

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3

4 KEVIN COOPER, ) Case No. 04CV0656-H(LSP)  
5 )  
6 Petitioner, ) San Diego, California  
7 )  
8 vs. ) Wednesday,  
9 ) August 25, 2004  
10 JILL L. BROWN, ACTING WARDEN, ) 9:00 a.m.  
11 SAN QUENTIN STATE PRISON, )  
12 )  
13 Respondent. )  
14 )

15 TRANSCRIPT OF COURT TRIAL  
16 BEFORE THE HONORABLE MARILYN L. HUFF  
17 UNITED STATES DISTRICT JUDGE  
18

19 APPEARANCES:

20 For the Petitioner: DAVID T. ALEXANDER, ESQ.  
21 MBV Law  
22 855 Front Street  
23 San Francisco, California  
24 94111  
25 (415) 781-4400  
  
ALI KAZEMI, ESQ.  
Orrick, Herrington & Sutcliffe  
405 Howard Street  
San Francisco, California  
94105  
(415) 392-1122  
  
For the Respondent: ADRIANNE DENAULT, ESQ.  
HOLLY WILKENS, ESQ.  
Office of the Attorney  
General  
110 West A Street, Suite 1100  
San Diego, California 92101  
(619) 645-2287

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1 Transcript Ordered by: ADRIANNE DENAULT, ESQ.  
2  
3 Court Recorder: Nancy Cablay  
4 United States District Court  
5 940 Front Street  
6 San Diego, California 92101  
7  
8 Transcriber: Jordan R. Keilty  
9 Echo Reporting, Inc.  
10 6336 Greenwich Drive  
11 Suite B  
12 San Diego, California 92122  
13 (858) 453-7590  
14  
15  
16  
17  
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I N D E XWITNESSES:DIRECTCROSSREDIRECTRECROSS

Paul Beltz

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Alfred Ward

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Randy Mansfield

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EXHIBITSIDENTIFIEDIN EVIDENCEPetitioner's

38 Transcript

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Respondent's

BBBBB Supplemental report, Beltz

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1 SAN DIEGO, CALIFORNIA WEDNESDAY, AUGUST 25, 2004 9:00 A.M.

2 --oOo--

3 (Call to order of the Court.)

4 THE COURT: Thank you. You may call your witness.

5 MR. ALEXANDER: Your Honor, before we call the  
6 witness, I have a matter that affects the scheduling of the  
7 witnesses today I'd like to address.

8 THE COURT: We'll just call the witness.

9 MR. ALEXANDER: Well, we have Mr. Ward, who is not  
10 the Mr. Ward, and it's a very disturbing circumstance, and  
11 I'd like to raise it because the man is outside. He's the  
12 third one to be called, and there's no reason to have him  
13 here.

14 MS. WILKENS: Actually, he -- he's the second one,  
15 and I --

16 MR. ALEXANDER: Second one, whatever. There's no  
17 need to have him here, and I'm happy to -- I'd like to  
18 address this, Ms. Wilkens, if the Court --

19 THE COURT: Let's just call a witness. Go ahead.  
20 Let's proceed.

21 MS. WILKENS: Yeah. And, your Honor, we have --  
22 we have Paul Beltz who will go first. We have Al Ward who  
23 will go second, Randy Mansfield third, and also I would like  
24 to check with the Court if they can accommodate Detective  
25 Wilson tomorrow morning. Is that permissible?

1 THE COURT: That would be fine.

2 MS. WILKENS: Okay. Thank you.

3 MR. ALEXANDER: I have further information on Ms.  
4 Epler also who I've spoken to, and I'll bring that to the  
5 Court's attention.

6 MS. WILKENS: And as we previously indicated, your  
7 Honor, Mr. Alexander is the proponent of the witnesses being  
8 called.

9 PAUL BELTZ - PETITIONER'S WITNESS - SWORN

10 THE CLERK: Please state your name and spell your  
11 last name for the record.

12 THE WITNESS: My name is Paul Beltz, spelling B-E-  
13 L-T-Z.

14 DIRECT EXAMINATION

15 BY MR. ALEXANDER:

16 Q Good morning, Mr. Beltz.

17 MR. ALEXANDER: May I proceed, your Honor? Excuse  
18 me.

19 THE COURT: You may.

20 MR. ALEXANDER: Thank you.

21 BY MR. ALEXANDER:

22 Q Mr. Beltz, my name is David Alexander, and we have  
23 spoken once on the phone some number of weeks ago, correct?

24 A Yes.

25 Q All right. And I can't recall, frankly, but did I send

1 you down copies of a daily log that had your name on it?

2 A Yes, you did, but -- I did receive it, but the copies  
3 were very very poor. I could hardly even read it.

4 Q Right. Okay. But you -- all right.

5 A But you did.

6 Q So you do recall that. All right. Now, let me get  
7 some background information very briefly. You were employed  
8 beginning in 1979 I believe with the San Bernardino  
9 Sheriff's Department, is that correct?

10 A Yes.

11 Q All right. And you were a patrol officer during that  
12 period of time?

13 A Yes.

14 Q All right. During that entire period of time?

15 A While at the West End Station?

16 Q Well, just a patrol officer regardless of the station?

17 A Late '70s early -- to the mid '80s I was a patrol  
18 officer.

19 Q All right. And after the mid '80s, what were you?

20 A Went into public affairs and then detective.

21 Q Did your responsibilities in public affairs or as a  
22 detective include any involvement in the Ryan/Hughes crimes?

23 A No.

24 Q Now, in 1989 you resigned from the -- from the San  
25 Bernardino Sheriff's Department after a conviction for

1 shoplifting, correct?

2 MS. WILKENS: Objection, your Honor. Counsel  
3 knows full well under the Federal Rules of Evidence that  
4 this is not permissible impeachment.

5 THE COURT: Sustained.

6 BY MR. ALEXANDER:

7 Q Did you resign from the department, sir?

8 MR. ALEXANDER: I wasn't impeaching anything, your  
9 Honor. I was just getting an explanation as to why the  
10 gentleman resigned.

11 THE WITNESS: Yes, I -- I left the --

12 THE COURT: It's -- it's not impeach -- it's not  
13 an impeachable matter. It's excluded.

14 MR. ALEXANDER: I'm not offering it for  
15 impeachment, your Honor. I'm offering it to find out the  
16 reason he resigned.

17 THE COURT: It's not admissible.

18 THE WITNESS: I left the Sheriff's Department.

19 BY MR. ALEXANDER:

20 Q In 1979?

21 A Yes, I did.

22 Q Voluntarily or involuntarily?

23 MS. WILKENS: Objection, your Honor. 403.

24 THE COURT: Overruled. Issue of bias.

25 MR. ALEXANDER: Thank you, your Honor.

1 THE COURT: Go ahead.

2 THE WITNESS: I can't remember what the paperwork  
3 said.

4 BY MR. ALEXANDER:

5 Q I don't -- I'm asking you.

6 A I left the Sheriff's Department, but I don't remember  
7 under what total circumstances it was.

8 Q You don't have any recollection of what the  
9 circumstances were?

10 A Somewhat.

11 Q Okay. What were those?

12 MS. WILKENS: Objection, your Honor.

13 THE COURT: Why don't we move on into another  
14 area, and then we can come back if necessary.

15 MR. ALEXANDER: Well, I -- I believe the reasons  
16 do relate to whether it was voluntary or involuntary, and I  
17 do think it goes to bias.

18 THE COURT: Well, let's see what his testimony is  
19 before --

20 MR. ALEXANDER: All right. Very well.

21 THE COURT: -- there's impeachment.

22 MR. ALEXANDER: Thank you, your Honor.

23 BY MR. ALEXANDER:

24 Q Now, after you resigned -- or, I'm sorry -- after you,  
25 let's say, left the San Bernardino Sheriff's Department in



1 18 -- in 1989, you have -- you have had no further  
2 involvement in law enforcement, correct?

3 A None.

4 Q What I said is correct?

5 A Yes.

6 Q All right. Thank you. Now, you, sir, were the first  
7 patrol officer on the scene at the Ryan home?

8 A Correct.

9 Q All right. And you were the first officer in the  
10 house?

11 A Correct.

12 Q All right. And you went in the house initially with  
13 Mr. Howey?

14 MS. WILKENS: Your Honor, I'm going to object  
15 under 403. I believe we're here in relation to the Canyon  
16 Corral Bar patrons.

17 MR. ALEXANDER: No, we're not. We're here with  
18 Mr. Beltz --

19 THE COURT: We're here for the Canyon Corral Bar.

20 MR. ALEXANDER: Your Honor, we are here because  
21 Mr. Beltz' name appears -- and this is the reason he's here.  
22 I can ask him that. If that's the only reason he's here,  
23 I'll ask him one question and we'll have him out of here.  
24 He is the gentleman that we're trying to figure out the  
25 source of the information for which -- excuse me. He is the

1 gentleman for whom we're trying to find out the source of  
2 the information at 12:48 on June the 5th regarding the  
3 identification of the three individuals.

4 MS. WILKENS: Well, then I guess counsel could ask  
5 that instead of other questions about the crime scene.

6 THE COURT: Well, it's his -- it's his strategy.  
7 You may proceed.

8 MR. ALEXANDER: This is just foundational to lead  
9 up to that very entry log.

10 BY MR. ALEXANDER:

11 Q Let me ask you one question, sir. Did you have any  
12 involvement as a -- in 1983 in connection with employees or  
13 patrons of the Canyon Corral Bar?

14 A I'm sorry. Could you repeat that?

15 Q Yes. Do you know what the Canyon Corral Bar is?

16 A Yes, I do.

17 Q All right. Now, in connection -- well, withdraw that.  
18 In connection with the Ryan/Hughes crimes, did you have any  
19 involvement with regard to employees or patrons of the  
20 Canyon Corral Bar?

21 A I would say no, but I would like to clarify that --

22 Q By all means.

23 A -- with a narrative.

24 Q Well, I don't want a narrative.

25 A I believe -- I believe --

1 Q Excuse me. Let me go by question --

2 A If you don't want a narrative, then I'd say no.

3 Q No, I do want to hear it, but I think we will need to  
4 proceed by question and answer, and if I don't bring it out,  
5 I'm sure somebody will. So you --

6 THE COURT: The Court agrees.

7 MR. ALEXANDER: Thank you, your Honor.

8 BY MR. ALEXANDER:

9 Q All right. Did you interview with any persons who were  
10 in the Canyon Corral Bar the late evening of January -- of  
11 June the 4th or early morning of June the 5th, 1983?

12 A I don't recall that.

13 Q You don't recall doing that?

14 A No.

15 Q Okay. Without getting into a long narrative answer,  
16 what, if any, involvement did you have in connection with  
17 the Canyon Corral Bar?

18 A I may have been -- my unit may have been parked when I  
19 got the call in the parking lot of the Canyon Corral Bar.

20 Q Okay. So when you got the call to go up to the Ryan  
21 home on June the 5th at approximately 12:48, your patrol car  
22 was in the parking lot of the Canyon Corral Bar, is that  
23 correct?

24 A Yes. I may have been driving through the parking lot  
25 or I may have been parked momentarily.

1 Q Okay. But at that point --

2 A I can't recall because it -- and it's not my report,  
3 and I'm having to rely completely on memory.

4 Q Okay.

5 A And I don't -- I don't believe -- I don't remember  
6 whether I was parked, whether I was just passing through the  
7 parking lot at that time.

8 Q All right. Is that the only connection with the Canyon  
9 Corral Bar you think you may have had, that when you  
10 received the call --

11 A Yes.

12 Q Excuse me. -- that when you received the call to go up  
13 to the Ryan home, you just happened to be passing through  
14 the parking lot or stationed in it or, you know, sitting in  
15 it?

16 A Yes.

17 Q All right. Okay. Now, prior -- prior to receiving the  
18 call, when you were wherever you were, including perhaps in  
19 the parking lot of the Canyon Corral Bar, you had no  
20 information about any crime being committed at -- at the  
21 Ryan Home?

22 A No.

23 Q What I said is correct?

24 A Correct.

25 Q All right. Thank you. One of these days I'm going to

1 figure out a better way to ask that, your Honor.

