queued onto the spot to make it go quicker.

9 THE COURT: All right.

10 MR. ARTHUR: This is the original.

11 MR. KOCHIS: We don't need this portion of this
12 discussion on the record.

13 THE COURT: Off the record.

14 (Discussion held off the record)

15

16 MR. NEGUS: I think we're ready.

17 THE COURT: Bring the jurors in.

18 On the record.

19 Counsel, may I show the witness, please, the
20 transcript as it is being played, or do you want that?

21 MR. NEGUS: No, I don't.

22 THE COURT: Okay.

23 So far you are all being very prompt, we appreciate
24 that. We have been working on a portion of a tape recording,
25 ladies and gentlemen, that's what's there. But everybody is
26 again present.

27 Mr. Negus.

28 MR. NEGUS: I would like, your Honor, at this point in

1 time, to start the tape at the spot that we indicated previously
2 outside the presence of the jury.

3

4 (Tape played in open court)

5

6 "Taylor: I -- really I was just the only -- the
7 only person that he would come and talk to, you
8 know. Like I work in the gym. He likes to play
9 basketball. And I did him a small favors, I gave
10 him a pair of shoes without a I.D. card. And I
11 guess I earned trust or whatever.

12 "Hernandez: What kind of shoes did you give him?

13 "Taylor: Pro Keds.

14 "Hernandez: Pro Keds.

15 "Taylor: Yeah.

16 "Hernandez: Were they -- what color were they?

17 "Taylor: Black.

18 "Hernandez: Are they regular tennis shoes from the
19 gym?

20 "Taylor: Right. There a, institutional issue.

21 "Hernandez: And a -- were you working at the gym
22 at that time?

23 "Taylor: Yes, I was.

24 "Hernandez: And so you were in charge of the
25 shoes, issuing equipment?

26 "Taylor: Right.

27 "Hernandez: So, you gave him a pair of Pro Keds
28 tennis shoes for him to take home?

1 "Taylor: No. I mean --
2 "Hernandez: For him to take to his unit?
3 "Taylor: That's correct.
4 "Hernandez: Is That correct?
5 "Taylor: You're right.
6 "Hernandez: Okay. That's what I was trying to get
7 at
8 "Taylor: Yeah, that's what I did.
9 "Hernandez: Now we straightened that. Okay. What
10 kind of shoes did he have?
11 "Taylor: At that time he had nothin' but a pair of
12 state issues. A, the Brown, brogan type
13 shoes. He played basketball quite a bit.
14 He used to come over quite a bit. So, he asked
15 me about it -- is it anyway I could him get 'em,
16 but, you gonna have to keep 'em at your own risk,
17 you know. Because they'll be ca -- contraband on
18 the yard. And he -- that's what happened. And he
19 had 'em ever since.
20 "Hernandez: And he never did return 'em to you?
21 "Taylor: No, no, he kept 'em.
22 "Hernandez: Do you to happen to know if he took
23 'em with him when he went to CIM?
24 "Taylor: No, I don't. I am not -- I can't say yes
25 or no on that one.
26 "Hernandez: Did he use to wear them all the time?
27 "Taylor: Yes, he did.
28 "Hernandez: Other than the brogan shoes?

1 "Taylor: No, I, I, all I seen him in was tennis
2 shoes. Well, If I'm not mistaken the first
3 pair I gave 'em were a pair of P.F. Flyers and
4 then somehow, somewhere or another he had, he got
5 some, come up with some Pro Keds.

6 "Hernandez: I see, well, you're not quite sure
7 whether you gave him the Pro Keds or the P.F.
8 Flyers?

9 "Taylor: I gave him two pair. But the Pro Keds or
10 P.F. Flyers were the first ones and once I got
11 some Pro Keds to fit 'em, we traded

12 "Hernandez: I see, okay.

13 "Taylor: That's what happened. But I don't know
14 which one. I mean, if he left with 'em or not.

15 "Murray: Do you remember the size of 'em?

16 "Taylor: That I don't know. I couldn't say."

17 MR. NEGUS: And then continuing on with another portion
18 of the tape.

19 "Hernandez: Did he smoke?

20 "Taylor: No.

21 "Hernandez: Didn't smoke.

22 "Taylor: Yes, he did. Yes, he did. He used to
23 smoke that Boogie-woogie.

24 "Hernandez: That what?

25 "Murray: State tobacco.

26 "Taylor: State tobacco.

27 "Hernandez: State Tobacco?

28 "Taylor: Yes.

1 "Hernandez: He never did have any --
2 "Muraay: Bugler?
3 "Taylor: Not that I can recall. Not here. I
4 don't know what he had across the street. But he
5 Did smoke."

6

7

CROSS EXAMINATION (Resumed)

8

BY MR.NEGUS:

9 Q. Mr. Taylor, do you recognize the three voices that
10 appear on the tape that appear on the tape that I just played
11 for you?

12 A. Yes, I do.

13 Q. Was the person who was asking most of the questions
14 Zeke Hernandez?

15 A. Yes, he was.

16 Q. Was the person who asked one question towards the
17 end of the first part of the tape I played, and then, said
18 "state tobacco" and "Buglar", was that Mr. Murray?

19 A. Yes, it was. I believe so.

20 Q. And the person answering the questions, was that
21 yourself?

22 A. Yes it was.

23 Q. Mr. Taylor, when you said on the tape that Kevin
24 Cooper had brown brogan shoes when he -- before he got his
25 tennis shoes, did you just make that up.

26 A. No, I didn't.

27 Q. How did you know that?

28 A. That's mandatory for you when you come up from R.

1 C. Central to R. C. West, you must be in state clothes from head
2 to toe.

3 Q. So you were just saying something you thought must
4 have been true based upon some other knowledge you had.

5 A. No. It was -- that's the state ordinance. You
6 don't move from one facility to the other without state clothes.

7 Q. You had no personal knowledge as to what Mr. Cooper
8 brought with him from Central to West.

9 A. No, I don't.

10 Q. So, you just stated to Zeke what you thought it
11 must have been based upon your knowledge about the institutions;
12 is that right?

13 A. Right.

14 Q. Is that the way you testified throughout?

15 A. No, it wasn't.

16 MR. NEGUS: Thank you.

17 I have nothing further.

18

19 REDIRECT EXAMINATION

20 BY MR. KOCHIS:

21 Q. Mr. Taylor, Mr. Negus mentioned a name during his
22 cross examination, Ronnie Edwards.

23 Do you know a person by the name of Ronnie Edwards?

24 A. Yes, I do.

25 Q. Was Mr. Edwards, to your knowledge, at one point in
26 prison in Chino?

27 A. Yes, he was.

28 Q. When you were at the minimum facility at Pine, I

EXHIBIT 4

Memorandum

Date : March 7, 1985

To : Midge Carroll,
Superintendent, C.I.M.

From : Office of Investigative Services
California Institution for Men, Chino 91710

Subject: TAYLOR, James C-60582
Request for Sentence Reduction

On June 2, 1983, TRAUTMAN, David Anthony, C-65304, AKA: Kevin Ccooper, escaped from the California Institution for Men, Minimum Facility.

On June 9, 1983, David TRAUTMAN was charged with, escape from State Prison 4530-B P.C., Murder in the First Degree (four counts), and Attempt to Commit Murder in the First Degree 187 P.C.

The murders and attempt murder were committed on, or about June 5, 1983, of the Ryen family and Hughes boy, later publicized as the Chino Hills Murders.

On June 10, 1983, James TAYLOR, C-60582, supplied valuable information to the C.I.M. Investigator's and San Bernardino Sheriff's Office pertaining to evidence found at the crime scene.

On November 15, 1983, inmate TAYLOR testified in the preliminary hearing for the prosecution against Kevin Cooper. He also testified against Mr. Cooper in Superior Court on October 25, 1984.

On February 19, 1985, Kevin Cooper was found guilty by jury on all counts.

On March 1, 1985, the jury recommended the death penalty for Kevin Cooper, and will be sentenced in the near future.

Inmate TAYLOR's testimony implicated Mr. Cooper in the Chino Hills Murders.

The above information is submitted for your review, and am requesting inmate TAYLOR be considered for a twelve (12) month reduction of sentence, pursuant to Section 3043 of the Director's Rule Revision DR/5, dated December 29, 1982.

- (3) Providing sworn testimony in any judicial proceeding involving the prosecution of a felony offense.


Midge Carroll,
Superintendent

March 7, 1985

RE: TAYLOR, James C-60582
Request for Sentence Reduction

Inmate TAYLOR was received on February 9, 1983, for robbery, and has an E.P.R.D. of August 27, 1985. Subject is presently housed at the California Institution for Men, Reception Center Central, Palm Hall Unit.

Submitted for your review.


E.M. Hernandez,
Investigator
C.I.M. Complex,
Ext. 590-593

MIDGE CARROLL,
Superintendent
California Institution
for Men, Chino

VERN SMITH,
Chief Deputy Superintendent

EXHIBIT 5

SAN BERNARDINO COUNTY
DISTRICT ATTORNEY



Dennis Kottmeier
District Attorney

WEST END OFFICE
1540 Mountain Avenue
Ontario, CA 91762
(714) 988-1221

March 11, 1985

Mr. Daniel McCarthy
California Department of Corrections

Dear Mr. McCarthy:

I am writing you in regards to James Taylor, an inmate who is presently housed at the Men's Prison in Chino, California. Mr. Taylor's prison identification number is C-60582.

The purpose of this letter is to inform you of the assistance Mr. Taylor gave the prosecution in the case of People v. Kevin Cooper, OCR 9319. Defendant Cooper, a state prison inmate, escaped from CIM on June 2, 1983. He was subsequently charged with the murders of Doug Ryen, Peggy Ryen, Jessica Ryen and Christopher Hughes and the attempted murder of Joshua Ryen. These crimes took place on June 4, 1983, two days after Cooper's escape from CIM.

During the investigation of the murders a bloody tennis shoe print was discovered on a bedsheet taken off the bed in the Ryen master-bedroom. The facts developed during the investigation indicated that all of the murders took place in the Ryen masterbedroom.

Additional investigation revealed that the shoe print in question was made by the type of tennis shoe which is made available to inmates at CIM. This particular type of tennis shoe cannot be purchased on a retail basis anywhere in the country; it is sold on a contract basis exclusively to institutions.

Mr. Taylor informed investigators early on that he had given defendant Cooper a pair of this type of tennis shoes at the gym at CIM. Mr. Taylor also testified for the prosecution at both the preliminary hearing in Municipal Court and at the jury trial in Superior Court in regards to his giving defendant Cooper a pair of these shoes several days prior to Cooper's escape.

As the case developed, the bloody tennis shoe print found on the bedsheet proved to be a key piece of evidence which resulted in the conviction of Kevin Cooper for the murders of the Ryen family and Christopher Hughes and the attempted murder of Joshua Ryen. Mr. Taylor's

Ex 5

Page 2

Letter to Mr. McCarthy
March 11, 1985

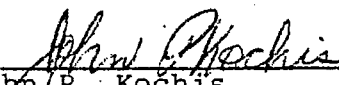
testimony in this area was of critical importance both at the preliminary hearing and at the jury trial.

I am submitting this information to you for your consideration. If you have any additional questions or need any additional information feel free to contact me at (714) 988-1221. Thank you.