2 All right. Now, I'm going to show you -- and it's not  
3 a great copy, but it's UUU-2, what we've marked as UUU-2 --

4 MS. WILKENS: Your Honor, might I make a  
5 suggestion?

6 MR. ALEXANDER: Yes, let's --

7 MS. WILKENS: We already have marked as NNNN a  
8 copy of the log that's quite legible, and if counsel --

9 MR. ALEXANDER: I have no problem, and I'll work  
10 with UUU-2 because I'm familiar with it.

11 THE COURT: Okay.

12 MR. ALEXANDER: But we -- we did have that clearer  
13 copy.

14 BY MR. ALEXANDER:

15 Q You -- you recognize this form of -- of document?

16 A I recognize this log, yes.

17 Q All right.

18 A I recognize the format of the log.

19 Q Very well. I would direct your attention, sir, to page  
20 nine.

21 A Yes.

22 Q All right. And, specifically, you'll see item number  
23 70.

24 A Yes.

25 Q All right. Would you take a moment and familiarize

- 1 yourself with the substance of that?
- 2 A Yes.
- 3 Q Okay. This is, in fact, the daily log page that I sent
- 4 to you, correct?
- 5 A Uh --
- 6 Q Even though this may be a better copy.
- 7 A Yeah. It appears -- it appears that way. I --
- 8 Q All right.
- 9 A -- couldn't read it legibly --
- 10 Q Okay.
- 11 A -- because of the -- it was very grainy, but yes.
- 12 Q Right. This is -- the copy I sent you was from
- 13 microfiche. We've subsequently received one that you have
- 14 in front of you.
- 15 A Yes.
- 16 Q All right. Now, that Beltz in the right-hand column is
- 17 Paul Beltz, correct?
- 18 A Yes.
- 19 Q That's yourself?
- 20 A Yes.
- 21 Q All right. And you did receive a call on or about
- 22 12:48 on --
- 23 A Yes.
- 24 Q -- June the 5th to go up to 2951 English Road, correct?
- 25 A Correct.

1 Q All right. And can you tell by looking at this log who  
2 you received the call from?

3 A Okay.

4 Q You're welcome to look back, indicate the people who  
5 were on duty at that time at the station if that refreshes  
6 your recollection, specifically on page five.

7 A I believe it was Simendich.

8 THE COURT: Was -- pardon me?

9 THE WITNESS: Simendich. That would be the third  
10 name down in that list of names.

11 BY MR. ALEXANDER:

12 Q On page five?

13 A On page five.

14 Q That's Nancy Simendich?

15 A Yes.

16 Q Okay. Now, when you went up to the house, you were met  
17 by Mr. Howey?

18 A Yes.

19 Q Okay. And who is Mr. Howey, if you recall?

20 MS. WILKENS: Your Honor, I'm going to object on  
21 403. He's going through everything he did at the crime  
22 scene, and the focus is --

23 THE COURT: Overruled for now.

24 THE WITNESS: Mr. Howey is a resident of Old  
25 English Road.

1 BY MR. ALEXANDER:

2 Q Okay.

3 A His son was also a -- a victim inside the Ryan  
4 residence.

5 Q You mean Mr. Hughes' son was a victim? I think you may  
6 have --

7 A I'm sorry. Yes.

8 Q Okay. And but who is Mr. --

9 A Mr. Howey is a resident on Old English Road.

10 Q All right. And he was the person you spoke with?

11 A Yes.

12 Q Not Mr. Hughes, is that correct?

13 A Mr. Howey.

14 Q Is the person you spoke with when --

15 A Yes.

16 Q -- you went up there? All right. Now, I don't want  
17 to -- I don't want you to tell me what you did in the house.  
18 I'm not interested in that. But I just want to know how  
19 many -- did you go into the house, the Ryan house?

20 A Oh, yes.

21 Q All right. And about how many minutes were you in the  
22 house?

23 A I was in there a total -- because I was in there for a  
24 while and then I was out, and then I went back in, so  
25 probably a total of 30 minutes.



- 1 Q All right. And did Mr. -- did Detective Gilmore come?
- 2 A Sergeant Gilmore arrived.
- 3 Q Sergeant Gilmore, excuse me.
- 4 A Yes.
- 5 Q And he's from homicide?
- 6 A No.
- 7 Q What --
- 8 A He was the watch commander --
- 9 Q Okay.
- 10 A -- for that shift.
- 11 Q Did -- what -- and you spoke with him, correct?
- 12 A Yes.
- 13 Q Did he then ask you to do something?
- 14 A He asked me to secure the crime scene.
- 15 Q Okay. So you left the house after being in it two
- 16 times and you went and secured the crime scene, is that
- 17 correct?
- 18 A Yes.
- 19 Q All right. Now, directing your attention back to page
- 20 nine on --
- 21 A Of the log?
- 22 Q -- of the log, is any of the information provided in
- 23 the entry number 70 information that you related back to the
- 24 West End Station dispatch or desk officer?
- 25 A I let them -- I let the dispatcher know when I arrived.

- 1 Q All right. Where is that reflected?
- 2 A Where it says '97, '97. See where it -- fourth  
3 sentence.
- 4 Q I see it, 12:51.
- 5 A On item 51, it says signed at 12:48. Ninety-seven  
6 means arrived.
- 7 Q Yes.
- 8 A At 12:51.
- 9 Q And 12:51 you arrived three minutes after you received  
10 the call?
- 11 A Yes.
- 12 Q So it's a good chance you were actually in the parking  
13 lot of the Canyon Corral Bar which is close by, correct?
- 14 A Yes.
- 15 Q All right. All right. And 2P6, that's yourself,  
16 correct?
- 17 A That was my -- that was my assignment, yes.
- 18 Q Okay.
- 19 A Area three in unit 2 Paul 6.
- 20 Q And you advised that there were four subjects dead on  
21 arrival, correct? It says 2P6 advises four subjects dead on  
22 arrival?
- 23 A Apparently at that time, yes.
- 24 Q All right.
- 25 A When I arrived, yes.

1 Q Well, they had -- sure, after you arrived, you informed  
2 someone back at West End Station --

3 A Yes. Yes.

4 Q All right. And -- and you advised one juvenile  
5 airlifted to Loma Linda, correct?

6 A No, I didn't advise airlift. That was the result of  
7 paramedics arriving -- paramedics arriving and airlifting  
8 one victim to Loma Linda.

9 Q So you did advise paramedics arrived?

10 A Yes.

11 Q And -- and one victim was airlifted to Loma Linda?

12 A Yes.

13 Q All right. And then suspect vehicle 1977 Buick station  
14 wagon, white in color, you advised as to that information,  
15 is that correct?

16 A Dispatch received that information from --

17 Q Excuse me. Let me repeat my question, okay, because I  
18 think you're answering a different question, all right.

19 A Okay. Go ahead.

20 Q Yes. Sure. You advised suspect vehicle that 1977  
21 Buick station wagon, white in color, wood sides, fog -- I  
22 guess that's lights on front, and the license number,  
23 occupied by three young males, period?

24 MS. WILKENS: Objection. Leading.

25 THE COURT: Sustained.

1 BY MR. ALEXANDER:

2 Q Did you advise as to that information that I just read?

3 A I don't recall whether I had supplied the information  
4 to dispatch or whether dispatch upon hearing from the person  
5 that initially made the call that there was suspect vehicle  
6 in the area of that nature.

7 Q And the person who initially made the call was Mr.  
8 Howey, correct, looking up at the top, Robert Howey, 627-  
9 4729, advises of 245/187?

10 A Yes.

11 Q All right. So it was either you or Mr. Howey who  
12 advised of that information?

13 MS. WILKENS: Objection. Leading.

14 BY MR. ALEXANDER:

15 Q Is that your best recollection?

16 A It could have been me. It could have been him, yes.

17 Q All right. Now, you left the scene approximately --  
18 your shift was over approximately 3:00 or 3:30 that day,  
19 correct?

20 A Yes.

21 Q All right.

22 A But I did not leave the scene at 3:30.

23 Q You did not?

24 A No. I was there until --

25 Q Okay. When did you leave the scene?

1 A I don't think I left until 5:00 or 6:00 o'clock.

2 Q Okay. And the information "Vehicle belongs to the  
3 victim," that is also information that you or Mr. Howey  
4 advised of, correct, to the best of your knowledge?

5 MS. WILKENS: Objection. Leading.

6 THE COURT: Sustained. Just rephrase it.

7 BY MR. ALEXANDER:

8 Q Who -- who provided the information, "Vehicle belongs  
9 to the victim?"

10 A I don't recall.

11 Q Okay. Do you recall if you did?

12 A I don't recall.

13 Q You don't recall one way or the other, is that right?

14 A No.

15 Q Okay. What I said is correct, you don't recall one way  
16 or the other?

17 A Correct.

18 Q All right. And you don't recall whether Mr. Howey may  
19 have provided that information, correct?

20 A I don't recall whether he provided the information.

21 Q Okay. And then the '98 indicates that at least as of  
22 the time this entry was made, apparently -- well, let me ask  
23 you what does the 98/ mean, the 98 in reference to the  
24 people on the right? What is your understanding --

25 A Ninety-eight means -- it's normally when the -- the

1 assigned officer leaves the scene.

2 Q And so in this case --

3 A And gives --

4 Q -- we don't -- excuse me.

5 A Leaves the scene and provides a disposition to the

6 initial call.

7 Q Okay. And in this case we don't know -- it would -- in

8 this instance, it would appear that none of the people in

9 the right-hand column who were assigned to the scene had

10 left at the time this entry was made, correct? Is that how

11 one would interpret that, if you know?

12 A I can tell you that Deputy Hoops, Gilmore --

13 Q I think that's Dana if you have trouble reading it.

14 A -- were all there long -- were much longer after

15 their -- their shifts ended.

16 Q When did your shift end that day?

17 A 3:00 o'clock.

18 Q Normally it would end at 3:00 o'clock?

19 A Yes. Normally it would have ended at 3:00 o'clock.

20 Q All right. Now, after Sergeant Gilmore directed you to

21 secure the scene --

22 A Yes.

23 Q -- is that what you did the remainder of the day until

24 you left?

25 A Yeah. Yes.

1 Q Okay. Now, this is June the 5th, a Sunday. Just to be  
2 complete about this, did you have any further role in the  
3 investigation of the Ryan/Hughes crimes after June the 5th,  
4 sir?

5 A The investigation of it?

6 Q Yes.

7 A No.

8 Q Okay. Was your role limited to securing the crime  
9 scene for some period of time?

10 A Yes.

11 Q And did -- and I didn't ask you this before. When you  
12 say securing the crime scene, where did you position  
13 yourself?

14 A In the driveway to let certain people in and not permit  
15 certain people in.

16 Q Okay. And I take it public and press was not allowed  
17 in, is that correct?

18 A Correct.

19 Q All right. Now --

20 A Sheriff's personnel only.

21 Q Sheriff's personnel only?

22 A Yes.

23 Q All right.

24 A As well as -- sheriff's personnel only, yes.

25 Q And the paramedics were --

- 1 A Paramedics, yes, emergency personnel.
- 2 Q Okay. Thank you. Now, and finally, did a Mr. Lease
- 3 approach you -- did a Mr. Lease talk to you while you were
- 4 in the secure area?
- 5 A Yes.
- 6 Q Securing the area?
- 7 A Yes, Larry Lease.
- 8 Q Larry Lease, and you knew him before?
- 9 A Yes.
- 10 Q And did he ask you to have the house that he
- 11 purportedly owned checked on Sunday, the 5th?
- 12 A I don't recall.
- 13 Q Mr. --
- 14 A I do remember talking to him that day, yes.
- 15 Q Okay. And, Mr. Beltz, you've testified on three prior
- 16 occasions in connection with the Cooper matter, correct?
- 17 A I don't remember how many times --
- 18 Q Well, you've --
- 19 A -- I've testified.
- 20 Q -- testified -- you -- you testified at the preliminary
- 21 hearing. Do you recall that?
- 22 A Yes.
- 23 Q Okay. And then you also testified at trial in November
- 24 of 1984. Do you recall that?
- 25 A Yes.



1 MR. ALEXANDER: All right. Well, your Honor,  
2 maybe -- I don't want to unnecessarily take the time -- if I  
3 can find the citation in the prior testimony to the  
4 conversation with Mr. Lease, if I would have permission just  
5 to bring that to --

6 MS. WILKENS: Your Honor, I want to object under  
7 403 because we're not really here about conversations with  
8 Mr. Lease.

9 MR. ALEXANDER: Well, I think it's important as to  
10 what information he was aware of and what information was  
11 reported.

12 THE COURT: Maybe you could pursue a little bit  
13 more if he recalls anything about who gave this information  
14 and what he recalls about it.

15 MR. ALEXANDER: Well, let me find the testimony if  
16 I might, your Honor, and then -- and then we can decide  
17 whether it's appropriate to just ask that -- show him that  
18 testimony.

19 I have -- I'm sorry. I have just one other  
20 question.

21 BY MR. ALEXANDER:

22 Q Do you recall a Mr. Fields -- I think it's Scott  
23 Fields -- also being on the scene at this time? Does that  
24 name ring a bell to you?

25 A It rings a bell. I don't remember why or what detail

1 he was in.

2 Q What did he look like?

3 A What did he look like?

4 Q I mean was he a tall man, thin, short, stocky, if you  
5 recall?

6 A Scotty Fields.

7 Q Scotty Fields, okay. I called him Scott.

8 A I think he was about my height.

9 Q Which is?

10 A Maybe a little shorter.

11 Q What height is that?

12 A Brown hair. About a little over five nine.

13 Q Okay. That's your height is a little over five nine?

14 A Yeah.

15 Q Okay. Brown hair. Was the thin, stocky?

16 A Scotty, I think he was thin.

17 MR. ALEXANDER: Okay. All right. Thank you very  
18 much, your Honor. I have no further questions.

19 CROSS EXAMINATION

20 BY MS. WILKENS:

21 Q Mr. Beltz, on -- on June 5th, 1983, up at the crime  
22 scene at the Ryan home, do you know who the detective in  
23 charge was that day?

24 A The detective in charge of that crime scene?

25 Q Yes.

1 A I believe it was -- I believe the detective from  
2 homicide, Sergeant Arthur, was in charge of that crime  
3 scene.

4 Q Did -- did Sergeant Arthur ask you that day to  
5 communicate with dispatch on his behalf? Were you asked to  
6 relate information to dispatch?

7 A I recall being on the radio frequently. I don't  
8 remember him telling me to relay information, but I remember  
9 calling in various information, anything that I could -- I  
10 would possibly hear. So he or Gilmore could have asked me  
11 to have done that. I would have done it anyway.

12 Q Now, in -- with respect to any information that you  
13 had, did you convey that to a detective on the scene or were  
14 you only communicating with dispatch?

15 A I would not have just only communicated with dispatch.  
16 I would have communicated, if it was pertinent to the crime  
17 scene, most likely -- I don't want to speculate, so I will  
18 say that, yes, I communicated with several detectives. I  
19 communicated with Gilmore, with Arthur, and with ID.

20 Q Now, sitting here today, you have no specific  
21 recollection of having received any description of suspects  
22 or a vehicle, is that correct?

23 MR. ALEXANDER: Objection, your Honor. Misstates  
24 the prior testimony.

25 THE COURT: Overruled. If you know.

1 THE WITNESS: I remember information of a vehicle  
2 with juveniles inside that was reported to me, and I don't  
3 remember whether dispatch gave me that information or  
4 whether Mr. Howey had given me that information.

5 BY MS. WILKENS:

6 Q Now, when you arrived on the scene, Mr. Howey was  
7 there, correct?

8 A Yes.

9 Q And he was the reporting party?

10 A Yes.

11 Q And if Mr. Howey had given you suspect information, is  
12 that something that you would have --

13 A I would have related it to dispatch immediately.

14 Q Right. And would you have also included that in any  
15 report that you prepared?

16 A Yes.

17 MS. WILKENS: Thank you, your Honor. No further  
18 questions.

19 REDIRECT EXAMINATION

20 BY MR. ALEXANDER:

21 Q When you used the -- when you used the term juveniles,  
22 does that include young adults?

23 A I thought it was synonymous, yes.

24 Q Okay. Thank you. And then, Mr. Beltz, I'm going to  
25 provide to you a copy of what we've marked as Exhibit 38,

1 which is a copy of a transcript of your testimony on  
2 November the 15th, 1983, and direct your attention to page  
3 102.

4 A Yes.

5 Q And, specifically, line eight through 13.

6 A Yes.

7 Q Was that testimony at lines eight through 13 true and  
8 correct at the time you gave it?

9 A "Q While you were running the  
10 roadblock, did Larry Lease ever come up  
11 to you and ask you to search a vacant  
12 residence at 2991?

13 A Yes, he did.

14 Q Did you do that?

15 A I did not.

16 Q Who did?

17 A I informed the information -- over  
18 my HV, I informed Sergeant Arthur."

19 Q Did you put that --

20 A Because I was not allowed to leave my roadblock.

21 Q Okay. Did you put that in your report, if you know?  
22 I'll represent to you it's not on the daily log.

23 A I don't -- I have read over my report, and I -- I -- it  
24 doesn't appear that I had put it in my report.

25 Q Okay. So everything --

1 THE COURT: Do you have the report there?

2 THE WITNESS: Yes, I do.

3 THE COURT: Can I take a look at it?

4 THE WITNESS: Yes.

5 BY MR. ALEXANDER:

6 Q So everything that you may have been told by witnesses  
7 doesn't necessarily end up in your report, correct?

8 A By witnesses?

9 Q Well, I mean by any -- by persons that --

10 A By witnesses, yes, it would go in the report.

11 Q All right. Well, I don't -- by --

12 A Every contact that I make?

13 Q Right.

14 A No.

15 Q Okay. And but in this instance, you did inform  
16 Sergeant Arthur, correct?

17 A Yes.

18 Q And in order to know whether you told the dispatch  
19 person or not, we'd have to see the underlying documents as  
20 to what you related back to dispatch, correct, or the desk  
21 officer at West End Station?

22 A I don't understand what you mean by underlying  
23 documents.

24 Q Okay. Well, are you familiar with a blue sheet?

25 MS. WILKENS: Your Honor, I'm going to object

1 under 403.

2 THE WITNESS: Blue sheet?

3 THE COURT: Sustained.

4 MR. ALEXANDER: Your Honor, it's relevant, which  
5 is an assumption of 403, and the question is whether or not  
6 it's going to take an undue amount of time, and it's  
7 certainly not.

8 THE COURT: You mean on the -- on the three white  
9 males?

10 MR. ALEXANDER: No. On -- on the information  
11 about what Larry Lease said, and my question is to find  
12 out --

13 THE COURT: We're not having an evidentiary  
14 hearing on Larry Lease at this time.

15 MR. ALEXANDER: No, but we are having an  
16 evidentiary hearing relating to the thoroughness on these  
17 reports as to whether they reflect all information that was  
18 provided or not, and in order to get at that, I'm asking  
19 this gentleman who was with the force for 10 years whether  
20 or not he's familiar with blue sheets, and that's the --

21 THE COURT: But it's just not -- we've already had  
22 a witness on blue sheets. He doesn't keep the blue sheets.

23 MR. ALEXANDER: I know.

24 THE COURT: We had several witnesses that came --

25 MR. ALEXANDER: All right. Very well.

1 THE COURT: -- and know more about them. I think  
2 the point as to the thoroughness of the reports has been  
3 made by you.

4 MR. ALEXANDER: All right. Thank you, your Honor.  
5 I have no further questions.

6 THE COURT: Now that he has testified, did you  
7 want to then go back into any of the impeaching information  
8 about his situation or are you satisfied?

9 BY MR. ALEXANDER:

10 Q Well, let me ask you, it's true, is it not, Mr.  
11 Beltz -- I'll withdraw that. I won't go into it any  
12 further.

13 THE COURT: Anything else?

14 MS. WILKENS: Your Honor, as housekeeping, I think  
15 I should mark the --

16 THE COURT: The report?

17 MS. WILKENS: -- report.

18 THE COURT: Okay.

19 MS. WILKENS: Is that -- is that okay?

20 THE COURT: Yes.

21 MS. WILKENS: I'm just going to mark -- there's a  
22 supplemental report dated June 6th, 1983, two pages in  
23 length, referencing Officer Beltz and a one-page report,  
24 supplemental report dated 6/6/83 representing Deputy Beltz  
25 marked BBBBBB.



1 MR. ALEXANDER: May I see them? All right. I'll  
2 get copies later. What's that, quadruple --

3 THE COURT: Did you want to ask -- did either side  
4 want to ask anything about the three young males, whether he  
5 recalls anything more about their appearance, white,  
6 Hispanic, African-American, if he knows any additional  
7 information?

8 MS. WILKENS: Sure, your Honor.

9 RECROSS EXAMINATION

10 BY MS. WILKENS:

11 Q Mr. Beltz, directing your attention to BBBBB,  
12 Respondent's Exhibit BBBBB, are those reports that you  
13 prepared in your capacity as a sheriff's deputy?

14 A Yes, it is. This is a supplemental that I had dictated  
15 and was typed up by Vanessa.

16 Q And it represents your efforts on June 5th, 1983,  
17 correct?

18 A Yes.

19 Q And in it does it indicate that Mr. Howey provided you  
20 any information with respect to a suspect or a vehicle?

21 A No.

22 Q Now, you indicated that you have some recollection of  
23 either hearing information or hearing a broadcast or  
24 conveying information about three juveniles, is that  
25 correct?

1 A Yes.

2 Q Okay. And you're not sure whether that was just  
3 something you heard over the radio that day?

4 A It -- yes. It would be very normal because normally  
5 the dispatcher -- if I can relate this to you -- normally  
6 the dispatcher asks that when there is a call, that would be  
7 one of the first things, is there any suspect information,  
8 and that would be one of the primary things that when you  
9 hear that -- you know, people possibly laying dead some  
10 place, the dispatcher asks the caller is there any suspect  
11 information.

12 Q All right. And -- but if there were suspect  
13 information and you arrived on a crime scene, it would be  
14 reflected in your report, correct?

15 A Yes.

16 Q Right. So --

17 A Yes, it would have, yes.

18 Q -- were you wearing a radio transmitter on your person  
19 that day?

20 A Yes, I was.

21 Q So you wouldn't have to be in your car to hear radio  
22 broadcasts?

23 A No.

24 Q And so you were attuned to the dispatch all -- all day  
25 throughout the time you were there?

1 A Yes.

2 Q All right. Now, with respect to the information about  
3 three juveniles, do you remember any specifics beyond a  
4 reference to three juveniles?

5 MR. ALEXANDER: I think it's three young -- excuse  
6 me, your Honor. Misstates the -- references the three young  
7 males.

8 BY MR. ALEXANDER:

9 Q Well, you testified juveniles, correct?

10 A Yes.

11 Q And then you defined juveniles as encompassing young  
12 males, correct?

13 A Yes.

14 Q But your recollection in your mind is juveniles?

15 A Yes, my recollection is -- is juveniles.

16 Q All right. Was there any other information that you  
17 can recall today associated with that information?

18 A No.

19 Q Did it say the number of -- of juveniles?

20 A I recall three, the number three.

21 Q Do you recall any vehicle being associated with the  
22 juveniles?

23 A I don't. I don't remember what type of vehicle.

24 Q Do you recall any physical description of the  
25 juveniles?

1 A There wasn't any.

2 THE COURT: There wasn't?

3 THE WITNESS: There was not any that I recall.

4 MS. WILKENS: Thank you, your Honor. I have no  
5 further questions.

6 REDIRECT EXAMINATION

7 BY MR. ALEXANDER:

8 Q Let me make sure I understand your testimony, Mr. --  
9 Mr. Beltz. There was a -- well, first of all, there is a  
10 description on -- a 12:48 -- entry at 12:48 item number 70  
11 of the vehicle, correct? You see that?

12 A Where are we?

13 Q We're in exhibit -- your exhibit I think it's NNNN.

14 A NNNN.

15 Q It's the daily log.

16 A I have my supplemental report here, yes.

17 THE COURT: The daily log.

18 BY MR. ALEXANDER:

19 Q The daily log. I'm sorry.

20 A Okay.

21 THE COURT: It's on page --

22 BY MR. ALEXANDER:

23 Q It's in your notebook, NNNN.

24 A And item number what?

25 Q NNNN, four Ns.

1 THE COURT: Page nine.

2 THE WITNESS: Page nine, okay. I am there.

3 BY MR. ALEXANDER:

4 Q Item 70.

5 A Item 70.

6 Q There is a description of the vehicle that was  
7 provided.

8 A Yes, yes.

9 Q All right.

10 A And I believe I -- I testified earlier that I do not  
11 recall whether I had provided that information --

12 Q Or Mr. Howey?

13 A -- or Mr. Howey had provided that information when he  
14 initially called in.

15 Q Very well. Okay. Now, just to demonstrate the point  
16 you were making, direct your attention to the next page.

17 A Page 10?

18 Q Yes, and item number 80.

19 A Okay.

20 Q All right. The -- the entry in call caps there says  
21 "unfounded, FTB sus -- subject gone -- GOA," is that gone on  
22 arrival?