Sincerely,

DENNIS KOTTMEIER
District Attorney

By



John P. Kochis
Deputy District Attorney

JPK:lrd

EXHIBIT 6

DEPARTMENT OF CORRECTIONS

CALIFORNIA INSTITUTION FOR MEN

O. BOX 128, CHINO, CALIFORNIA 91710



June 1, 1983

Sheriff Floyd Tidwell
San Bernardino County
Sheriff's Department
P.O. Box 569
San Bernardino, California 92403

Dear Sheriff Tidwell:

Thank you for your letter expressing your interest in a positive working relationship between our two agencies.

You and any of your personnel are invited to tour the California Institution for Men at your convenience. This institution houses 4,300 inmates and is involved in many complicated programs and operations. We welcome your interest and look forward to working with you in the future.

Congratulations on your new position and, if I can be of any assistance or support in the future, please let me know.

I hope to meet you in the near future.

Sincerely,

A handwritten signature in cursive script that reads 'M. Carroll'.

M. CARROLL
Superintendent

pd

Exh. 6



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

"Dedicated To Your Safety"

Floyd Tidwell
Sheriff



May 25, 1983

Midge Carroll, Superintendent
California Institution for Men
Department of Corrections
P.O. Box 128
Chino, California 91718

Dear Superintendent Carroll:

On January 3, 1983, I assumed the office of Sheriff of San Bernardino County. I look forward to the challenge this office presents to serve the people of this great county and state.

The Sheriff's Department has always enjoyed an excellent relationship with your agency, and we are looking forward to working with you and your staff in future matters of mutual concern.

If I or any member of my staff may be of assistance, please contact me.

Sincerely,

Floyd Tidwell
Sheriff

FT:snp

Post Office Box 569, San Bernardino, CA 92403
Telephone: (714) 383-3731



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

"Dedicated To Your Safety"

Floyd Tidwell
Sheriff



May 25, 1983

Midge Carroll, Superintendent
California Institution for Men
Department of Corrections
P.O. Box 128
Chino, California 91718

Dear Superintendent Carroll:

On January 3, 1983, I assumed the office of Sheriff of San Bernardino County. I look forward to the challenge this office presents to serve the people of this great county and state.

The Sheriff's Department has always enjoyed an excellent relationship with your agency, and we are looking forward to working with you and your staff in future matters of mutual concern.

If I or any member of my staff may be of assistance, please contact me.

Sincerely,

Floyd Tidwell
Sheriff

FT:snp

EXHIBIT 7

Memorandum

13 June 1983

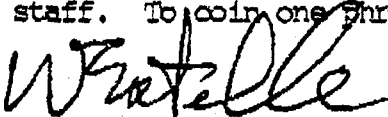
TO : MIDGE CARROLL
Superintendent, CIM

FROM : California Men's Colony, San Luis Obispo, CA 93409

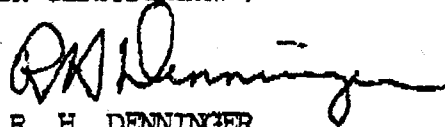
SUBJECT:

We appreciate the difficulty that has been thrust upon you from recent events. There are no words to mollify the predicament but we hope that you and your staff do not take the criticisms that will come unduly. We know of the efforts that you have been putting into improving CIM and are confident that you will not be swayed from keeping that course. Times like this can be the meanest days for a prison administrator but it is our tradition and your personal caliber that keeps our ship running.

Please convey to your staff that we at CMC are empathetic to the members of your staff. To coin one phrase, "Illegitimi non carborundum".



W. ESTELLE
Deputy Superintendent



R. H. DENNINGER
Associate Superintendent, C&T

WE:jec

EXECUTIVE STAFF:

ATTACHED FOR YOUR
INFORMATION AND
FOR WIDE DISTRI-
BUTION TO YOUR
STAFF.

M. CARROLL
Superintendent

Exh. 7

EXHIBIT 8



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

"Dedicated To Your Safety"

Floyd Tidwell
Sheriff



July 13, 1983

Superintendent Midgh Carroll
California Institution for Men
Box 128
Chino, California 91710

Dear Superintendent Carroll:

I would personally like to thank you and the members of your department who assisted our officers in the investigation of the Ryan/Hughes murders in the Chino area, and our continuing efforts toward the apprehension of suspect Kevin Cooper.

The courtesies extended to our investigators are greatly appreciated and reflect the spirit of cooperation necessary to accomplish our mutual goals.

I sincerely hope we can return the favors someday!

Sincerely,

Floyd Tidwell, Sheriff

FT:kc

EXHIBIT 9

EXHIBIT 10

EXHIBIT 11

STEPS TAKEN BY CIM TO PROTECT THE COMMUNITY

1. SEPTEMBER 2, 1982: SUBMITTED PROPOSED SECURITY FENCE TO SACRAMENTO ON FENCING FOR CIM MINIMUM.
2. OCTOBER 26, 1982: WROTE PROGRESS REPORT TO R. DORAN REQUESTING REVIEW OF CLASSIFICATION SYSTEM OF PLACING LEVEL I ON MINIMUM YARD WITH TOO LITTLE INFORMATION AVAILABLE ABOUT INMATES.
3. OCTOBER 27, 1982: CCC AND CIM SUBMITTED PROPOSAL~~AL~~ NEW COMMITMENTS GO NORTH, DO CAMP TIME AND EARN THEIR WAY TO CIM-MINIMUM.
4. MARCH 21, 1983: SUBMITTED OVERCROWDING AND REVIEW OF LEVEL I PROCESS TO R. DORAN IN PERSON.
5. MARCH 29, 1983: SET UP CIM MINIMUM SCREENING SYSTEM TO HELP CONTROL LEVEL I BAD GUYS FROM COMING TO CIM MINIMUM.

X

Exh. 11

HOW DID THIS HAPPEN?

1. THE WHOLE SYSTEM IS DROWNING UNDER THE PRESSURE OF TOO MANY INMATES AND TOO MUCH PAPER.
2. REDUCED PROCESSING TIME - 15 DAYS - DECISIONS ARE MADE BEFORE CII OR FBI REPORTS ARE IN.
3. POR'S ARE OUR PRIMARY SOURCE OF INFORMATION.

TRAUTMAN CAME INTO CIM 4/29/83.

POR MADE HIM A LEVEL I.

HOLDS CAME IN - APPARENTLY DID NOT GET IN THE FILE

UNDER INVESTIGATION

EXHIBIT 12

M e m o r a n d u m

September 7, 1982

To : R. E. Doran
Deputy Director - Institutions

From : California Institution for Men, Chino 91710

Subject: Proposed Fencing for CIM-Main

Per your memo of July 30, 1982, I am submitting a revised security fencing plan for CIM-Main.

Attached you will find a revised post assignment schedule which redirects existing positions to provide perimeter patrols. A revised major capital outlay request and a memo speaking to security concerns. The attached plot plan is color coded to show all the proposed changes.

Two of the plan requirements noted in your memo do cause concern. You direct that the fence be 16 feet high which adds about 40% to the project cost because it would be a special order as the industry standard is 12 feet. I suggest that you re-consider this requirement in view of the added cost. Alternate cost shown on capital outlay attachment. The second concern is using an outside contractor and inmate labor. My staff have advised me that local contractors will not even bid the project because of labor problems with Union officials. I would suggest that we consider hiring retired annuitants to supervise the inmate crews and use skilled construction people for contracted service. This does not solve the problem but it does make it more viable.

The City of Chino has come out strongly in favor of our security fence in part because we now have a public park on the Northeast edge of the institution grounds. This property was donated to the City by the State for the park. The fencing project is a community concern and as a result, a local, political issue.

In view of the State's financial position, we have made every effort to keep costs to a minimum yet provide adequate protection for the community.



M. Carroll
Superintendent

attachments (4)

EX-17

DEPARTMENT OF CORRECTIONS
MAJOR CAPITAL OUTLAY
1983/84 F.Y. (Revised)

INSTITUTION: CIM Main

PROJECT: Security and Security Fencing

PROJECT NEED: This project is needed for increased protection of the community, staff and inmates. Project provides for security fencing for the institution, maintenance yard, power house, power transformers and the hospital.

PROJECT DESCRIPTION: Erection of a 16/12 foot single fence topped with concertina and razor ribbon with a fence sensor system around the perimeter. Perimeter fence to include outside patrol road, two fire gates, two sallyport gates and four pedestrian gates. Erection of internal fencing 12 foot, topped with razor ribbon around the maintenance yard, power house. Relocation of Control, fire and emergency ambulance outside the security area. Installation of energy efficient security lights and enclosure of power transformer areas.

ESTIMATED COST:

I.	16' and 12' fence/gates with razor/concertina . .	\$346,600.00
	(alternate - 12 foot fence \$207,960)	
II.	Fence Sensor	45,000.00
III.	Relocate Control	5,000.00
IV.	Relocate Fire House	200,000.00
V.	Relocate Staff Barber Shop	3,000.00
VI.	Slag Perimeter Road	15,000.00
VII.	Grill Gate/Sallyport	20,000.00
VIII.	Hospital Fencing, Gate Control & Sallyport . . .	30,000.00
IX.	Radio Communications, six units	6,500.00
	TOTAL	671,100.00
	(alternate cost 532,460)	

659,600

M e m o r a n d u m

September 7, 1982

To : R. E. Doran, Deputy Director
Institutions

From : California Institution for Men, Chino 91710

Subject: Security Fencing/Attachment Major Capital Outlay

Summary of Security Concerns:

CIM Main does not have a security perimeter. Our emergency services, fire and ambulance are in the security area and subject to sabotage. The Control Center is open to inmate access and there is no protection for the Administration Building. The major electrical power source transformers for CIM Main, RCW and RCC are unprotected as are the power house and the maintenance yard. The Hospital which will be housing men and women and people with serious psychiatric problems is not secure. In the event of a serious disturbance, we could not adequately protect our staff, inmates or the community. The inmates could sabotage our fire and ambulance service, cut off our electrical power, foul the water supply, take over our Control, Administration Building and Main Gate, power house and maintenance. The inmates could also disrupt medical services and escape to the community.

Physical Plant:

CIM has nine (9) miles of perimeter, 2400 acres of land, and is surrounded by main roads into local urban communities. We also have a city public park on the N/W edge of the institution.

ESCAPE HISTORY:

CIM on the average has 2.3 escapes per month. Escape history is as follows:

1982 to date	14
1981	30
1980	24
1979	31
TOTAL	99

SECURITY FENCING OBJECTIVES:

The objective is to carry out the institutional primary mission of protecting the community, staff and inmates.

CONCLUSIONS:

Security fencing is not intended to raise the custody level of CIM beyond level one. Security fencing is designed to address the issues of control of inmates for the protection of the community, staff and inmates. It is felt that security fencing would provide minimum protection as follows:

1. Establishment of a controllable security perimeter of about one mile as opposed to nine miles.
2. Protection of critical power sources and water.
3. Protection of critical emergency services, i.e. fire and ambulance.
4. Protection of critical medical services, i.e. the hospital which will be housing females, psychiatric cases and levels III and IV cases.
5. Protection of the Administration Building and the Control Room which contains our primary communications systems such as radio, telephone and teletype.
6. Reduce our dependance on classification system to provide inmate controls.

In the event of a serious disturbance, security fencing would allow us to isolate and control the situation within a security perimeter. We would be in a better position to protect life support systems, communication systems, and most importantly - people.

In view of the fact that our local communities are more urban and we are dealing with more violence-prone inmates - I recommend that we upgrade our security to meet the needs of today's operations.