23 A Found to be suspect and subject gone on arrival.

24 Q Okay. So do I understand your testimony then that when  
25 you would call in with the information, did this --

1 particularly in the instance of a murder, it was almost  
2 routine that they would ask you about suspects?

3 A I'm sorry. Repeat the question.

4 Q Yes. Just so I understand, when you would call in to  
5 report information, as -- it would be routine for the person  
6 taking the information at West End Station, particularly in  
7 the instance of a -- of a homicide, to ask about suspects?

8 A Yes.

9 Q All right. And just so I'm clear, you equate young  
10 adults with young males, correct?

11 A Yes.

12 MR. ALEXANDER: All right. Thank you. No further  
13 questions, your Honor -- I do, actually, your Honor's  
14 question.

15 BY MR. ALEXANDER:

16 Q Do you recall whether the young males were white,  
17 African, Hispanic, or --

18 A I don't recall. I don't remember.

19 MS. WILKENS: Objection. Leading and asked and  
20 answered with respect to the description.

21 THE COURT: Overruled.

22 BY MR. ALEXANDER:

23 Q You don't recall?

24 A I don't recall.

25 MR. ALEXANDER: All right. Thank you very much.

1 No further questions.

2 MS. WILKENS: Nothing further, your Honor.

3 THE COURT: Thank you. You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: You're excused.

6 THE WITNESS: These exhibits --

7 MR. ALEXANDER: You may leave all that.

8 (The witness was excused.)

9 MS. WILKENS: Your Honor, we're getting Al Ward.

10 THE COURT: Okay.

11 MR. ALEXANDER: May I address this before Mr.  
12 Ward --

13 THE COURT: This is just a different Al Ward than  
14 the one that you wanted?

15 MR. ALEXANDER: This -- it's not -- it's worse  
16 than that.

17 MS. WILKENS: He said he was at the bar that  
18 night, your Honor.

19 THE COURT: Okay.

20 MS. WILKENS: So we believe it's the right Al  
21 Ward, and we have produced him, and I know your Honor's  
22 going to want to hear from him.

23 ALFRED WARD - PETITIONER'S WITNESS - SWORN

24 THE CLERK: Please state your name and spell your  
25 first and last name for the record.

1 THE WITNESS: Alfred, A-L-F-R-E-D, Eugene W-A-R-D,  
2 Senior.

3 MR. ALEXANDER: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MR. ALEXANDER:

6 Q Mr. Ward, my name is David Alexander, and I represent  
7 Kevin Cooper in this matter.

8 A Okay.

9 Q Have you been subpoenaed to testify?

10 A Yes, I have.

11 Q And when did you receive the subpoena?

12 A I believe last Thursday.

13 Q Last Thursday, okay. And was that at your work or at  
14 your home?

15 A That was at my home.

16 Q All right. And just the city where your home is.  
17 Don't tell me your address.

18 A Squaw Valley, California.

19 Q Squaw Valley?

20 A Yes.

21 Q That's a nice home. And was the subpoena given to you  
22 in person?

23 A Yes, it was.

24 Q And do you remember the name of the gentleman who gave  
25 you the subpoena?



- 1 A Yes, I do.
- 2 Q And what was his name?
- 3 A Agent Mike Smith.
- 4 Q All right. And did Mr. Smith say anything to you at  
5 the time he gave you the subpoena?
- 6 A Yes. We talked briefly.
- 7 Q Did he ask you concerning your knowledge relating to  
8 the Canyon Corral Bar?
- 9 A No, he didn't.
- 10 Q All right. Did you just discuss logistics about  
11 possibly testifying?
- 12 A Yes.
- 13 Q All right. Was that the -- essentially the substance  
14 of your testimony at least as it relates to the -- of what  
15 you discussed at least as it relates to this proceeding?
- 16 A Yes.
- 17 Q All right. And were you also prior -- well, have you  
18 also been interviewed by Barbara Shakowsky (phonetic)?
- 19 A Yes, over the phone.
- 20 Q All right. And when did that occur, before or after  
21 you were subpoenaed?
- 22 A Before.
- 23 Q Before. And how many days before?
- 24 A About three days before, maybe on that Monday of that  
25 week.

- 1 Q All right. And how long was that -- that Monday, that  
2 would be the 16th?
- 3 A Yes.
- 4 Q Of August?
- 5 A Yes.
- 6 Q And did Ms. Shakowsky tape-record that interview?
- 7 A We didn't discuss that. I don't know if she did or  
8 not.
- 9 Q All right. She didn't -- certainly didn't tell you if  
10 she was?
- 11 A No. No, we -- she didn't mention it.
- 12 Q All right. And how long did that interview take?
- 13 A Maybe 15, 20 minutes over the phone.
- 14 Q And what did you discuss by way of subject matter --  
15 you don't need to give me all the specifics yet -- with Ms.  
16 Shakowsky?
- 17 A Well, she asked me questions about what I saw at the  
18 Canyon Corral Bar.
- 19 Q All right. Now, have you ever been a bartender at the  
20 Canyon Corral Bar in Chino, California?
- 21 A No.
- 22 Q Do you know a Shirley Killian?
- 23 A No.
- 24 Q Do you know an Ed Lauko (phonetic)?
- 25 A No.

- 1 Q Do you know a Virginia McNeal?
- 2 A No, I do not.
- 3 Q Do you know a Kathleen Royals?
- 4 A No.
- 5 Q Have you ever -- well, did you live in the Chino area
- 6 at any time in your life?
- 7 A Yes.
- 8 Q All right. And what years did you live there?
- 9 A I moved to Chino Hills 1979.
- 10 Q And how long did you stay there?
- 11 A Well, until just recently.
- 12 Q Until you moved to Squaw Valley?
- 13 A Yes.
- 14 Q All right. And have you at any -- were -- let me ask
- 15 you this. Were you a regular at the Canyon Corral Bar? In
- 16 other words, did you go there with a great deal of
- 17 frequency?
- 18 A I had never been there before that night.
- 19 Q Okay. Had you -- have you ever in your life that you
- 20 can recall been referred to as Big Al?
- 21 A Yes.
- 22 Q Okay. And was that a regular -- how tall are you, sir?
- 23 A I was six one. I'm shrinking now. I'm 60 years old.
- 24 Q Okay.
- 25 A I'm not as tall.

- 1 Q And about approximately how much do you weigh?
- 2 A About 175.
- 3 Q Okay. Were you ever a much larger man?
- 4 A Yes.
- 5 Q Now, did I ask you have you ever served as a bartender
- 6 at the Canyon Corral Bar? I think I did.
- 7 A Yes, you did ask me, and no, I have not.
- 8 Q You have not. Now, did you at some point learn about
- 9 the Ryan/Hughes crimes?
- 10 A Yes, I did.
- 11 Q And do you recall how you learned of it?
- 12 A Over the TV.
- 13 Q Over the TV?
- 14 A Yes.
- 15 Q And did you learn about it -- do you remember the day
- 16 you learned about it?
- 17 A I remember the day, yes. It was a weekend I believe --
- 18 Q Okay.
- 19 A -- that we learned about it because we live very close
- 20 to the Chino Prison. We first learned that prisoners had
- 21 escaped.
- 22 Q Okay.
- 23 A And then later we learned that a family was slain.
- 24 Q All right. Now, you -- is it correct, sir, that based
- 25 on what you testified previously, that you were in the

- 1 Canyon Corral Bar the evening, Saturday evening or early  
2 into a Sunday morning?
- 3 A No, it was not a Saturday.
- 4 Q It was not?
- 5 A It was a Friday night.
- 6 Q It was a Friday night?
- 7 A Yes.
- 8 Q And you're certain of that?
- 9 A I'm certain because I was on my way home from El Toro  
10 Marine Corps Air Base where I worked as a computer operator.
- 11 Q And was it light out when you were there?
- 12 A No. It was after midnight.
- 13 Q It was after midnight?
- 14 A Yes.
- 15 Q So was it Thursday going into Friday or Friday going  
16 into Saturday?
- 17 A Friday going into Saturday.
- 18 Q So it was the end of your work week, is that a fair  
19 statement?
- 20 A Yes, that's right.
- 21 Q All right. And is there a particular reason why you  
22 have a specific recollection that it was a Friday night  
23 going into a Saturday?
- 24 A Yes, because I picked up a couple that had a -- their  
25 car broke down in Carbon Canyon. That was my route home

1 from El Toro Marine Corps Air Base.

2 Q And where did you pick this couple up at?

3 A In the canyon right near the park that's there.

4 There's a park, a state park in Carbon Canyon. I picked  
5 them up near there.

6 Q I'm going to ask you to do me a favor, sir. There's a  
7 notebook in front of you --

8 A Okay.

9 Q -- that has a map --

10 MR. ALEXANDER: If I might approach, your Honor?

11 THE COURT: You may. You don't have to ask.

12 BY MR. ALEXANDER:

13 Q I'm going to direct your attention, sir, and since I  
14 don't have a copy, to what we have previously marked as RRR,  
15 RRR-1.

16 A Okay.

17 Q Okay. And I'll represent to you that this is a map of  
18 the -- portions of the Chino and Chino Hills area.

19 A Right, right.

20 Q Now, can you describe since pointing doesn't help us  
21 with the record --

22 A Right.

23 Q -- where the park is that you picked up these two  
24 people?

25 A Chino Hill Parkway is now the road that used to be --

- 1 Q Carbon Canyon?
- 2 A -- Carbon Canyon, yes, but now it's Chino Hill Parkway,  
3 and that is the road that I picked the people up on just as  
4 you come into the canyon off of Valencia Avenue.
- 5 Q Okay.
- 6 A And that's here in this area here.
- 7 Q Over here.
- 8 A They don't really have that on the map here.
- 9 Q It would be at the top of the map?
- 10 A Right.
- 11 Q So that's off the map?
- 12 A Right.
- 13 Q Approximately how far from the Canyon Corral Bar did  
14 you pick these two people up?
- 15 A I would say about eight miles or so, at the beginning  
16 of the canyon.
- 17 Q Okay.
- 18 A Right at the beginning of the canyon.
- 19 Q And did these people go into the Canyon Corral Bar with  
20 you?
- 21 A Well, they invited me in there because they wanted to  
22 buy me a beer for giving them a lift through the canyon. It  
23 was very dark and unlit at that time.
- 24 Q Okay. Was the Canyon Corral Bar very crowded when you  
25 got into it after midnight?

- 1 A Yes, I would -- I would say so for a Friday night.
- 2 Q And was -- was there music playing, do you recall?
- 3 A Yes, yes.
- 4 Q A band?
- 5 A No. They had a jukebox.
- 6 Q A jukebox, okay. And is there -- let's see, this is
- 7 1983. When did you say you first lived in Chino?
- 8 A '79.
- 9 Q '79, so --
- 10 A I moved there.
- 11 Q -- is there a reason why you had never been into the
- 12 Canyon Corral Bar before you were invited by these people?
- 13 A I'm married, two kids, a wife. I was on my way home.
- 14 I didn't frequent bars.
- 15 Q Okay.
- 16 A The only clubs I went to were on El Toro, and that was
- 17 the Officers' Club where we had parties or we ate because I
- 18 was of the rank -- well, not the rank but I was of the GS
- 19 status where I could go into the Officers' Club.
- 20 Q All right. How long did you stay in the bar that
- 21 evening?
- 22 A About 20 minutes.
- 23 Q All right.
- 24 A Fifteen or 20 minutes.
- 25 Q All right. And you got -- got your beer?



- 1 A I drank one beer, and I left.
- 2 Q All right. Now, that evening did you -- after 12:00
- 3 o'clock -- well, first of all, where did you sit in the bar?
- 4 A We sat at a table.
- 5 Q At a table?
- 6 A Yes, they had --
- 7 Q Was it a booth or a table?
- 8 A A table. I don't think they had booths.
- 9 Q All right. You don't recall any booths?
- 10 A No, I don't recall a booth.
- 11 Q All right. And did you observe at some point while you
- 12 were there any persons coming into the bar that attracted
- 13 your attention?
- 14 A Yes. As we were going into the bar, three young men
- 15 were coming from around -- looks like they came from around
- 16 on the side. This was an older western style bar that had a
- 17 porch that went around it to the sides on both sides. On
- 18 the right side, which was Payton Drive -- Eucalyptus Avenue
- 19 and Payton Drive -- well, Payton Drive it was, there was
- 20 three men coming from around the back with extremely bloody
- 21 T-shirts on, white T-shirts, unmarked T-shirts.
- 22 Q You saw them outside the bar?
- 23 A They were outside, but they did come inside the bar.
- 24 Q All right. And you saw them inside the bar?
- 25 A Yes, they did come in.

1 Q And did they stay in the bar very long?

2 A They disappeared in the bar. I think -- I'm assuming  
3 they went into the rest room. They were sort of jousting  
4 around.

5 Q I don't want you to assume. Tell me what you observed,  
6 please.

7 A Well, I -- I saw them disappear from out of the bar  
8 area where we were sitting, but we looked around and  
9 there they came in, and I just thought they were extremely  
10 bloody.

11 Q Uh-huh. And can you describe the men -- these men any  
12 more? Were they young males?

13 A They were young white males.

14 Q Uh-huh.

15 A That's what I appeared -- maybe one could have been  
16 Hispanic. I don't know, because we didn't -- I become a  
17 little bit unnerved when I see people bloody like that. I  
18 thought they had been in a fight, and I didn't want to stay  
19 in the bar much longer than that.

20 Q Did they appear to be drunk or -- or --

21 A That's what I thought, but I'm not sure if they were  
22 drunk or not because I didn't know if they had been in the  
23 bar previously and gone out and had a little fight and then  
24 were coming back in the bar. I just noticed that they were  
25 extremely bloody and nobody seemed to be cut or hurt. So I

1 was just a little bit unnerved by that.

2 Q What was their hair like of any of them, if you recall?

3 A Two were blond I believe, and one had darker hair.

4 Q Okay. Was the blond hair long or short?

5 A One had longer blond hair. It looked like it might  
6 have been back in his T-shirt or something, and the other  
7 one had shorter hair but not very short, maybe --

8 Q The one with the dark hair had --

9 A One with the darker hair had shorter hair.

10 Q Uh-huh.

11 A But when I say short, in those days, no one really had  
12 short hair. So it might have been shoulder length.

13 Q Of the person with the dark hair?

14 A The dark hair, yes.

15 Q Okay.

16 A And not very dark hair. I'm saying maybe -- I don't  
17 know what the hair color was but maybe sandy brown.

18 Q Okay. Now, the next day -- you said it was on a  
19 weekend -- you learned about the Ryan/Hughes crimes,  
20 correct?

21 MS. WILKENS: Objection. Leading.

22 THE WITNESS: I'm not sure if it was the next day.

23 BY MR. ALEXANDER:

24 Q I see. Fair enough. All right. You learned about it  
25 on a weekend?

- 1 A Yes.
- 2 Q All right.
- 3 A I believe so.
- 4 Q Was the time that you were in the bar or how close in  
5 proximity to the -- the time you were in the bar Friday  
6 night going into Saturday, okay, was it to your hearing on  
7 television about the crimes?
- 8 A I'd say about 24 hours.
- 9 Q Okay.
- 10 A At least.
- 11 Q All right. Now, when you heard about the crimes on the  
12 television, did your experience in the bar come to mind?
- 13 A Yes.
- 14 Q All right.
- 15 A Right away.
- 16 Q And did you -- did you discuss that with your wife?  
17 You're not obligated to -- to discuss your conversations  
18 with -- with your wife, but --
- 19 A My wife was the one who first called my attention to  
20 it. She said, "Al, look at this. Something on TV about a  
21 family right near here being slain."
- 22 Q And did you --
- 23 A Then we heard about -- then we -- she said, "And you  
24 know there was a prison breakout too," and I said "I know,"  
25 and I called the police right away.

1 Q You did call the police?

2 A Yes, I did.

3 Q You called the sheriff or the police?

4 A I called the sheriff's substation in Ontario at that  
5 time.

6 Q And why did you call there?

7 A Because I wanted to let them know I had seen those  
8 three men who were bloody.

9 Q Okay. But why did you call that substation as  
10 opposed --

11 A That was --

12 Q Excuse me. Let me just finish my question. I'm sorry.

13 A Okay.

14 Q I'm probably talking over you, and that's causing you  
15 to talk over me, and I apologize. Why did you call the  
16 Ontario Substation as opposed to the Chino Station?

17 A We didn't have a substation down there at that time.  
18 There was no Chino Substation on Grand where it is now.

19 Q I see. Was -- are you familiar with the West End  
20 Station?

21 A Yes.

22 Q Okay. Is that -- and that existed at that time,  
23 correct?

24 A The station that I was familiar with at that time was  
25 on Sixth Street and Mountain Avenue.

- 1 Q And is that --
- 2 A In Ontario.
- 3 Q Is that the -- in Ontario?
- 4 A Yes.
- 5 Q That's the one you were most familiar with?
- 6 A That was the only one we had at that time.
- 7 Q Okay. Best of your recollection?
- 8 A Best of my recollection.
- 9 Q And what did -- do you recall who you spoke to at the
- 10 Ontario Station?
- 11 A No, I do not.
- 12 Q Did you make any notes of what you did on --
- 13 A No.
- 14 Q -- the day that you learned of the crimes?
- 15 A No, I didn't make any notes.
- 16 Q Okay. Did you discuss your experience at the Canyon
- 17 Corral Bar with your wife?
- 18 A Not that night, not until after we found out about the
- 19 Ryan and Hughes families.
- 20 Q Please excuse the nature of this question, but is your
- 21 wife still alive?
- 22 A Yes.
- 23 Q And you're still happily married?
- 24 A No, we're divorced, but we're still friends.
- 25 Q You're on speaking turns?

- 1 A Very -- yes, we have two sons.
- 2 Q Very well. All right. And does she -- what is her  
3 first name?
- 4 A Alma.
- 5 Q Alma?
- 6 A Yes, Alma Ward.
- 7 Q A-L --
- 8 A A-L-M-A.
- 9 Q All right. And just tell me the city she lives in, and  
10 I don't want to know her address.
- 11 A Chino Hills.
- 12 Q She lives in Chino Hills still?
- 13 A Yes, still. My family all lives in Chino Hills still  
14 today.
- 15 Q How old were your boys at the time?
- 16 A Seven and two.
- 17 Q Okay. So now we're 21 years later.
- 18 A Yes.
- 19 Q And they're 23 and 28 respectively?
- 20 A Yes, just turned 28 August 21st my oldest, and my  
21 youngest is 23 and a half.
- 22 Q And do they live in the area?
- 23 A They live in Chino Hills.
- 24 Q All right. Do they live with their mother or with you?
- 25 A No. They live in a condo owned by their mother, and

- 1 their mother lives in a house in Chino Hills.
- 2 Q Okay. And what are their names?
- 3 A Alfred Junior and Allen.
- 4 Q I'm sorry, Alex?
- 5 A Allen.
- 6 Q Allen.
- 7 A A-L-L-E-N.
- 8 Q Now, were you -- after your call to the Ontario
- 9 Police -- I'm sorry -- Ontario Sheriff's Station, were you
- 10 ever contacted by any Sheriff's -- any person who you
- 11 understood to be affiliated with law enforcement?
- 12 A No.
- 13 Q Did you yourself do anything further?
- 14 A I called again.
- 15 Q You did?
- 16 A After they caught Kevin Cooper, I called again.
- 17 Q And if I represent to you that Kevin Cooper was caught
- 18 on or about July 30th or 31st of 1983, how soon after did
- 19 you call again?
- 20 A The day I heard it on TV that they caught the person
- 21 that broke out and may be responsible for this, I called
- 22 them and told them I had seen -- I saw the other three men.
- 23 Q And do you -- do you recall who you spoke -- withdraw
- 24 that. Did you call the Ontario Station again?
- 25 A Yes, I did.



1 Q All right. And do you recall who you spoke to at the  
2 Ontario Station?

3 A I think I spoke to the watch commander.

4 Q Okay. Do you recall that person's name?

5 A No, I do not.

6 Q After that, were you ever -- were you ever contacted by  
7 sheriffs, anybody who you understood to be affiliated with  
8 law enforcement?

9 A No, I was not.

10 MR. ALEXANDER: Okay. Just one moment, your  
11 Honor. No further questions. Thank you very much, Mr.  
12 Ward.

13 THE WITNESS: You're welcome.

14 MR. ALEXANDER: Thank you for coming down from  
15 Squaw Valley. I think maybe if we'd taken a vote, we might  
16 have voted to go up there. Thanks again.

17 THE WITNESS: You're welcome.

18 CROSS EXAMINATION

19 BY MS. WILKENS:

20 Q Now, Mr. Ward, you indicated that you picked up a  
21 couple at the park. Their car was broken down?

22 A Yes.

23 Q And they were seated with you at the bar while you had  
24 your beer?

25 A Yes.

- 1 Q And had you ever seen them before?
- 2 A Never saw them before.
- 3 Q Have you ever seen them since?
- 4 A No.
- 5 Q Do you recall their names?
- 6 A No. I -- I didn't even ask their names.
- 7 Q Can you describe them?
- 8 A I believe it was two ladies or it may have been a man
- 9 and a woman, but I just -- my recollection is it was two
- 10 ladies.
- 11 Q And you indicated that you were -- you were concerned
- 12 about the appearance of these men because of the blood,
- 13 correct?
- 14 A Yes.
- 15 Q Did you discuss that with the two persons that were
- 16 with you that night?
- 17 A No, we did not.
- 18 Q And when you returned home that night after -- after
- 19 having a beer at the bar, did -- did you tell anyone about
- 20 what you saw?
- 21 A No, I didn't. I -- usually at that time everyone's
- 22 asleep in my house. The kids were asleep. My ex-wife was
- 23 asleep. I usually watch TV or the news or something, and
- 24 then I'd go to bed.
- 25 Q All right. So did you -- did you call the Sheriff's

1 Department that night?

2 A No.

3 Q All right.

4 A Not that night.

5 Q Now, you indicate that you called the Sheriff's

6 Department after you learned of the homicides?

7 A Yes.

8 Q And counsel's referring to it as the Ontario Sheriff's

9 Station, but is it correct that when you lived in Chino

10 Hills in 1983 that your sheriff's substation for Chino Hills

11 was located at Sixth and Mountain?

12 A Yes.

13 Q And that was in Ontario?

14 A That's right.

15 Q So you called your local sheriff's substation?

16 A Yes.

17 Q All right.

18 A That's where you had to call if you needed a police

19 officer. They'd have to come from Ontario. They had

20 regular officers in that area on patrol, but they didn't

21 have a substation at that time.

22 Q Now, when you called the local substation, did you ask

23 to speak to anyone in particular or did you just speak to

24 who answered the phone?

25 A I just spoke to who answered the phone.

1 Q And what did you tell them?

2 A I told them what I'd seen at the bar, at the Canyon  
3 Corral and could it -- asked them if it could possibly some  
4 of the men who came -- broke out of prison, and they said  
5 they'd investigate that I believe is what they told me, they  
6 would investigate, which I thought they meant they'd come to  
7 my house and ask me questions about it.

8 Q Right. So you gave your name?

9 A Yes.

10 Q You gave your phone number?

11 A Yes.

12 Q You gave your address?

13 A Yes.

14 Q And in 1983, where did you reside in Chino Hills?

15 A I resided at 14554 Sandbar Street, and that's at the  
16 corner of Irvine Drive and Eucalyptus Avenue which was just  
17 right off of Payton Drive.

18 Q And when you made this phone call, do you -- do you  
19 recall how long after you learned of the murders that you  
20 made this phone call?

21 A It had to be at least two days before we learned  
22 anything about the murders.

23 Q And how long after learning of the murders did you wait  
24 to call the sheriff's substation?

25 A I called the same day that I learned about them because

1 I just put the bloody T-shirts together with they said four  
2 people had broken out of Chino Prison, not one, four, and  
3 they gave the names, not Kevin Cooper's name. They gave  
4 another name, a Jewish name of a young man, and when they  
5 said they caught Kevin Cooper, a black man, we said -- I  
6 said, well, I saw these other three guys bloody. I don't  
7 know who Kevin Cooper is because they didn't come up with  
8 his name. They had another name. I forget exactly what it  
9 was, but it was a name that would be attributed usually a  
10 Jewish name, and I knew that wasn't Kevin Cooper.