M. Carroll
Superintendent

POST ASSIGNMENT SCHEDULE - SUMMARY

Proposed

POSITION	FUNCTION	FISCAL YEAR	DATE
CIN-MAIN	Custody	85/84	8-16-82
POSITION CLASSIFICATION:			

Sergeant

RELIEF	DAYS	POSITIONS REQUIRING RELIEF	DAYS OF TOTAL RELIEF	TOTAL DAYS OF RELIEF	TOTAL MAN YEARS OF RELIEF	TOTAL REGULAR POSITIONS	TOTAL POSITIONS REQUIRING RELIEF
REGULAR DAYS OFF	104	5	512				
VACATION	15	5	45				
HOLIDAY	12	5	36				
SICK LEAVE	10	5	50				
OTHER							
TOTALS				423 224 =	1.888	5	6.888

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

NOTE: Total person years should be computed to the hundredth and not rounded off.

POST ASSIGNMENT SCHEDULE - DETAIL

INSTITUTION		FUNCTION		FISCAL YEAR		DATE				
		Custody		83/84		8-17-82				
DESIGNATION AND OR DESCRIPTION OF POST	POST NO.	REGULAR POSITIONS EXCLUDING RELIEF				REQUIRED RELIEF				
		WATCH			TOTAL	ROO	VAC	HOL	SLV	OTHER
		1ST	2ND	3RD						
Patrol Sergeant	103		X		1	X	X	X	X	
Patrol Sergeant	109			X	1	X	X	X	X	
Patrol Sergeant	207	X			1	X	X	X	X	
Farm Sergeant	2019		X		1					
Yard Sergeant	2020		X		1					

POST ASSIGNMENT SCHEDULE - SUMMARY

CURRENT

POSITION CLASSIFICATION	POSITION	FISCAL YEAR	DATE
CPI	Custody	85/84	8-16-82

Sergeant Security

RELIEF	DAYS	POSITIONS REQUIRING RELIEF	DAYS OF TOTAL RELIEF	TOTAL DAYS OF RELIEF	TOTAL MAN YEARS OF RELIEF	TOTAL REGULAR POSITIONS	TOTAL POSITIONS REQUIRING RELIEF
REGULAR DAYS OFF	104	5	312				
VACATION	15	5	45				
HOLIDAY	12	5	36				
SICK LEAVE	10	5	30				
OTHER		0					
TOTALS				425 224 =	1.888	5	6.888

POSITION CLASSIFICATION

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

NOTE: Total person years should be computed to the hundredth and not rounded off.

POST ASSIGNMENT SCHEDULE - DETAIL

INSTITUTION	FUNCTION	FISCAL YEAR		DATE						
CIM	Custody	83/84		8-16-82						
DESIGNATION AND OR DESCRIPTION OF POST	POST NO.	REGULAR POSITIONS EXCLUDING RELIEF				REQUIRED RELIEF				
		WATCH			TOTAL	ROO	VAC	HOL	SLV	OTHER
		1ST	2ND	3RD						
Patrol Sergeant	108		X		1	X	X	X	X	
Patrol Sergeant	109			X	1	X	X	X	X	
Patrol Sergeant	207	X			1	X	X	X	X	
Farm Sergeant	2019		X		1					
Yard Sergeant	2020		X		1					

POST ASSIGNMENT SCHEDULE - SUMMARY

Proposed

INSTITUTION CIM-MAIN	POSITION Custody	FISCAL YEAR 85/84	DATE 8-16-82
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Correctional Officer

RELIEF	DAYS	POSITIONS REGULAR RELIEF	DAYS OF TOTAL RELIEF	TOTAL DAYS OF RELIEF	TOTAL MAN YEARS OF RELIEF	TOTAL REGULAR POSITIONS	TOTAL POSITIONS REGULAR RELIEF
REGULAR DAYS OFF	104		832				
VACATION	15		120				
HOLIDAY	12		96				
SICK LEAVE	10		80				
OTHER							
TOTALS				1138 224 =	5.035	8	13.035

POSITION CLASSIFICATION(S):

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION(S):

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION(S):

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

POSITION CLASSIFICATION(S):

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS				224 =			

NOTE: Total person years should be computed to the hundredth and not rounded off.

POST ASSIGNMENT SCHEDULE - DETAIL

INSTITUTION		FUNCTION		FISCAL YEAR		DATE				
M		Custody		83/84		8-17-82				
DESIGNATION AND/OR DESCRIPTION OF POST	POST NO.	REGULAR POSITIONS EXCLUDING RELIEF				REQUIRED RELIEF				
		WATCH			TOTAL	ROO	VAC	HOL	SLV	OTHER
		1ST	2ND	3RD						
Adm Sallyport	236	X			1	X	X	X	X	X
Adm Sallyport	237		X		1	X	X	X	X	X
Adm Sallyport	238			X	1	X	X	X	X	X
Truck Sallyport	260			X	1	X	X	X	X	X
Truck Sallyport	261		X		1	X	X	X	X	X
Truck Sallyport	305	X			1	X	X	X	X	X
Adm Sallyport	262			X	1	X	X	X	X	X
Adm Sallyport	263		X		1	X	X	X	X	X
ALS		8	2	5	3	8	8	8	8	

POST ASSIGNMENT SCHEDULE - SUMMARY

Current

CH-MAIN	Custody	FISCAL YEAR	DATE
		65/83	8-16-82

Correctional Officer

	DAYS	REGULAR DAYS OFF	DAYS OF TOTAL RELIEF	TOTAL DAYS OF RELIEF	TOTAL MAN YEARS OF RELIEF	TOTAL REGULAR POSITIONS	TOTAL POSITIONS REGULAR RELIEF
REGULAR DAYS OFF	104	8	832				
VACATION	15	8	120				
HOLIDAY	12	8	80				
SICK LEAVE	10	8	80				
OTHER							
TOTALS			1128	1128	5.035	8	13.0351

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS			224				

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS			224				

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS			224				

POSITION CLASSIFICATION:

REGULAR DAYS OFF	104						
VACATION	15						
HOLIDAY	12						
SICK LEAVE	10						
OTHER							
TOTALS			224				

NOTE: Total person years should be computed to the hundredth and not rounded off.

POST ASSIGNMENT SCHEDULE - DETAIL

INSTITUTION	FUNCTION	FISCAL YEAR	DATE							
McLain	Custody	83/84	8-16-82							
DESIGNATION AND OR DESCRIPTION OF POST	POST NO.	REGULAR POSITIONS EXCLUDING RELIEF				REQUIRED RELIEF				
		WATCH			TOTAL	RDO	VAC	HOL	SLV	OTHER
		1ST	2ND	3RD						
Spot #1 c/o	260			X	1	X	X	X	X	
Spot #2 c/o	261			X	1	X	X	X	X	
Spot #3 c/o	262			X	1	X	X	X	X	
Spot #4 c/o	263			X	1	X	X	X	X	
Yard Officer	305			X	1	X	X	X	X	
Inside/outside patrol	236	X			1	X	X	X	X	
Inside/outside patrol	237		X		1	X	X	X	X	
Inside/outside patrol	238			X	1	X	X	X	X	
ALS	8	1	1	6	8	8	8	8	8	

EXHIBIT 13

Memorandum

June 29, 1982

To : Mr. R. Doran, Deputy Director,
Institutions, Dept. of Corrections
Sacramento CA 95814

From : California Institution for Men, Chino 91710

Subject: Increased Capacity, CIM Complex

The CIM Complex is composed of four separate facilities, each contained within its own perimeter, housing inmates of different classification levels and categories. For the purpose of increased housing capacity, each facility has been reviewed separately. However, essential services (feeding, plant operations, etc.) are administered centrally for the entire Complex. Increased population in one or more of the individual facilities will impact the service operations for the entire Complex and thus these services are covered in a separate section of this report.

CIM MAIN (Minimum Custody, Level I):

Present capacity is 1651 which is 675 over design capacity. The overage beds have been obtained by double bunking all cells, utilization of office space in dorms and partial double bunking of dorms. Capacity could be further increased by the following methods:

1. Complete double bunking of dorms with the exception of Elm Hall for an increase of 182 beds.
2. Double bunk in game rooms in each dorm to add 56 beds.
3. Double bunk in TV rooms in each dorm to add 56 beds.
4. Double bunk in gym to add 120 beds.
5. Double bunk in TV and game rooms in Elm Hall to add 48 beds.
6. South Dorm Lower is a cell unit. The tiers could accommodate double bunks for an additional 112 beds. Six more double bunks could be placed in the downstairs TV/game room for 12 more beds.
7. Barracks #3,4,5,6 and 7 previously have housed 80 inmates each. They are currently used for other purposes and will require renovation prior to housing inmates.
8. Adjacent to the gym are two metal pre-fab buildings utilized for recreational purposes such as musical group practice. These could accommodate 68 additional beds, but have no toilet or lavatory facilities.
9. A building formerly used for vocational shoe repair, and presently used for equipment storage, could accommodate 60 additional beds. Again, no toilet or lavatory facilities.
10. Elm Hall could be double bunked for an additional 156 beds. Mixing general population and Elm Hall inmates is viewed as undesirable due to custody concerns.

Exh. 13

Increased Capacity,
CIM Complex, Cont'd:

- 11 Tent Housing: The CIM main yard and Barracks area yard contain sufficient area to erect a "tent city" capable of housing up to 10,000 inmates. This figure is based on utilization of 224 general purpose large tents (G.I.). This would be very crowded and is risky from a security standpoint, but possible.

PROBLEMS:

1. Utilization of TV and Game Rooms will eliminate all in-dorm recreation and limit inmates to their immediate bed area.
2. Housing in the gym will eliminate athletic functions as well as movies and shows.
3. The barracks presently provide meeting rooms for various self-help groups as well as housing the Muslim and Jewish Chapels. The groups would have to do without meeting rooms. The religious functions could share time in the existing Protestant and Catholic Chapels. Barracks #7 houses the Re-Entry and Group Coordinator's offices. These would have to be relocated.
4. The only toilet facilities are located within cells in Lower South Dorm. All inmates in bunks on tiers would have to go upstairs.
5. Portable toilet facilities would have to be provided for any inmates in tents at a ratio of 1 toilet per 20 men.

STAFFING:

1. Complete double bunking of dorms would require an additional Correctional Officer per dorm on First Watch with full relief for a total of 6.5 positions.
2. Utilization of the gym would require 2 Correctional Officers per shift with full relief for a total of 9.8 positions.
- Increasing population to the above level would require adding 1 S&E Officer per shift for a total of 4.9 positions.
3. Elm Hall presently has only one Officer per shift on all watches. Utilization of the TV/Game Rooms would require an additional Officer per watch with full relief due to the layout of the building. Thus, an additional 4.9 positions.
4. The two recreation buildings could both be supervised by one Officer per shift for a total of 4.9 positions.
5. The former vocational shoe repair building would require one Officer per shift for a total of 4.9 positions.
6. Double bunking of South Dorm Lower would require one additional Officer on First Watch for a total of 1.6 positions.
7. The tents will house 48 men each. One Officer per 2 tents on each watch or 4.9 positions per 2 tents plus 1 S&E Officer per 200 men is the recommended staffing pattern due to the anticipated problems of control, supervision, and movement for feeding and use of toilet facilities.
8. The desirable Officer coverage would be at the ratio of 1 per 80 inmates in the living units plus S&E Officers at the ratio of 1 per 200 inmates.