11 Q Now, you spoke to your wife about what you saw at the  
12 bar after you learned of the murders?

13 A Right.

14 Q Did you speak to anybody else besides your wife about  
15 what you observed?

16 A No, I did not.

17 Q And what did you tell your wife you observed?

18 A I told her that I had picked up a couple in the canyon  
19 and we went into the bar for a beer and that three guys  
20 bloody came in there. They had bloody T-shirts on I believe  
21 and khaki type pants, and that's what I noticed.

22 Q Now, you didn't tell your ex-wife that you saw three  
23 men in a field in broad daylight with blood on them with  
24 helicopters flying overhead?

25 A No.

- 1 Q That's not what you told her?
- 2 A No. Never saw them in daylight.
- 3 Q Okay. And you've never -- you were never in the Canyon
- 4 Corral Bar prior to that evening, is that correct?
- 5 A Never before. I knew the owners were Iranian guys that
- 6 I knew because they had another liquor store down in the
- 7 canyon that only sold the kind of beer that I drank. It was
- 8 Genesis Cream Ale from Connecticut, and they were the only
- 9 ones that sold it, and I went in there. The night I went in
- 10 the bar, one of the men recognized me and says, "Oh, you
- 11 finally come to our bar." And I said, "Yes, I -- I'm being
- 12 treated to a beer by these ladies." I believe it was two
- 13 young ladies, and -- and he remembered me because I'd bought
- 14 the cream ale, and they owned both the canyon bar and they
- 15 owned the liquor store down in Sleepy Hollow, which is the
- 16 city in canyon -- Carbon Canyon called Sleepy Hollow.
- 17 Q So the man who recognized you inside the Canyon Corral
- 18 Bar that night, did you recognize him to be the gentleman
- 19 that would sell you liquor at the liquor store?
- 20 A Yeah, he -- he worked at the bar sometimes, and then
- 21 that liquor store would close, and they'd work at the bar.
- 22 Q All right. Now, was he an employee of the bar or the
- 23 owner?
- 24 A He was the owner.
- 25 Q The owner of the bar?

1 A Not an employee. It's Iranian brothers I believe owned  
2 it, very nice guys.

3 Q Do you remember his name?

4 A No, I do not.

5 Q Did anyone else inside the bar recognize you that night  
6 to your knowledge?

7 A No. I didn't know anyone in that area.

8 Q All right. And you didn't recognize anyone?

9 A No.

10 Q Now, you mentioned that the bar was crowded for a  
11 Friday night?

12 A Yes.

13 Q Now, how would you know what was --

14 A Well, because I passed by there all the time, and the  
15 number of cars parked there would let you know that it's  
16 more people there than normal. Usually it's three or four  
17 cars. It was maybe eight to 10 cars because I tried to  
18 park -- I was in an Austin Healy MK3000 convertible, which  
19 is a very recognizable car because it's pretty old. It was  
20 a '63, and these ladies barely could fit in there. It's one  
21 seat beside me, and then there's a little seat like you have  
22 in a Porsche in the back, and then that's where the other  
23 person was stretched across. So when I parked, I had to  
24 squeeze on the grass almost to park there, and I didn't  
25 really want to go in, but they insisted that they buy me a

1 beer, so I went in and had a beer with them.

2 Q All right. So your normal route home from work would  
3 take you past the Canyon Corral Bar on Friday nights?

4 A Every night of the week, yes, and even on the weekends  
5 because I had a friend who lived in Brea, and that was the  
6 way I'd go to his house. He lived right off of Lambert. So  
7 I'd go that way.

8 Q All right. Now, you were inside the bar for  
9 approximately 15 to 20 minutes, correct?

10 A That's all.

11 Q All right. And when you left the bar, were the men  
12 still inside?

13 THE COURT: Could I get the time?

14 MS. WILKENS: Pardon?

15 THE COURT: Could I get the time?

16 MS. WILKENS: Yes.

17 THE WITNESS: I -- I got off -- I worked 3:00 to  
18 11:30 at El Toro Marine Corps Air Base. So it took me about  
19 45 minutes to get from El Toro up to -- I'd come up the 5 to  
20 the 57, and I'd get off the 57 at Lambert Road, and I'd come  
21 to Carbon Canyon. It took me about 45 minutes. It was  
22 about 12:15 or a little bit later when I picked --

23 BY MS. WILKENS:

24 Q All right. So normally when you would drive home, you  
25 would get off work at 11:30?



- 1 A Yes.
- 2 Q And you would arrive home at approximately 12:15?
- 3 A Basically, yes.
- 4 Q So pretty much a 45-minute drive?
- 5 A Yes.
- 6 Q But on this evening you stopped at the park to render  
7 assistance?
- 8 A Right.
- 9 Q Okay. So your estimate would be that you arrived at  
10 the Canyon Corral Bar at approximately 12:15?
- 11 A 12:15, 12:20, in that area.
- 12 Q All right. And then you remained for approximately 15  
13 to 20 minutes?
- 14 A Yes.
- 15 Q So you would have been leaving sometime between 12:35  
16 and 12:40 in the morning?
- 17 A Right.
- 18 Q Do you recall what time you got home that night?
- 19 A No, I do not, but I -- my wife always expected me home.  
20 I came home at the same time every night. I never stopped  
21 anywhere. So she would -- if I didn't get home by 1:00  
22 o'clock, she would be worried. There were no cell phones at  
23 that time, and I -- I would go straight home. That's why I  
24 didn't want to stay in the bar much longer than I did  
25 because she would normally wake up thinking "Well, Al's not

1 here yet."

2 Q All right. When you arrived home, was your wife awake  
3 and worried?

4 A No, she was not.

5 Q Okay. Now, with respect to the three young men, you've  
6 indicated that all three were wearing white T-shirts,  
7 correct?

8 A Yes.

9 Q And did you see any writing on the T-shirts?

10 A No. There was no writing. If it was, it was covered  
11 in blood, and I didn't see any writing. There was no  
12 writing.

13 Q All right. Now, when you describe covered in blood,  
14 did all three men have the same quantity of blood?

15 A No, I can't say they did.

16 Q Where was the blood located?

17 A All over the front of their shirts.

18 Q All right. So all three men had blood on the front of  
19 their shirts?

20 A And arms.

21 Q And the arms of the shirts?

22 A Yes -- no, the arms -- their arms.

23 Q Their arms?

24 A Their skin.

25 Q And you saw them outside the bar at approximately 12:15

1 in the morning?

2 A As we pulled up.

3 Q All right. And you were pulling up out front, and they  
4 were walking around the side?

5 A They were coming on the right side, like they were  
6 coming up Payton Drive.

7 Q All right. Did they walk --

8 A From the vicinity --

9 Q Did they walk past you?

10 A They walked into the bar. We went in first. They were  
11 outside jousting around like they had been playing around or  
12 punching each other or something.

13 Q All right. When they were outside jostling, before you  
14 walked in the bar, approximately how far away were they from  
15 you at that time?

16 A Ten feet.

17 Q Okay. About 10 feet away. At that time, did you  
18 notice the blood on their clothing?

19 A Yes.

20 Q And did you discern it to be blood?

21 A Oh, yes.

22 Q All right. So there was no doubt in your mind that it  
23 was blood?

24 A None whatsoever.

25 Q All right. Was it specs?

1 A No. It was not specs.

2 Q Okay. Can you describe for me the quantity of blood on  
3 the front of their shirt?

4 MR. ALEXANDER: Objection. Vague.

5 THE COURT: Overruled.

6 THE WITNESS: I'm thinking if someone had a cup of  
7 blood and threw it on someone's shirt, the front areas were  
8 bloodier than the sides. Maybe there was some spattered  
9 looking blood on their arms and all, but most of the shirt  
10 was -- both -- all three of theirs' shirts were saturated I  
11 would say, almost saturated.

12 BY MS. WILKENS:

13 Q All right. So the front of the shirts were saturated  
14 with blood?

15 A I would think so.

16 Q All right. And on their arms, you would describe it as  
17 specs?

18 A Yes, spattered.

19 Q Spattered?

20 A Or -- or smeared more.

21 Q Smears?

22 A Yes.

23 Q Okay.

24 A Like -- like they'd been in a tussle or something.

25 Q All right. But you indicated that you saw no signs of

- 1 injury on them?
- 2 A No, no nose bleeding, no cuts.
- 3 Q All right. You didn't see any blood on their faces?
- 4 A No.
- 5 Q Did you see any blood on their pants?
- 6 A Yes, blood ran -- well, see, the shirts were long.
- 7 Q All right. Were they tucked in?
- 8 A No, they were not tucked in.
- 9 Q Okay. So all three men were wearing white T-shirts
- 10 that were not tucked in?
- 11 A Yeah. In -- in those days that was attire for -- a lot
- 12 of Mexican-Americans wore white T-shirts and khaki pants in
- 13 those days. It was sort of like an attire.
- 14 Q All right. Do you recall the pants that they were
- 15 wearing?
- 16 A They were light tan I believe, khaki type pants.
- 17 Q All three had khaki --
- 18 A Dressed alike, yes.
- 19 Q They were dressed alike. Do you recall their shoes?
- 20 A My recollection is that the shoes were white, like
- 21 bedroom slippers.
- 22 Q Okay.
- 23 A That's what I thought.
- 24 Q And all three had the same shoes?
- 25 A I didn't pay attention to the shoes as much because the

1 pants were long and rolled up a little, like they had rolled  
2 them up at the bottom, like --

3 Q All right. So --

4 A -- they were too big for them.

5 Q -- they were -- they weren't cuffed. They were rolled  
6 up?

7 A No, they weren't cuffed.

8 Q All right. And all three had the similar rolling of  
9 the pants?

10 A Yes.

11 Q Okay. And then with respect to the blood on their  
12 pants, did they all have an equal quantity of blood on their  
13 pants?

14 A I can't say that they had an equal quantity, no.

15 Q All right. Did it look like smears of blood?

16 A It looked like smears, yes.

17 Q All right. And when the men came into the bar, were  
18 you already seated in the booth?

19 A We weren't in a booth. We were seated at a table I  
20 believe.

21 Q All right.

22 A Near a window. I do remember it was near a window.

23 Q All right. And so you were already seated when they  
24 came into the bar?

25 A Yes.

1 Q Did you observe them inside the bar?

2 A Yes, of course.

3 Q Okay. How close did they come to you where you were  
4 seated in the bar?

5 A They went near the bar where you sit at the bar. They  
6 went near the bar which I think there was a rest room. I  
7 had never been in before, but they went toward the back  
8 where I think they disappeared into the rest room.

9 Q All right.

10 A Because they weren't sitting at a table, and they  
11 didn't sit at the bar.

12 Q Did you see them again after --

13 A No. I left before they reappeared.

14 Q All right. So could they have gone outside?

15 A No, they weren't outside because I would have seen them  
16 while I was leaving. I left, and they were still inside the  
17 bar, and my estimation is that they went into the rest room  
18 to clean themselves up.

19 MR. ALEXANDER: Objection. Move to strike.  
20 Speculation.

21 THE COURT: Overruled -- well, as far as  
22 speculation, sustained. I have just some people to meet  
23 with. So I'll take our morning recess now, and we'll be in  
24 recess for 15 minutes, and then we'll resume.

25 (Proceedings recessed briefly.)

1 THE COURT: We're back in session. We remind you  
2 you're still under oath.

3 MS. WILKENS: Thank you, your Honor.

4 BY MS. WILKENS:

5 Q Now, Mr. Ward, the three men that you saw inside the  
6 Canyon Corral Bar, could you indicate to me -- I believe you  
7 indicated there were two blond and one with darker hair?

8 A Yes.

9 Q The two blonds, could you please indicate the length of  
10 their hair?

11 A One I can't remember because it was pushed to the back  
12 and I think maybe down in his T-shirt. I can't be sure  
13 about that. The other one had I would say close to  
14 shoulder-length hair.

15 Q Now, the gentleman who had his hair pulled back, was it  
16 in a ponytail?

17 A Maybe.

18 Q All right. So you just couldn't really see where it  
19 went?

20 A No, I couldn't see where it went, how far down.

21 Q Okay. And the gentleman with darker hair, would you  
22 say it was brown?

23 A Yes.

24 Q Okay. So it wasn't black?

25 A No.



1 Q Okay.

2 A I'm not sure if it was black.

3 Q And what was the length of the man's hair that was  
4 brown hair?

5 A I would say shorter than shoulder length, just more of  
6 a curlier type hair. That's what I remember.

7 Q Now, could you indicate the height of the man with the  
8 brown hair?

9 A None of them were as tall as I was. I would think they  
10 were all between five seven and five nine.

11 Q Okay. And your height at the time was six one?

12 A I was about six one, yes.

13 Q Okay. And approximately how much did you weigh at that  
14 time?

15 A About 200 pounds.

16 Q And was there anything about these men that would have  
17 attracted your attention but for the blood on their clothing  
18 and on their arms?

19 A No, not really. The fact that they were dressed alike  
20 didn't really -- if they weren't bloody, I wouldn't have  
21 noticed that so much because a lot of guys did dress alike  
22 that were buddies in those days.

23 Q Now, you mentioned that the -- the Iranian gentleman  
24 who owned both the bar and the liquor store who recognized  
25 you that night spoke to you, is that correct?

1 A Yes.

2 Q And you didn't speak to him about the three men's  
3 appearance?

4 A No.

5 Q And you didn't call it to the attention of anyone else  
6 in the bar?

7 A No. I didn't know anyone in there, and I assumed  
8 that -- I just thought that everyone did see them. They  
9 were loud.

10 Q Okay. Now, after Mr. Cooper had been captured, you  
11 indicated that you telephoned once again the sheriff's  
12 substation, correct?

13 A Yes.

14 Q And you were under the impression you spoke to the  
15 watch commander?

16 A I believe so.

17 Q Okay. And why do you believe you spoke to the watch  
18 commander?

19 A Because that's what they -- he said he was, the watch  
20 commander.

21 Q All right. Did he -- did you ask to speak to someone?

22 A No. It was the person who answered the phone, and I  
23 said -- I told him my name, and he said officer so and so,  
24 the watch commander. That's what I remember him saying.

25 Q Okay. And you don't remember his name?

- 1 A No, I don't.
- 2 Q Did you provide him with your name and phone number?
- 3 A Yes.
- 4 Q And your address?
- 5 A Yes.
- 6 Q Did you reference the fact that you had called earlier?
- 7 A Yes.
- 8 Q Okay. Now, prior to testifying here today, did you
- 9 ever talk to any representative for Mr. Cooper?
- 10 A Never.
- 11 Q All right. So you never spoke to Mr. Cooper's defense
- 12 attorney?
- 13 A Today -- yesterday.
- 14 Q Okay.
- 15 A Last night.
- 16 Q All right. Last night. Who did you speak to last
- 17 night?
- 18 A Attorney Ali.
- 19 Q Okay. So that would be Mr. Kazemi?
- 20 A Yes, Mr. Kazemi.
- 21 Q Okay. And you spoke to Mr. Kazemi by phone?
- 22 A No. We met in person in my hotel room.
- 23 Q All right. So he came by and spoke to you in your
- 24 hotel room, and what did you talk about?
- 25 A The case, what I saw, exactly what I'm telling you. We

1 talked about the men with the bloody T-shirts and the  
2 approximate time I came home from work that night and two  
3 ladies or the lady and the man. I can't be certain about  
4 whether it was two ladies, but I'm -- I mean, my  
5 recollection is it was two young ladies.

6 Q All right. And other than your call to the sheriff's  
7 substation after you learned of the murders and your call to  
8 the watch commander after Mr. Cooper was apprehended and  
9 your discussion with your ex-wife, have you spoken to  
10 anybody -- before speaking to the Attorney General's Office  
11 or Mr. Cooper's counsel yesterday, have you spoken to  
12 anybody about what you saw that night?

13 A Yes, friends.

14 Q Okay. And did you speak to them close in time to when  
15 you made the observations?

16 A No, no. I just spoke to them here recently.

17 Q Recently. Okay.

18 A When the case --

19 Q And who did you speak to?

20 A I spoke to a friend of mine, Mr. Jay Carlisle because I  
21 told him I was trying to get in touch with -- I told him  
22 many years ago I had witnessed three men, and he didn't know  
23 anything about the case. I told him and maybe I told -- I  
24 told my attorney. I have an attorney, a Workman's Comp  
25 attorney. I told him about it, but I just left a message on

1 his phone about it.

2 Q Okay. And that would be recently?

3 A Yes, recently.

4 Q Okay.

5 A Just while I was in the airport en route here.

6 Q Okay. And with respect to -- to your initial telephone  
7 call to the sheriff's station, you told them that you saw  
8 three men?

9 A Yes.

10 Q And what did you tell them about the men?

11 A I just told them I saw three men with bloody T-shirts  
12 on.

13 Q Okay.

14 A That's the extent of it.

15 Q All right.

16 A I told him many years ago there was a murder in our  
17 neighborhood and I saw three men coming into the bar and  
18 that I -- I was going to testify or try to tell the court  
19 what I saw.

20 Q Now, this is what you --

21 A I told my sons also.

22 Q Okay. You -- you told your sons about this?

23 A Yes. Oh, yes. I told my sons the -- when the -- when  
24 the newspaper came out that -- and had the names of the  
25 attorneys and said if you had any information, give this

1 number a call, I called that number, and it was the wrong  
2 number.

3 Q Okay. Now, when -- when did you make a telephone call  
4 based on reading the newspaper, what year?

5 A This year.

6 Q All right. So sometime this year --

7 A Right after Governor Schwarzenegger decided not to  
8 execute Kevin Cooper, in the Progress Bulletin or either the  
9 Press Enterprise -- I'm not sure which paper it was -- comes  
10 to my son's house, and I read it, and I said I'm going to  
11 call this number, and I called the number so I could get in  
12 touch with the attorneys, but it was not the right number.

13 Q Okay.

14 A So I did call the newspaper then and leave a message  
15 with the reporter.

16 Q All right. And did you try to get the defense  
17 attorney's phone number?

18 A Yes.

19 Q And were you successful?

20 A Well, no, because the reporter had just an answer  
21 system there. There was no -- I never spoke to anyone.

22 Q All right. So you weren't able to leave a message?

23 A No -- I left a message.

24 Q Okay. But you didn't get a call back?

25 A No, I never got a call back.

1 Q Okay. And at that point you told your son about what  
2 you had seen?

3 A Both my sons, yes.

4 Q Both your sons. Had you told them that previously?

5 A Yes.

6 Q Okay. When's the first time you recall telling them?

7 A I -- right after -- when -- when it came up that they  
8 were asking the governor to stop the execution, I told my  
9 sons, and they remembered because my ex-wife had told them,  
10 "Your dad knows something about that case, and he  
11 witnessed," because my ex-wife -- and then she told me, she  
12 said I -- she saw it on the news where the governor had  
13 already stopped -- you know, decided to sign papers to stop  
14 the execution. So I said, "Well, I need to call up right  
15 now and let them know that I know something. I want to be a  
16 witness because I think those guys in the bloody T-shirt may  
17 have had something to do with this. So I called.

18 Q You called the press?

19 A I called the press, Enterprise, which they had the  
20 number for the attorneys there, but it was not the right  
21 number.

22 Q Okay. So they had a number printed in the paper,  
23 but --

24 A Yes.

25 Q -- you dialed it, and you didn't get the attorney?

1 A It did not go to the attorneys.

2 Q Okay. Who is Mr. Carlisle?

3 A Mr. Carlisle is a friend of mine.

4 Q Okay. And when did you tell Mr. Carlisle?

5 A Recently when I was taking him to VA Hospital for  
6 surgery, maybe about three, four months ago. He had a  
7 nervous breakdown, and I was taking him into the hospital, a  
8 veteran friend of mine.

9 Q And how did you get on the subject of the Cooper case  
10 with Mr. Carlisle?

11 A It was right after the governor had stopped the  
12 execution, and I told him I knew something about that case.  
13 We might have heard something on the news as we were driving  
14 to the hospital, and I told him I knew something about this  
15 case and I'm going to try to call and let them know what I  
16 know.

17 Q Okay. So other than your sons and your ex-wife and Mr.  
18 Carlisle and your Worker's Comp attorney, you've not  
19 discussed this with anyone?

20 A No.

21 MS. WILKENS: Okay. Thank you, your Honor. No  
22 further questions.

23 MR. ALEXANDER: Just very briefly.

24 //

25 //



## REDIRECT EXAMINATION

BY MR. ALEXANDER:

Q I'd like to ask you some very fundamental questions, sir. You -- am I correct that you worked for the federal government for approximately 20 -- over 20 years?

A Yes.

Q And what was your position?

A Well, I was a computer specialist at El Toro Marine Corps Air Base.

Q All right.

A And then after that job, I worked at Riverside National Cemetery until last year, November -- actually November of last year.

Q Okay. And you have two grown children now?

A Yes, I do.

Q And you put both of them through college?

A Yes.

Q One of them is --

MS. WILKENS: Your Honor, I'm going to object. I don't -- I don't think this is relevant.

THE COURT: Sustained.

MR. ALEXANDER: Well, somebody's going to have to assess the gentleman's credibility, and I think this is appropriate.

THE COURT: Sustained.

1 MR. ALEXANDER: All right. Thank you.

2 BY MR. ALEXANDER:

3 Q And now, finally, Mr. Ward, you mentioned -- you made  
4 reference on several occasions in response to questions from  
5 Ms. Wilkens about the governor signing something to stop the  
6 execution.

7 A Right.

8 Q Are you referring to the event of stopping the  
9 execution, whether it was the governor or a court?

10 A I remember it being the governor. He had just taken  
11 office, and there were some actors -- activists and actors  
12 that were asking the governor to stop the execution, and I  
13 watched that on TV. He hadn't made a decision. When he  
14 made that decision to stop the execution, I came forward. I  
15 called up to try to contact you and the defense attorneys.

16 Q Right. And you were never able to do that?

17 A No.

18 Q Okay. If -- if I represent to you that the governor  
19 actually allowed the execution to go ahead, does that  
20 refresh your recollection that your source may have been  
21 elsewhere about the stopping of the execution?

22 A No. I do remember the governor signing something to  
23 stop the execution.

24 MR. ALEXANDER: Okay. Very well. No further  
25 questions. Thank you very much, Mr. Ward.

1 THE WITNESS: You're welcome.

2 MS. WILKENS: Nothing further, your Honor. Your  
3 Honor, we have Mr. Mansfield.

4 THE COURT: Thank you. You may step down.

5 THE WITNESS: Thank you, your Honor.

6 (The witness was excused.)

7 (Proceedings recessed briefly.)

8 THE COURT: We may proceed. Is this going to be?

9 MS. WILKENS: This is Mr. Mansfield.

10 THE COURT: Yes.

11 RANDY L. MANSFIELD - PETITIONER'S WITNESS - SWORN

12 THE CLERK: Please be seated.

13 MR. ALEXANDER: Your Honor, Mr. Kazemi will  
14 conduct the examination. Ms. Hawkins was going to, but she  
15 had a family medical emergency, so --

16 THE COURT: All right. Thank you. Welcome.

17 THE CLERK: Sir, could you please state your full  
18 name for the record and spell your last name.

19 THE WITNESS: Randy Lee Mansfield, M-A-N-S-F-I-E-  
20 L-D.

21 MR. KAZEMI: May I proceed?

22 THE COURT: You may.

23 DIRECT EXAMINATION

24 BY MR. KAZEMI:

25 Q Good afternoon. My name is Ali Kazemi, and I represent

1 Kevin Cooper. We have never met before, is that correct?

2 A No.

3 Q Okay. Mr. Mansfield, when did you first hear about the  
4 Ryan/Hughes murders? When did you first hear about the  
5 Ryan/Hughes murders?