RECEPTION CENTER CENTRAL (Close Custody, Level IV):

Reception Center-Central is a celled housing facility with a design capacity of 870. The so-called Permanent Work Crew Dorm is an area originally designed as a vocational testing area. There are 58 beds in use, but this is considered an extremely insecure area due to its construction. Presently in use for overflow housing are the Orientation Room (36 beds), Birch Hall Dayroom (46 beds), Camore and Cypress Hall Dayrooms (42 beds each) and Room #1 (16 beds). Thus, present capacity (including the already utilized "overcrowding beds") is 870.

These figures do not include Palm Hall Security Housing Unit, which has 102 single cells.

Additional housing can be accomplished as follows:

- The gym floor can accommodate 125 double bunks for a total of 250 inmates.
- The Madrone Hall Dayroom can accommodate 35 double bunks for a total of 70 inmates.
- The Madrone Hall floor can accommodate 40 double bunks for a total of 80 inmates.
- Birch Hall First Tier, east side, can accommodate 12 double bunks for a total of 24 inmates.
- Corridor, east end, can accommodate 20 double bunks for a total of 40 inmates.
- The Chapel can accommodate 15 double bunks for a total of 30 inmates.
- The Psych Testing area could house 30 inmates in double bunks.
- Sycamore Hall, First Tier, each side, and Cypress Hall, First Tier, west side, can each accommodate 12 beds for a total of 36 inmates.
- Sycamore Hall and Birch Hall can each accommodate 10 double bunks in the second tier guard spaces for a total of 40 inmates.
- Tent Housing: The recreation yard can accommodate 6 general purpose large tents (G.I.) for a total of 288 inmates in double bunks.
- The Security Housing Unit could be double bunked for an additional 102 beds for a specific group of inmates.

OBLEMS:

Utilization of the gym would eliminate indoor recreational activities, including movies. The gym is also currently used for Sunday Chapel services which would be eliminated.

Madrone Hall is currently used for housing protective custody process cases. Any additional inmates housed in this unit would have to be closely screened.

Use of the Chapel would eliminate space used for Bible Study and daily religious services.

Use of the Psych Testing area would eliminate that portion of the reception processing. (This might be conducted outdoors in the yard during good weather.) Further, this location (while within the security area), is not well constructed and would require careful selection of nonaggressive inmates. Extremely limited toilet facilities and no shower facilities.

Corridor housing would also have extremely limited toilet facilities and no shower facilities.

Placement of bunks on First Tiers would subject those inmates to abuse by inmates on the upper tiers throwing debris, etc.

Housing in guard spaces would lessen the security of the unit and pose safety hazards to assigned staff due to the potential of inmate access to the locking device control boxes.

Tent housing is seen as undesirable for the classification of inmates usually housed in this facility. If utilized, portable toilet and shower facilities would have to be provided.

FFING:

For utilization of the gym, one additional Officer on 2nd and 3rd watches and 3 Officers on 1st Watch are required for a total of 8.2 positions.

Utilization of the Madrone Hall dayroom would require 1 additional Officer per watch for a total of 4.9 positions.

Utilization of the Madrone Hall floor would require 1 additional Officer per watch for a total of 4.9 positions.

Tier bunking in Birch, Sycamore and Cypress Halls could be handled with present staffing on 2nd and 3rd watches, but would require an additional

Officer in each unit on First Watch for a total of 1.6 positions per unit.

The Psych Testing area would require 1 Officer per watch for a total of 4.9 positions.

Tent housing is not recommended, but (if necessary) would require 1 Officer per tent plus 1 roving patrol per 2 tents for a total of 14.7 positions for each 2 tents.

CIM EAST FACILITY (Level II):

This is a celled housing unit originally designed with 400 single cells. The unit is now completely double bunked with an 800-man capacity. The facility is composed of 8 units. One of these is a Segregation Unit and thus is not included for the purpose of double bunking outside of cells.

1. Each housing unit contains 3 office spaces designed for Counselors. Presently these offices are used for other purposes such as barber shops or storage. Each could accommodate 3 double bunks for a total of 126 additional inmates.
2. Each unit contains 2 game rooms. Each room can accommodate 6 double bunks for a total of 24 additional inmates per unit or a grand total of 168.
3. Unit dayrooms can accommodate 24 double bunks each for a total of 336 inmates.
4. The gym can accommodate 96 double bunks for a total of 192 inmates.
5. The area presently occupied by the Industries Sewing Factory was originally designed as a dormitory housing unit. It can accommodate 57 double bunks for a total of 114 inmates.

Tent Housing: Due to the layout of East Facility, staff has recommended against tent housing on the recreation yard. However, it is estimated that 416 inmates could be housed in tents between the perimeter fence and the outer wall of the building under observation of Tower #4. If necessary, 720 inmates could be housed in tents on the recreation yard.

ROBLEMS:

- Utilization of the office space and game room/dayroom spaces in the units will eliminate indoor recreation. However, this facility does permit inmate-owned TV sets in the cells.
 - Utilization of the gym will eliminate indoor athletic activities and movies.
 - Utilization of the Sewing Factory area will eliminate one of the few work programs available at this facility. Plans are being formulated as a long-range goal to construct an Industries and Educational facility outside the existing structure but within the perimeter fence.
- Toilet facilities for excess inmates housed in the units, but not in cells, will be extremely limited.
- Tent housing would require the rental of portable toilet and shower facilities.
- East Facility was originally built as a reception facility and therefore has extremely limited space available for program activities. Additional overcrowding without provision for work or educational programs, coupled with lack of space for recreational activities, would be potentially extremely conducive to inmate unrest.

AFFING:

Use of the offices, game rooms and dayrooms will add 90 inmates per unit.

One additional Officer per watch per unit will require an additional 34.2 positions.

The gym would require 2 Officers per watch plus a S&E Officer on second and third watches for a total of 13 additional positions.

The Sewing Factory would require 2 Officers per shift for a total of 9.8 positions.

Increased Capacity,
IM Complex, Cont'd:

Staff coverage for tent housing is recommended at the ratio of 1 Officer per watch for each 50 inmates, plus one S&E Officer per 100 inmates. Thus, 14.7 positions per 100 inmates.

RECEPTION CENTER WEST (Level II):

Reception Center West Facility is a medium custody facility, incorporating dormitory housing within an armed, double fenced perimeter. The design capacity is 640 with a present capacity of 896, achieved through double bunking.

- Complete double bunking of all dorms would increase capacity by 384.
- Additional double bunks can be added in game rooms (some already so utilized) for a total of 176 additional beds.
- Double bunks can be added in the center aisles of dormitories for a total of 256 additional beds.
- A tent or modular building could be placed adjacent to the entrance of each dormitory for an additional 160 beds.
- The gym can accommodate 85 double bunks for a total of 170 additional beds.
- Although deemed undesirable, the Reception Center-West yard can accommodate 110 general purpose large tents (G.I.) for a total of 5280 inmates in double bunks.

FMS:

Angeles Hall is used to house Permanent Work Crew inmates. It is felt that overcrowding and loss of game room facilities would result in an adverse effect on the over-all operation of this facility.

Utilization of game rooms for housing will result in the loss of indoor recreational space.

Tent housing adjacent to existing dorms will permit use of latrine facilities in the respective dorms. Tent housing on the interior yard is not recommended due to visibility and supervision problems. The use of tents on the yard will require portable toilet and shower facilities and possible use of "camp kitchens" depending on the number of inmates so housed.

Use of the gym for housing would eliminate all indoor sports activities as well as movies and shows. Additionally, the RC-West gym only has one toilet and no showers.

Tent housing on the interior yard would require portable toilets at the rate of 1 per 20 inmates.

AFFING:

Addition of tent housing will require 1 additional Officer for each 2 units on First Watch for a total of 6.5 additional positions.

Gym housing will require 2 Officers per shift plus an additional S&E Officer on 2nd and 3rd watches for a total of 13 additional positions.

Tent housing will require an Officer ratio of 1 to 50 inmates on each watch plus 1 S&E Officer per 100 inmates, thus 14.7 positions per 100 inmates.

EDING:

4-Main Kitchen provides centralized distribution of meat and bakery products for the Fire Complex. It also prepares and distributes hot food items to RC-Central and the

ased Capacity,
Complex, Cont'd:

Hospital. The latter two facilities have satellite kitchens which prepare grill items such as eggs or meats from raw materials supplied from the Main Kitchen.

1. The Main Kitchen has ample steam kettles for preparing "pot cooked" items for up to perhaps 500 over present population levels. However, there are only five grills which are inadequate to maintain a supply of hot food at the present population level without cooking in advance. One grill per 100 men is the recommended ratio.
2. The Butcher Shop is operating very close to capacity at the present population level. Virtually any increase over current level will require an additional Butcher or Supervising Cook position. Freezer storage space is also being utilized at capacity and will need to be augmented either by new equipment or commercial rental.
3. The Bakery can adequately handle an increase of approximately 200. Beyond that an additional Baker position will be required. Space is adequate.
4. The Reception Center-West Kitchen has adequate capacity to handle a sizeable increase in population at that facility.
5. The CIM-East Facility Kitchens are presently operating above capacity and virtually any increase will require additional equipment, shift feeding, or use of portable "camp kitchens."
6. Reception Center-Central Kitchens can handle increased load by feeding in shifts.

PLANT OPERATIONS:

Any increase in population will have an effect on the Maintenance Department. The size of the increase will determine the extent of additional services required. For example, utilization of one or more of the Barracks at CIM Main will necessitate renovation of those buildings. We do not have cost estimates at this time.

1. Water supply is adequate to accommodate any foreseeable increase.
2. Of great concern is the problem of sewage disposal. The CIM Sewage Treatment Plant is in need of major upgrading and equipment replacement. At the present time the effluent from the plant is below acceptable environmental standards. Any increase in population would further deteriorate the quality of the effluent. The Chief Engineer advises that an expenditure of \$350,000 for new equipment is required to bring the plant up to standard. (This figure is for equipment only, not including labor for installation.)

Even with the use of portable pump-out type toilet facilities, there would still be an unacceptable load placed on the sewage system due to showers, food preparation, dishwashing, laundry, etc.

3. CIM Main, RC-Central and RC-West all draw their electrical service via a feeder line direct from the Southern California Edison Company station to a sub-station at CIM Main. The East Facility draws its electrical service from the Youth Training School and has ample reserve capacity.

The feeder which supplies CIM, RCC and RCW is already overloaded, being rated at 600 amps at 2400 volts. We are presently drawing 620 amps during peak periods and have experienced several "black outs." We have no cost estimate at this time for upgrading this service capacity but no doubt it will be a very costly project. Any increase in population will serve to increase the already potentially dangerous overload. Particularly if we go to tent housing, a large amount of floodlighting will be required.

EXHIBIT 14

M e m o r a n d u m

Date April 6, 1983

To Mr. David Morrow, Education Unit
Mr. Otis Loggins, Assist. Deputy Director,
Institutions Division
Department of Corrections
Sacramento

From California Institution for Men, Chino 91710

Subject Briefing Package for the Director

Per your request, attached is the briefing package concerning the California Institution for Men for the Director of Corrections.

M. Carroll
M. Carroll
Superintendent

MC/pd

Att

file copy

*Exh
14*

April 5, 1983

CALIFORNIA INSTITUTION FOR MEN

NAME: California Institution for Men
LOCATION: Chino, California
SUPERINTENDENT: Midge Carroll
CHIEF DEPUTY: Robert Borg

POPULATION: Design Capacity: 2,634
Actual Population
as of 4/4/83: 4,564

SECURITY LEVEL: All degrees of custody from Minimum
through Maximum are provided at CIM.

BUDGET INFORMATION: Total Budget: \$ 50,309,084.00
Personal Service 36,372,169.00
Oper/Equipment 12,177,232.00
Capital Outlay 1,759,683.00

STAFFING: CIM currently employs approximately
1350 full-time employees. (See attached
Affirmative Action Report.)

PHYSICAL FACILITIES: The California Institution for Men is
situated on more than 2500 acres in the
City of Chino. CIM actually consists
of four separate facilities.

When it was opened as California's third
correctional institution in 1941, CIM was
unique in the field of penology and became
known as the "prison without walls." This
is now CIM-Minimum (the minimum security
facility) and houses the largest number of
inmates of the four CIM complexes. CIM-
Minimum is the only institution in the
Department which has no perimeter security
fence. Designed to house 976 men - today it
contains 1668.

In 1951 an addition to the original facility
was completed. This is now known as the
Reception Center-Central. It is one of two
reception centers for newly sentenced male
felons from Southern California counties.

With the ever-increasing number of felon
commitments, the physical facilities are
taxed to the limit. The gymnasium floor
is now an oversized dormitory filled with

Physical Facilities,
Continued,

men for whom there are no cells available. Today there are 168 inmates living in the gym. Dayrooms, which used to provide space for leisure-time activities are also filled with bunks. Designed for 618 men, today it holds 1198.

The second reception center, Reception Center-West, a dormitory facility, now provides a parole violator unit, processes diagnostic cases for the courts and houses overflow from the Reception Center-Central. Designed to hold 640 men, today it houses 942.

The fourth addition to CIM was acquired in 1974 with the acquisition of a former state facility originally built for the Youth Authority. Currently this facility, CIM-East, serves as a medium security (Level III) facility. Present plans are for this facility to revert back to a Youth Authority facility in July of this year. Designed to hold 400 men, East Facility today holds 775 men.

OVERCROWDING RECAP

	<u>Design Capacity</u>	<u>Actual Count</u>	<u>% Occupied</u>
CIM-Minimum	976	1663	170 %
RC West	640	900	141 %
CIM East	400	775	194 %
RC Central	618	1194	193 %
CIM Totals:	2,634	4,532	172 %

Description of Programs:

CIM has a Prison Industries Program including a Textile Products Factory, Furniture Factory, Sewing Machine Repair, Farm Crew, Dairy and Laundry.

A full array of academic programs is available. There are also numerous vocational/educational opportunities offered. Classes range from animal grooming to commercial deep sea diving.

Problem Areas:

The number one problem, of course, is overcrowding. The Reception Center intake from the counties is steadily increasing. All available space is utilized for housing; the gymnasium, dayroom and orientation rooms are filled with bunks. We are fast approaching our peak capacity and alternatives, such as additional processing center(s), must be given priority consideration at the departmental level.

The population at CIM over-all is higher than at any other institution. CIM is at 172% of design capacity while departmental overcrowding is at 135.2% of rated capacity.

Problem Areas,
Continued,

Community opposition to further expansion is at an all-time high in the surrounding community and CIM is under close, constant scrutiny by the local media.

The Minimum Facility does not have a perimeter security fence. A budget proposal was submitted for a security fence; however, with current fiscal constraints, it has unfortunately assumed a low priority.

East Facility is also severely overcrowded (194%). Providing employment to comply with Work Incentive is a continuing problem. Space is limited for programs and modular units were planned to provide vocational training; however, in light of pending transfer of this facility to the Youth Authority, the department appears to have opted not to spend money for these units. This problem should be self-correcting if East Facility reverts to Youth Authority.

East and Minimum Facilities also have a serious racial imbalance of 45% Black. CIM Administration is constantly working with Central Office to rectify this problem.

Construction Planning for Expansion:

The 1983 Facilities Master Plan calls for the following additions at CIM:

Tent City	1,000 Beds	July 1983
Temporary Compound	2,400 Beds	January 1984

Present population at CIM is approximately 4,500. Adding the above figures would bring the total to 7,900. If East Facility is taken over by the Youth Authority, this would still leave CIM with a population of 7,125 -- more than twice the size of any existing California prison.

It is recommended that the temporary compound be incorporated under what is now the Youth Training School (YTS) or that CIM be divided into two separate institutions when and if these additional units become a reality.

Caution must be taken to keep from "burning out" the line staff by assuring our staffed capacity is kept in line with actual population figures.

In summary, the critical problems facing the state prisons require continual communication, cooperation and planning.

The Work Incentive law is one such "planning" concept that has materialized. It has successfully reduced idleness, made possible

Summary,
Continued,

many cost avoidance programs, increased penalties for disciplinary infractions and, as a result, provided a true incentive for inmates to constructively program.

of California
e m o r a n d u m

Date: March 29, 1983

To:

- ☐ SUPERINTENDENT, CALIFORNIA CORRECTIONAL CENTER
- ☐ SUPERINTENDENT, CALIFORNIA CORRECTIONAL INSTITUTION
- ☐ SUPERINTENDENT, CALIFORNIA INSTITUTION FOR MEN COMPLEX
- ☐ SUPERINTENDENT, CALIFORNIA INSTITUTION FOR WOMEN
- ☐ SUPERINTENDENT, CALIFORNIA MEDICAL FACILITY
- ☐ SUPERINTENDENT, CALIFORNIA MEN'S COLONY
- ☐ SUPERINTENDENT, CALIFORNIA REHABILITATION CENTER
- ☐ SUPERINTENDENT, CORRECTIONAL TRAINING FACILITY
- ☐ SUPERINTENDENT, DEUEL VOCATIONAL INSTITUTION

- ☐ WARDEN, FOLSOM STATE PRISON
- ☐ WARDEN, SAN QUENTIN STATE PRISON
- ☐ SUPERINTENDENT, SIERRA CONSERVATION CENTER
- ☐ REGIONAL PAROLE ADMINISTRATOR, REGION I
- ☐ REGIONAL PAROLE ADMINISTRATOR, REGION II
- ☐ REGIONAL PAROLE ADMINISTRATOR, REGION III
- ☐ REGIONAL PAROLE ADMINISTRATOR, REGION IV
- ☐ REGIONAL PAROLE ADMINISTRATOR, REGION V
- ☐ EXECUTIVE STAFF

ATTENTION: Wardens/Superintendents

Subject: Briefing Package for the
Director

From: Department of Corrections, Sacramento, CA 95814

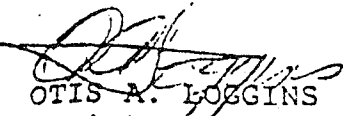
I have the responsibility of putting together an Institutions Branch briefing package for the Director of Corrections. This package will be used to provide the Director with a concise but thorough knowledge of the institutions.

Would you please provide a written document for your institution for inclusion in the briefing package which includes:

- Name of Institution
- Location
- Superintendent
- Chief Deputy
- Population - Organization Chart (Current)
 - . Number
 - . Characteristics (age, sex, ethnicity, etc.)
- Security level
- Budget information
- A description of overcrowding (include specific numbers)
- A narrative description of the physical facility including a brief history of the institution
- A description of any specific problem areas, areas of concern, or areas of interest you feel the Director should know about your institution.

Please submit this document to David Morrow, Education Unit in care of my office no later than April 6, 1983.

If you have any questions regarding the completion of this document, please contact David Morrow at (916) 324-1226.


OTIS A. LOGGINS
Assistant Deputy Director
Institutions Division

cc: Wanda Briscoe
David Morrow

- REC -
SUP.

11/31

EXHIBIT 15

PRO-Keds®



Keds®



675 Massachusetts Avenue
Cambridge, MA 02139

Spring, 1981

EXH 15

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PRICES EFFECTIVE
JULY 15, 1980

BASKETBALL

ROYAL® MASTER

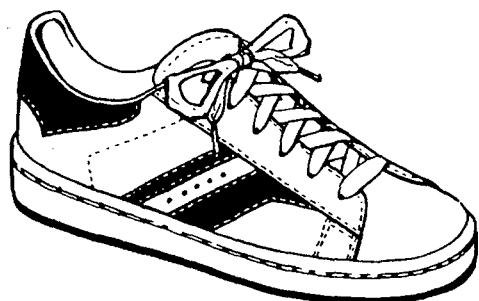
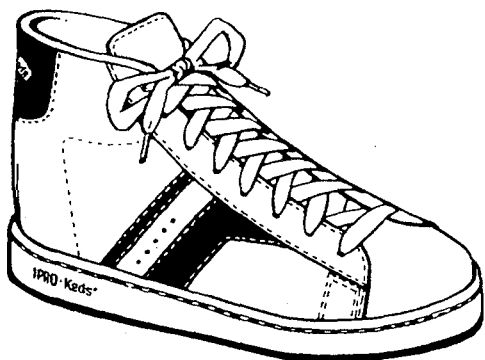
Features power stripes and matching color outsole, lace-to-toe hi-cut and lo-cut styles, uppers of top quality full grain smooth leather, Royalon® covered foam padded collar and high rise back, foam padded leather tongue, super soft cushioned insole and foam arch insert, Pro-Keds® unique, lightweight, two color snap-on outsole, molded with specially formulated pliable rubber compound.

Half Sizes

Men's: Medium 6½-14, 15, 16, 17

Stock No.	Description	Width	Net Price
HI-CUT			
MK 1185	Men's White/Royal Blue Trim	M	\$25.50
MK 1186	Men's White/Red Trim	M	25.50
MK 1187	Men's White/Black Trim	M	25.50
MK 1188	Men's White/Green Trim	M	25.50
MK 1198	Men's All White	M	25.50
LO-CUT			
MK 1225	Men's White/Royal Blue Trim	M	\$23.50
MK 1226	Men's White/Red Trim	M	23.50
MK 1227	Men's White/Black Trim	M	23.50
MK 1228	Men's White/Green Trim	M	23.50
MK 1238	Men's All White	M	23.50

Trim describes color of power stripes and matching color outsole.
White fabric stripes may be custom colored with team colors using indelible markers.



SHOTMAKER (SMOOTH LEATHER)

Pro-Keds® lightweight basketball shoe, lace-to-toe hi-cut and lo-cut styles, uppers of full grain smooth leather, Royalon® covered foam padded collar and high rise back, and foam padded tongue, super soft cushioned insole, lightweight, snap-on molded rubber outsole with herringbone design, and reinforced stitching at top edge of foxing.

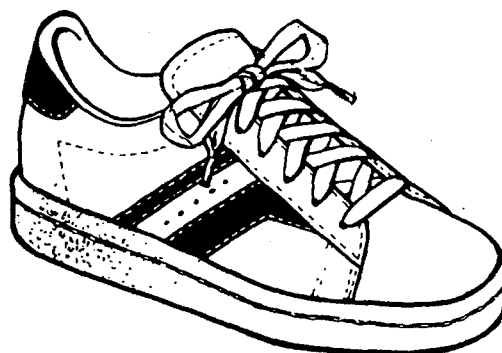
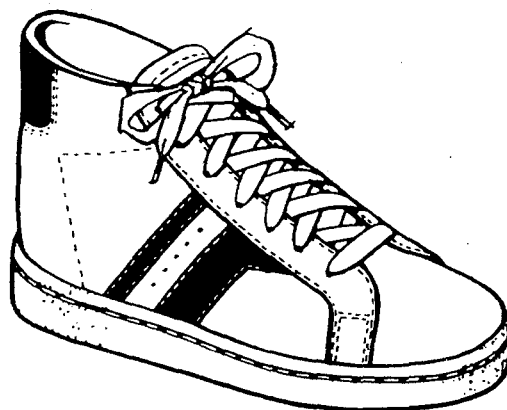
Half Sizes

Men's: Medium 6½-12, 13

Boys': Medium 2½-6 Youths': Medium 11-2

Women's: Medium 5-10

Stock No.	Description	Width	Net Price
HI-CUT			
MK 1125	Men's White/Royal Blue	M	\$19.00
MK 1184	Men's White/Red	M	19.00
MK 1658	Men's White/Black	M	19.00
MK 1659	Men's White/White	M	19.00
MK 1785	Men's White/Light Blue	M	18.50
BK 1125	Boys' White/Royal Blue	M	18.50
BK 1184	Boys' White/Red	M	18.50
BK 1659	Boys' White/White	M	18.50
BK 1785	Boys' White/Light Blue	M	18.50
LO-CUT			
MK 1126	Men's White/Royal Blue	M	\$17.25
MK 1183	Men's White/Red	M	17.25
MK 1635	Men's White/Black	M	17.25
MK 1636	Men's White/White	M	17.25
MK 1786	Men's White/Light Blue	M	17.25
BK 1126	Boys' White/Royal Blue	M	16.75
BK 1183	Boys' White/Red	M	16.75
BK 1635	Boys' White/Black	M	16.75
BK 1636	Boys' White/White	M	16.75
BK 1786	Boys' White/Light Blue	M	16.75
YK 1126	Youths' White/Royal Blue	M	16.00
WOMEN'S			
WK 1126	Women's White/Royal Blue	M	\$16.75
WK 1183	Women's White/Red	M	16.75
WK 1636	Women's White/White	M	16.75
WK 1786	Women's White/Light Blue	M	16.75



ROYAL® #1



Loose lined uppers, lace-to-toe hi-cut and lo-cut styles, uppers of best quality army duck, Royalon® covered foam padded collar and high rise back, super soft cushioned insole and shock proof arch cushion, convex design molded rubber outsole and protective toe bumper. Made in U.S.A.

Half Sizes
Men's: Medium 5½-14, 15, 16, 17

Stock No.	Description	Width	Net Price
HI-CUT			
MK 1218	Men's White/White Stripe	M	\$14.50
LO-CUT			
MK 1205	Men's White/White Stripe	M	14.00

White fabric stripes may be custom colored with team colors using indelible markers.

ROYAL®

Loose lined uppers, lace-to-toe hi-cut and lo-cut styles, uppers of best quality army duck, shock proof arch cushion and insole, convex design molded rubber outsole and protective toe bumper. Made in U.S.A.

Half Sizes
Men's: Medium 5½-14, 15, 16, 17 Boys': Medium 12-5

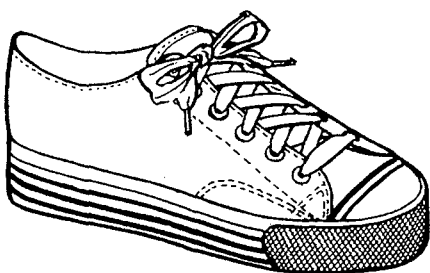
Stock No.	Description	Width	Net Price
HI-CUT			
MK 263	Men's Carolina Blue	M	\$11.80
MK 265	Men's White	M	11.80
MK 266	Men's Black	M	11.80
MK 267	Men's Red	M	11.80
MK 268	Men's Navy	M	11.80
BK 263	Boys' Carolina Blue	M	11.80
BK 265	Boys' White	M	11.80
BK 266	Boys' Black	M	11.80
BK 267	Boys' Red	M	11.80
BK 268	Boys' Navy	M	11.80

LO-CUT			
MK 290	Men's White	M	\$11.25
MK 291	Men's Black	M	11.25
MK 292	Men's Navy	M	11.25
MK 294	Men's Red	M	11.25
MK 296	Men's Carolina Blue	M	11.25
BK 290	Boys' White	M	11.25
BK 291	Boys' Black	M	11.25
BK 292	Boys' Navy	M	11.25
BK 294	Boys' Red	M	11.25
BK 296	Boys' Carolina Blue	M	11.25



SUPER

Loose lined uppers of best quality army duck, shock proof arch cushion and insole, convex design molded rubber outsole, protective toe bumper. Made in U.S.A.



Half Sizes
Men's: Medium 5½-14
Boys': Medium 12-5
Little Gents': Medium 5-11½

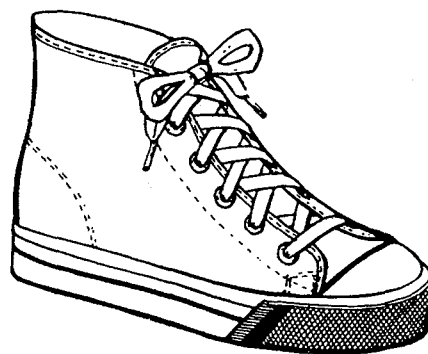
Stock No.	Description	Width	Net Price
HI-CUT			
MK 187	Men's Brown	M	\$11.80
MK 210	Men's White	M	11.80
MK 211	Men's Black	M	11.80
MK 223	Men's Navy	M	11.80
BK 210	Boys' White	M	11.80
BK 211	Boys' Black	M	11.80
BK 223	Boys' Navy	M	11.80
LO-CUT			
MK 199	Men's Brown	M	\$11.25
MK 205	Men's White	M	11.25
MK 206	Men's Black	M	11.25
MK 208	Men's Navy	M	11.25
MK 1015	Men's Red	M	11.25
MK 1017	Men's Maroon	M	11.25
BK 199	Boys' Brown	M	11.25
BK 205	Boys' White	M	11.25
BK 206	Boys' Black	M	11.25
BK 208	Boys' Navy	M	11.25
BK 1015	Boys' Red	M	11.25
BK 1017	Boys' Maroon	M	11.25
LK 199	Little Gents' Brown	M	8.00
LK 205	Little Gents' White	M	8.00
LK 206	Little Gents' Black	M	8.00
LK 208	Little Gents' Navy	M	8.00
LK 1015	Little Gents' Red	M	8.00
LK 1017	Little Gents' Maroon	M	8.00

DUDE

Lace-to-toe hi-cut and lo-cut styles, uppers of heavy duty army duck, shock proof arch cushion and insole, durable convex design molded rubber outsole and protective toe bumper. Made in U.S.A.

Half Sizes
Men's: Medium 6½-12, 13, 14
Boys': Medium 10-6
Little Gents': Medium 5-9½

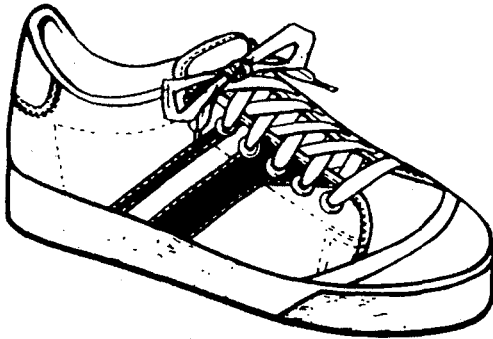
Stock No.	Description	Width	Net Price
HI-CUT			
MK 606	Men's White	M	\$9.25
MK 607	Men's Black	M	9.25
MK 608	Men's Navy	M	9.25
BK 606	Boys' White	M	8.75
BK 607	Boys' Black	M	8.75
BK 608	Boys' Navy	M	8.75
LO-CUT			
MK 368	Men's White	M	\$9.00
MK 369	Men's Black	M	9.00
MK 371	Men's Navy	M	9.00
BK 368	Boys' White	M	8.50
BK 369	Boys' Black	M	8.50
BK 371	Boys' Navy	M	8.50
LK 368	Little Gents' White	M	8.00
LK 371	Little Gents' Navy	M	8.00



ALL COURT

COURT KING

Heavy duck fabric, vulcanized construction, foam padded collar, nylon tongue, terry cloth covered wedge foam insole with arch.



Half Sizes

Men's: Medium 6½-13, 14

Boys': Medium 2½-6

Youths': Medium 11-2

Children's: Slim, Medium and Wide 7-10½

Stock No.	Description	Width	Net Price
HI-CUT			
MK 1775	Men's White/Royal Blue	M	\$13.00
MK 1776	Men's White/Black	M	13.00
MK 1777	Men's White/Red	M	13.00
MK 1778	Men's White/Light Blue	M	13.00
MK 1779	Men's White/White	M	13.00
BK 1775	Boys' White/Royal Blue	M	12.00
BK 1776	Boys' White/Black	M	12.00
BK 1777	Boys' White/Red	M	12.00
BK 1778	Boys' White/Light Blue	M	12.00
YK 1778	Youths' White/Light Blue	M	10.00
LO-CUT			
MK 1760	Men's White/Royal Blue	M	\$12.00
MK 1761	Men's White/Black	M	12.00
MK 1762	Men's White/Red	M	12.00
MK 1763	Men's White/Light Blue	M	12.00
MK 1764	Men's White/White	M	12.00
MK 1800	Men's Navy/White	M	12.00
BK 1760	Boys' White/Royal Blue	M	10.00
BK 1761	Boys' White/Black	M	10.00
BK 1762	Boys' White/Red	M	10.00
BK 1763	Boys' White/Light Blue	S-M-W	10.00
BK 1800	Boys' Navy/White	S-M-W	10.00
YK 1763	Youths' White/Light Blue	S-M-W	9.00
YK 1800	Youths' Navy/White	S-M-W	9.00
CK 1763	Children's White/Light Blue	S-M-W	8.50
CK 1800	Children's Navy/White	S-M-W	8.50

SPORT KING

Suede leather uppers, vulcanized construction, foam padded collar and tongue, terry cloth covered wedge foam insole with arch.

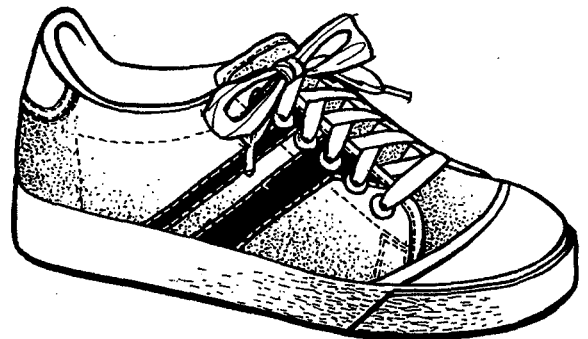
Half Sizes

Men's: Medium 6½-13, 14

Boys': Medium 2½-6

Youths': Medium 11-2

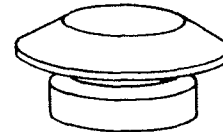
Stock No.	Description	Width	Net Price
MK 1805	Men's Navy/White	M	\$14.50
MK 1806	Men's White/Navy	M	14.50
MK 1807	Men's Red/White	M	14.50
MK 1808	Men's Black/Silver	M	14.50
BK 1805	Boys' Navy/White	M	13.50
BK 1807	Boys' Red/White	M	13.50
BK 1808	Boys' Black/Silver	M	13.50
YK 1805	Youths' Navy/White	M	12.50



RUNNING PERFORMANCE

PERFORMANCE RUNNING

The new Keds Performance Running Shoe line is designed to provide increased durability, stability and coolness for the runner without sacrificing light weight. Revolutionary designs include a patented replaceable SBR rubber wear plug system inserted into a durable polyurethane outsole. The replaceable wear plugs, positioned at the fine critical wear points of the sole, are easily changed — without any special equipment — to add miles to the life of the shoe. For stability, a pre-molded external counter has been developed using DuPont Hytrel®. The external counter* locks the heel in place, while a maximum of padding between the counter and heel cushions the foot. Several new mesh patterns were designed specifically for the running shoes, to allow more air to reach the foot. This gives a maximum of coolness and comfort. Made in U.S.A.



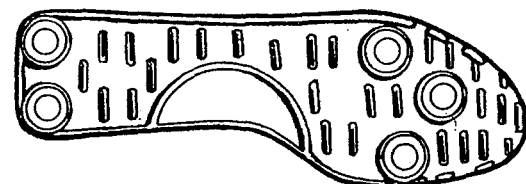
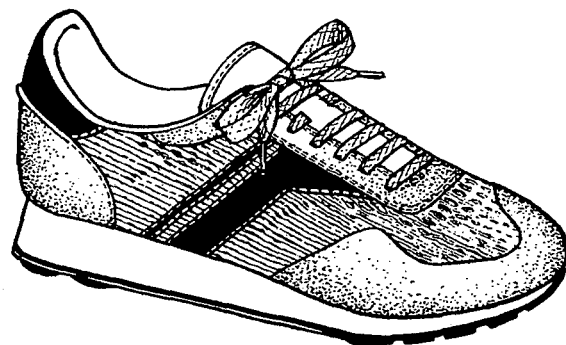
RENAISSANCE

Designed for the serious runner — features include:

- patented wear plug system
- external pre-molded counter
- new open-flo mesh pattern
- suede leather toe piece

Half Sizes
Men's: 6-12, 13

Stock No.	Description	Width	Net Price
MK 1829	Gold mesh/Gold backing, Gold suede trim, Burgundy stripe	M	\$27.00



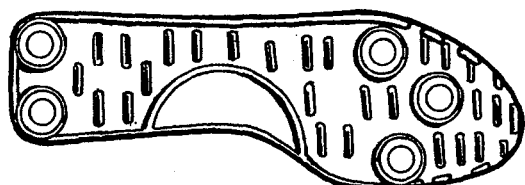
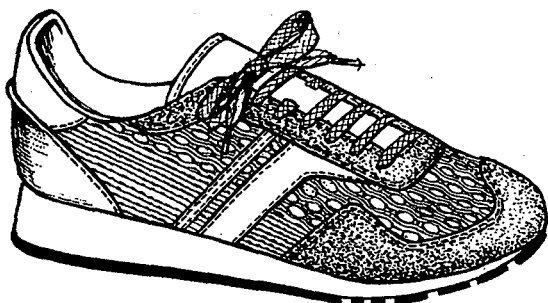
PHOENIX

Designed for the serious female runner — features include:

- patented wear plug system
- external pre-molded counter
- new open-flo mesh pattern
- suede leather toe piece

Half Sizes
Women's: 5-10, 11

Stock No.	Description	Width	Net Price
WK 1830	Copper mesh/Powder blue backing, Copper suede trim, Powder blue stripe ..	M	\$27.00



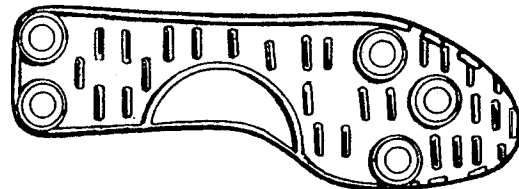
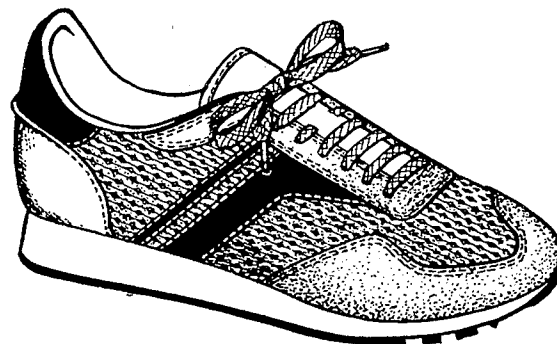
MILLENNIUM

Designed for the serious runner — features include:

- patented wear plug system
- external pre-molded counter
- DuPont's most durable mesh pattern
- suede leather toe piece

Half Sizes
Men's: 6-12, 13

Stock No.	Description	Width	Net Price
MK 1827	Sand mesh, Sand suede trim, Regimental blue stripe	M	\$27.00
MK 1833	Gold mesh, Gold suede trim, Nassau blue stripe	M	27.00



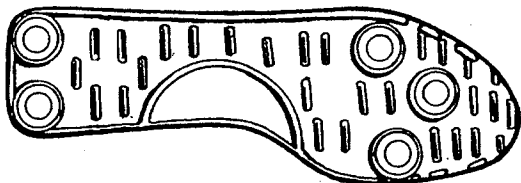
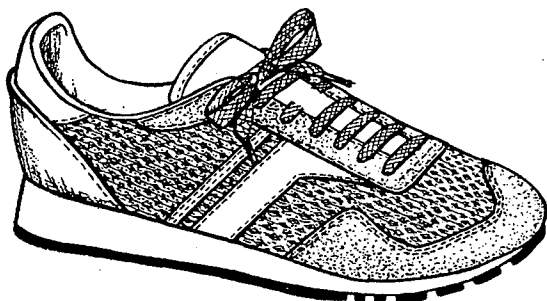
SEA BREEZE

For the serious woman runner. Features include:

- Patented wear plug system
- External pre-molded counter
- DuPont durable mesh pattern
- Suede leather toe piece

Half Sizes
Women's: 5-10, 11

Stock No.	Description	Width	Net Price
WK 1828	Teal blue mesh, Vanilla suede trim Vanilla stripe	M	\$27.00



OPEN ROAD

Lighter than most conventional training shoes, the men's Open Road has exceptionally durable SBR rubber outsoles, a shock absorbent midsole, and a top quality nylon oxford upper with padded collar. Made in U.S.A.

Half Sizes
Men's: 6-12, 13

Stock No.	Description	Width	Net Price
MK 1825	Cobalt blue nylon; Cobalt blue suede trim, Almond stripe	M	\$21.75

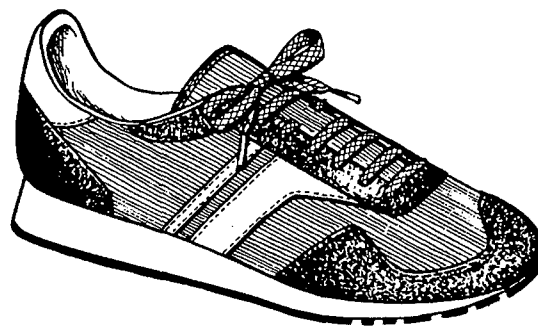


PROFILE

Lighter than most conventional training shoes, the women's Profile has exceptionally durable SBR rubber outsoles, a shock absorbent midsole, and a top quality nylon oxford upper with padded collar. Made in U.S.A.

Half Sizes
Women's: 5-10, 11

Stock No.	Description	Width	Net Price
WK 1826	Cobalt blue nylon, Cobalt suede trim, Bone stripe	M	\$21.75



BREAKAWAY



The serious runner's racing flat. The outsole is a lightweight, yet durable, SBR rubber compound developed for use in racing tires. Upper has an "air" mesh which has been computerized to place air vents in strategic positions. The weight is an incredible 5 ounces.

Half Sizes
Women's: 5-10, 11

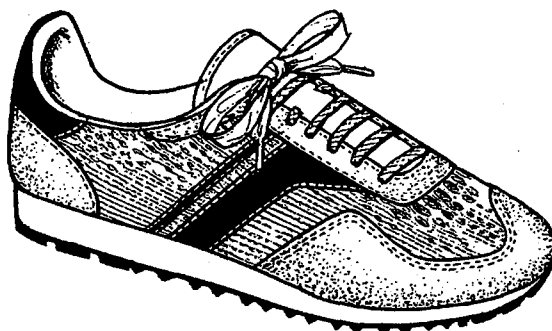
Stock No.	Description	Width	Net Price
WK 1832	Bone mesh/Orange backing, Bone suede trim, Orange stripe	M	\$25.00

BREAKTHRU

The serious runner's racing flat. The outsole is a lightweight, yet durable, SBR rubber compound developed for use in racing tires. Upper has an "air" mesh which has been computerized to place air vents in strategic positions. The weight is an incredible 5 ounces.

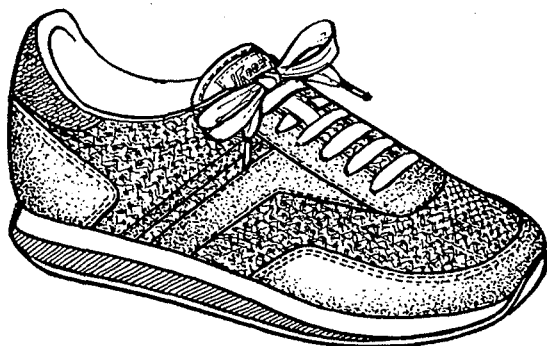
Half Sizes
Men's: 6-12, 13

Stock No.	Description	Width	Net Price
MK 1831	Bone mesh/Brown backing, Bone suede trim, Orange stripe	M	\$25.00



RUNNING **JOGGING/CASUAL**

RUNLITE



For jogging/casual wear, U-throat style, uppers of nylon mesh with suede leather trim, foam padded collar with high rise back, terry cloth covered sponge cushion insole and heel with arch insert, molded two color outsole.

Half Sizes

Men's: Medium 6½-12, 13

Boys': Slim, Medium and Wide 2½-6

Youths': Slim, Medium and Wide 11-2

Children's: Slim, Medium and Wide 7-10½

Stock No.	Description	Width	Net Price
MK 1906	Men's Light Blue/Tan	M	\$13.50
MK 1908	Men's Gray/Navy	M	13.50
BK 1906	Boys' Light Blue/Tan	S-M-W	13.00
BK 1908	Boys' Gray/Navy	M	13.00
YK 1906	Youths' Light Blue/Tan	S-M-W	12.00
YK 1908	Youths' Gray/Navy	M	12.00
CK 1906	Children's Light Blue/Tan	S-M-W	11.00

LIGHTNING

For jogging/casual wear, U-throat style, uppers of nylon with suede leather trim, foam padded collar, tongue and high rise back, duck covered sponge cushion insole with arch insert, molded rubber outsole with rolled toe.

Half Sizes

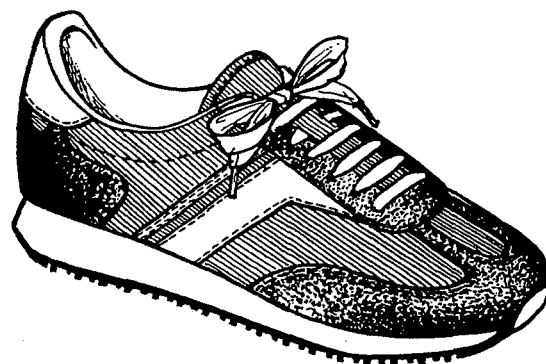
Men's: Medium 6½-12, 13

Boys': Slim, Medium and Wide 2½-6

Youths': Slim, Medium and Wide 11-2

Children's: Slim, Medium and Wide 7-10½

Stock No.	Description	Width	Net Price
MK 1910	Men's Royal Blue/White	M	\$12.50
MK 1996	Men's White/Royal Blue	M	12.50
MK 1997	Men's Tan/Orange	M	12.50
BK 1910	Boys' Royal Blue/White	S-M-W	12.00
YK 1910	Youths' Royal Blue/White	S-M-W	11.50
CK 1910	Children's Royal Blue/White	S-M-W	11.00



SPRINTER - WOMEN'S



For jogging/casual wear, U-throat-style, uppers of nylon with suede leather trim, foam padded collar, tongue and high rise back, terry cloth covered sponge cushion insole with arch insert, molded rubber outsole.

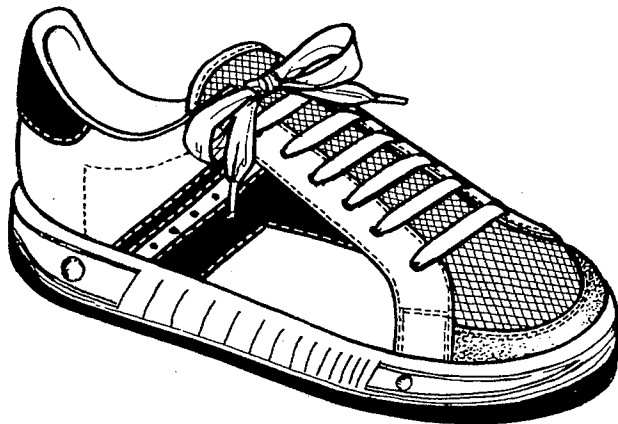
Half Sizes

Women's: Slim 6-10 Medium 5-10

Stock No.	Description	Width	Net Price
WK 1918	Women's White/Light Blue	S-M	\$12.50
WK 1919	Women's Maroon/Gray	M	12.50

PERFORMANCE TENNIS SHOES

CYCLONE



The ultimate in men's performance tennis shoes. The Cyclone features a full-grain leather lace-to-toe upper over a double durometer polyurethane outsole assembly. The softer midsole urethane section provides cushioning throughout the shoe, while the harder outsole urethane section provides durability and traction. A suede leather toe piece gives added protection against toe section wear. The nylon mesh tongue and toe cap allow the foot to breathe on hot, hard courts. The insole is an exclusive combination of supportive Ensolite® shock absorbent padding and polyurethane foam for the soft feel that you like, and additional cushioning you need. Made in U.S.A.

Half Sizes
Men's: 6½-12, 13

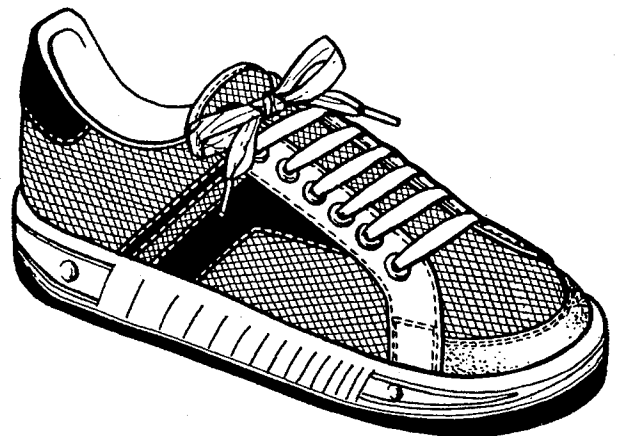
Stock No.	Description	Width	Net Price
MM 830	White/White	M	\$25.50
MM 831	White/Blue	M	25.50

TORNADO

An impressive men's performance tennis shoe that looks as good off the court as it does on. Features include a double durometer polyurethane outsole assembly, which is one layer of a softer, cushioning midsole urethane injected over a more durable outsole urethane. The toe area is further protected by a suede leather toe piece. A coarsely woven nylon mesh upper allows air to reach the foot, providing maximum coolness. The insole is an exclusive combination of supportive Ensolite® shock absorbent padding and polyurethane foam for a super soft feel, but cushioning as well. Made in U.S.A.

Half Sizes
Men's: 6½-12, 13

Stock No.	Description	Width	Net Price
MM 832	White/Blue	M	\$22.50
MM 833	White/Green	M	22.50

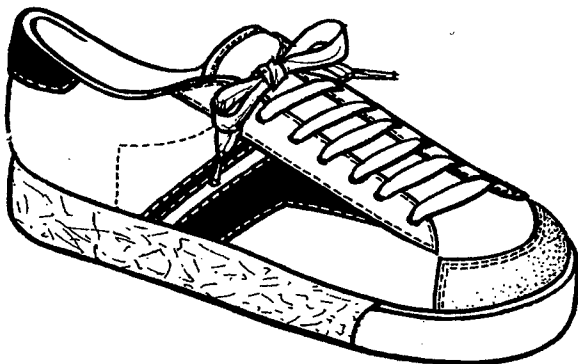


SIROCCO

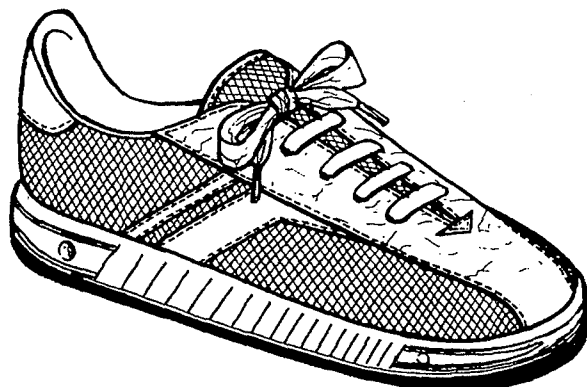
An aggressive performance tennis shoe for all surfaces. The Sirocco features an exceptionally durable molded rubber outsole in a herringbone design. A fully-padded nylon mesh upper provides support, but allows the foot to "breathe." Additional lateral support is provided by a sewn-on fabric mudguard. Toe piece wearouts are virtually eliminated by a protective suede leather toe piece. Insole is a fabric-covered wedge foam with arch.

Half Sizes
Men's: 6½-12, 13

Stock No.	Description	Width	Net Price
MK 1841	White/Light Blue	M	\$13.50



WHIRLWIND



The finest in women's performance tennis shoes. The Whirlwind features a double durometer polyurethane outsole assembly. This consists of a cushioning layer of midsole urethane injected over a more durable urethane outsole layer. The V-throat all nylon mesh upper with foam padded collar looks as cool as it feels. The insole is an exclusive combination of supportive Ensolite® shock absorbent padding and polyurethane foam for a super soft feel, but cushioning as well. Made in U.S.A.

Half Sizes
Women's: 4½-10, 11

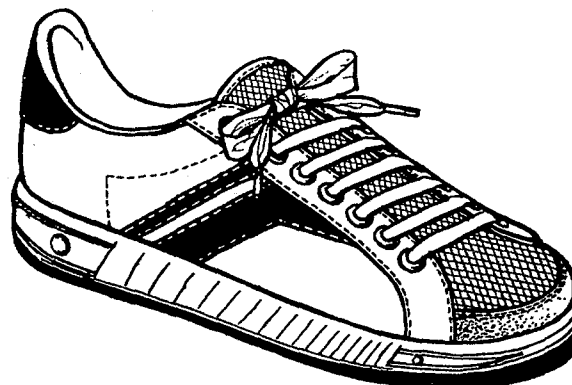
Stock No.	Description	Width	Net Price
WM 834	White/White	M	\$22.50
WM 835	White/Light Blue	M	22.50

HURRICANE

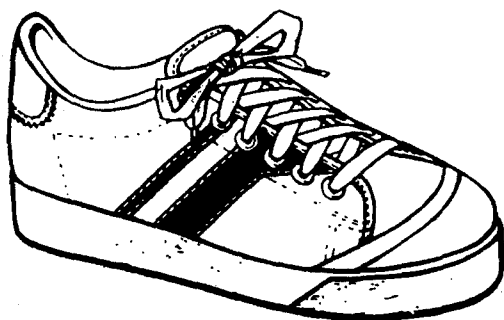
An incredibly durable lace-to-toe women's performance tennis shoe. The Hurricane features the double durometer polyurethane outsole assembly. A cushioning layer of midsole urethane is injected over a more durable urethane outsole layer. The upper is constructed of a clean canvas duck with padded foam collar. The tongue is nylon mesh for added coolness. A suede leather toe piece protects against wear-outs. The insole is an exclusive combination of supportive Ensolite® shock absorbent padding and polyurethane foam for a super soft feel, but cushioning as well. Made in U.S.A.

Half Sizes
Women's: 4½-10, 11

Stock No.	Description	Width	Net Price
WM 836	White/Light Blue	M	\$21.50



RACQUET OXFORD



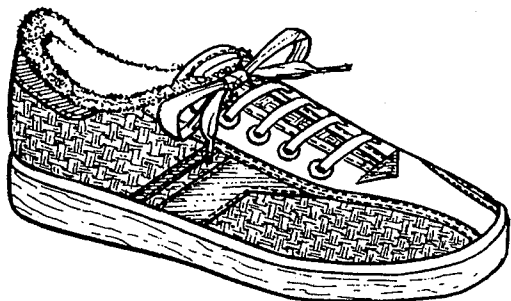
Classic lace-to-toe court style designed for all court uses or casual wear. Uppers of durable army duck. Royalon lined padded collar, terry cloth covered full cushioned insole with arch. Molded rubber outsole. Vulcanized construction. Washable.

Half Sizes
Women's: Medium 5-10

Stock No.	Description	Width	Net Price
WK 1789	Women's White/Light Blue	M	\$11.50
WK 1999	Women's White	M	11.50

COURT ACE MESH

Popular V-throat style for tennis or casual wear. Features uppers of cool woven mesh. Terry cloth padded collar, tongue, and full cushioned insole. Molded rubber outsole. Made in U.S.A.



Half Sizes

Women's: Slim 6-10, 11 Medium 4½-10, 11

Misses': Medium 12½-3

Stock No.	Description	Width	Net Price
WM 742	Women's White/Yellow	S-M	\$12.50
WM 743	Women's White/Light Blue	S-M	12.50
WM 744	Women's White/White	S-M	12.50
WM 847	Women's White/Green	S-M	12.50
JM 743	Misses' White/Light Blue	M	12.00
JM 744	Misses' White/White	M	12.00

SALES POLICY

TERMS:

2% 30 Days — Net 31 Days

TRANSPORTATION:

All advance order shipments are F.O.B. Customer's Regional Warehouse. All at once orders are F.O.B. Shipping Point.

HAWAII:

See sales representative for details.

ADVANCE ORDER SHIPMENTS:

Advance orders written July 1, 1980 through November 30, 1980 for shipment December 1, 1980 through March 10, 1981 will be billed under date of shipment with terms of 2% April 10, 1981, net April 11, 1981.

MINIMUM ORDER CHARGE:

Handling Charge: \$5.00 handling charge per order on all orders ten (10) pairs or less.

RETURNED GOODS:

Defective shoes (worn and unworn) may be returned without pre-authorization if quantity is more than 10 pair and less than 24 pair. Case is to be marked "defective".

All other justified returns require pre-authorization and labels which may be obtained from our Customer Service Department, P.O. Box 2107, Richmond, Indiana, 47374.

All approved returns are to be shipped freight prepaid to:

KEDS CORPORATION
6 Rubber Avenue Bldg. 52-3
Naugatuck, CT 06770

ORDERS:

Orders should be mailed to our Customer Service Center:

KEDS CORPORATION
P.O. Box 2107
Richmond, IN 47374