6 A On TV.

7 Q On TV? Do you recall a specific date?

8 A No.

9 Q No. Do you recall how soon after the murders occurred  
10 you heard about the murders?

11 A I guess right after.

12 Q Within a day?

13 A I'm sure, yeah.

14 Q Okay. Where were you when you learned about the  
15 murders?

16 A I was probably sitting in a bar.

17 Q In a bar. Do you recall how you learned about it? You  
18 just saw it on a television program?

19 A Yeah, it was on TV, and everybody was talking about it.

20 Q Okay. And who else was with you at the time?

21 A I couldn't tell you. It was years ago.

22 Q Fair enough. The day before you learned about the  
23 murders, you were at the Canyon Corral Bar?

24 A I was there just about every day.

25 Q Just about every day. And do you recall what specific

1 day that was? Do you have any idea was it a --

2 A No.

3 Q -- Friday, Saturday, Sunday? No recollection. Did you  
4 consider yourself a regular at the bar?

5 A Yes.

6 Q And about how often did you go there?

7 A Every day.

8 Q Every day. Did you ever help out at the bar from time  
9 to time?

10 A Yeah. I was a bartender.

11 Q You were a bartender. Make sure there wasn't any  
12 trouble, served some drinks, that sort of thing?

13 A Yeah.

14 Q Okay. And the day before the murders, do you recall  
15 approximately what time you arrived at the bar?

16 A No.

17 Q No. This is a long time ago?

18 A Yeah.

19 Q Okay. Do you recall if it was in the morning, early  
20 afternoon?

21 A I couldn't tell you. Usually went in there after work.

22 Q Okay. Was it daylight, was it night time?

23 A I'm sure it was daylight.

24 Q Daylight. Do you recall who else was at the bar with  
25 you that time, any names?

1 A Probably the regulars.

2 Q The regulars, and who were some of those people?

3 A David Douland (phonetic), Mike Douland, my Uncle Don.

4 THE COURT: Uncle Don is?

5 THE WITNESS: Donald Callaway, my uncle. BB Backo  
6 (phonetic), Bob Betancourt, you know --

7 BY MR. KAZEMI:

8 Q Okay. And you said you used to bartend occasionally?

9 A Yeah.

10 Q And who were some of the other bartenders?

11 A My ex-girlfriend, Lynn.

12 Q Uh-huh.

13 A I believe there was Big Al, Dominique. I --

14 Q Okay. Does the name Ed Lauko sound familiar?

15 A Who?

16 Q Eddie, Fast Eddie?

17 A Oh, yeah.

18 Q Okay. Can you -- can you describe Big Al, please?

19 A Big Al?

20 Q What did he look like?

21 A Great big teddy bear Al.

22 Q Was he African-American, caucasian?

23 A He was white, American.

24 Q White. Do you recall some of the waitresses that  
25 worked at the Canyon Corral?

1 A Oh, yeah.

2 Q Any names?

3 A Lynn Platt (phonetic) was my ex, Jennie McNeal, who's  
4 married to my brother now. There was Marcia. I don't know  
5 her last name. It was so long ago, Diane. That's about all  
6 I can remember.

7 Q Okay. Fair enough. Now, the day before the murders  
8 you said you were in the Canyon Corral Bar, you recall being  
9 in there?

10 A I'm sure I was there.

11 Q Okay. Do you recall anything unusual happening that  
12 day?

13 A Not really. I mean, when I thought back about what  
14 somebody called me and asked me about, it was afterwards.

15 Q Uh-huh. And what did you recall?

16 A Just a couple of guys that came in with smocks on that  
17 worked -- looked like they worked at a slaughter house.

18 Q Okay. Can you describe those guys briefly, race, age?

19 A Couple of Hispanics.

20 Q Hispanic guys. What color hair did they have?

21 A Dark.

22 Q Dark hair, okay. And you said they were wearing  
23 smocks?

24 A Yeah.

25 Q Okay. And do you recall approximately what time of day

- 1 those guys came in?
- 2 A No.
- 3 Q Do you remember if it was daytime or night time?
- 4 A It was daytime.
- 5 Q Daytime, and how do you know that?
- 6 A Because when the door opens, the light comes in and
- 7 everybody turns their head and looks.
- 8 Q Okay. So daytime meaning between -- between 12:00 and
- 9 7:00 would you say?
- 10 A Oh, yeah.
- 11 Q Yeah. Did a band ever play at the Canyon Corral Bar?
- 12 A Yeah.
- 13 Q Yeah. And do you recall what time the band would
- 14 usually play?
- 15 A No, not really. It's -- I imagine it started around
- 16 6:00 and would play on.
- 17 Q Now, the gentlemen who came in, the two Hispanic
- 18 gentlemen that came in --
- 19 A Pardon me?
- 20 Q The two Hispanic gentlemen who came in, was that before
- 21 the band had been playing?
- 22 A Yeah.
- 23 Q Yeah. Okay. And approximately how long would you say
- 24 that these men were at the bar?
- 25 A They didn't come up to the bar.



- 1 Q They didn't come into the bar?
- 2 A I mean up to the barstool area.
- 3 Q Okay. How long do you think they were in the
- 4 establishment?
- 5 A I couldn't tell you. They walked by and went and sat
- 6 down.
- 7 Q Did you notice anything they were doing or anyone they
- 8 were talking to?
- 9 A No, I didn't pay any attention to them after they
- 10 walked by.
- 11 Q Okay. Do you have any idea what time they left?
- 12 A No.
- 13 Q So you basically -- you saw these guys come in and
- 14 then --
- 15 A That was it.
- 16 Q Okay. And what struck you as unusual about them was
- 17 the smocks?
- 18 A Yeah.
- 19 Q Okay. And what about the smocks was unusual?
- 20 A They just -- you know, when you walk into a restaurant
- 21 or bar, you don't wear your bloody work clothes.
- 22 Q Okay. And, again, just to repeat, you said this was
- 23 during the day that --
- 24 A Yes.
- 25 Q -- these gentlemen came in? How long were you at the

1 Canyon Corral that day?

2 A Couldn't tell you that. You mean how -- that day? I  
3 couldn't tell you. I don't even know what day of the week  
4 it was.

5 Q Okay.

6 A Usually I got -- when I got off work, I went there and  
7 sat there until closing time, and I worked weekends.

8 Q So generally you would stay until closing time?

9 A No, not during the week.

10 Q Not during the week? Do you have any idea on that day  
11 if you had stayed relatively late?

12 A No, I don't recall.

13 Q No recollection. Do you recall anything else unusual  
14 happening that day?

15 A No.

16 Q So the unusual event you recalled was two Hispanic guys  
17 coming in during the day with smocks on?

18 A I guess it's unusual.

19 Q Okay. Your mother is Shirley Killian?

20 A Yes.

21 Q And are you aware that she testified before this Court?

22 A Yes. She -- I was in County Jail. She said she had  
23 come down to San Diego, said it was a waste of time.

24 Q Okay. Do you recall whether she was at the bar that  
25 night?

1 A I couldn't tell you.

2 Q Couldn't tell. Your brother, Larry, any idea if he was  
3 at the bar that night?

4 A No. My older brother really didn't frequent the bar.

5 Q Okay. And Larry's wife, Virginia McNeal?

6 A Yes.

7 Q Any idea if she was at the bar that night?

8 A I couldn't tell you.

9 Q Okay. Were you ever interviewed by any police officers  
10 about the events that occurred?

11 A Never.

12 Q Are you aware if Larry or Virginia or Shirley were ever  
13 interviewed to the best of your recollection?

14 A I know my mother was.

15 Q You know your --

16 A Well, I don't know if she was interviewed. I know she  
17 had to come down here a couple of months ago I guess it was.

18 Q Okay.

19 A That's -- you know, she just said in her letter when I  
20 was in County Jail that she had to come to go to San Diego  
21 and she saw Big Al and Kathy Royals and what a mess, she'll  
22 tell me about it later.

23 Q Okay. Did you ever speak to your mother about the  
24 incidents at the Canyon Corral that night?

25 A No.

- 1 Q Larry?
- 2 A No. What do you mean incidents?
- 3 Q Anything that you saw that night?
- 4 A No.
- 5 Q No.
- 6 A I didn't even -- I'm sure we all talked about it. You
- 7 mean what I saw? Not that I recall, no.
- 8 Q Did they ever tell you anything about what they may
- 9 have seen?
- 10 A No.
- 11 Q No. And the same applies for Virginia?
- 12 A No. My sister-in-law and I didn't really actually get
- 13 along too well at the beginning.
- 14 Q Okay. Have you ever been contacted by anyone else in
- 15 connection with your testimony today?
- 16 A Some lady on the phone wanted to know.
- 17 Q Was that Barbara Shakowsky, a California agent --
- 18 A Yeah.
- 19 Q -- Department of Justice?
- 20 A The lady said she was with the Office of the Attorney
- 21 General.
- 22 Q Okay. Have you spoken to anyone else in connection
- 23 with this either before or after?
- 24 A No.
- 25 Q And were you given any materials to review prior to

1 your testimony today by anybody?

2 A No, I didn't, no.

3 Q You didn't review any documents or --

4 A No.

5 Q -- testimony?

6 A I haven't seen none. They keep me away from everybody.

7 MR. KAZEMI: Okay. One moment, your Honor.

8 (Pause.)

9 BY MR. KAZEMI:

10 Q Just a few more questions.

11 A Sure.

12 Q You had mentioned Don Callaway.

13 A Uh-huh.

14 Q Do you have any idea where Don is today?

15 A My uncle passed away.

16 Q Okay. And Lynn you had also mentioned was --

17 A Lynn Platt.

18 Q Uh-huh.

19 A Yeah.

20 Q Do you have any idea where she is today? No?

21 A No. She married somebody as far as I know.

22 Q Okay. Just a few more names, Dominique or Dominick?

23 A Dominique.

24 Q Uh-huh.

25 A Dominique is -- I -- Dominique works or owns the

1 Taylor's Cafe in Chino now as far as I know. I saw him in  
2 there. I stopped in there a couple of times this year  
3 matter of fact.

4 Q And Marcia or Diane?

5 A Marcia is -- far as I know she's still married to Fuzz  
6 or that's what I always called him. I don't know where they  
7 live.

8 Q Do you know Marsha's last name?

9 A Fuzz and Marcia, no, I don't. I always -- sorry.

10 Q And the same for Diane, do you know her --

11 A Diane lives in New York.

12 Q And do you know her last name?

13 A Diane and Richard, no, I don't.

14 Q Did I ask you Mike Douland?

15 A Mike Douland?

16 Q Uh-huh.

17 A Mike and Dave Douland, I only saw them at the bar and,  
18 you know, played horse shoes with them, went riding with  
19 them a few times.

20 Q Any idea where he is?

21 A No.

22 Q Okay. You said you didn't know Fuzz -- where Fuzz was?

23 A No. Last I heard, him and Marcia bought a house up in  
24 the new part of Chino Hills.

25 Q Do you know Fuzz's last name?

1 A No, I don't.

2 MR. KAZEMI: Okay. No further questions.

3 MS. WILKENS: Thank you, your Honor.

4 CROSS EXAMINATION

5 BY MS. WILKENS:

6 Q Mr. Mansfield, you said that you would arrive at the  
7 bar after work. Where were you working in June of 1983?

8 A I was either working for -- in '83 it was either Foltey  
9 Home Corporation or Barrett Homes.

10 Q And did you work on the weekends?

11 A Sometimes.

12 Q Okay. And do you know what time you normally would get  
13 off work?

14 A 3:00, 3:30.

15 Q All right. And how long before you would show up at  
16 the bar after you got off work?

17 A Work to the bar.

18 Q You'd go directly to the bar?

19 A Yeah.

20 Q Okay. So you'd usually arrive by 4:00?

21 A Yeah.

22 Q Okay. And was there a television set in the bar?

23 A Yeah, there's a big screened.

24 Q Okay. Back in June of '83?

25 A I believe so, yes.

1 Q Okay. And you indicate that you would work as a -- a  
2 bartender on weekends sometimes?

3 A Yes.

4 Q Okay. Do you know how often you tended bar?

5 A Every weekend.

6 Q Every weekend?

7 A Uh-huh, Friday nights, Saturday nights, and Sunday  
8 days.

9 Q And that would have been in June of '83?

10 A That I couldn't tell you. I don't remember if I was  
11 working there at the time or not.

12 Q Okay.

13 THE COURT: Did you say Saturdays and Sundays, not  
14 Fridays?

15 THE WITNESS: I worked Friday night from 6:00 p.m.  
16 until closing, Saturday night 6:00 p.m. until closing, and  
17 then 6:00 o'clock Sunday morning until 6:00 o'clock Sunday  
18 night.

19 BY MS. WILKENS:

20 Q All right. But you're not sure if you were working as  
21 a bartender then?

22 A I -- no, I don't.

23 Q Okay. Do you know how many bartenders used to be on  
24 duty on a Friday or a Saturday night?

25 A On weekends there was two.



1 Q Okay. You -- you indicated that the two Hispanic males  
2 that you saw had bloody work clothes. You --

3 A Just liked they worked in a butcher shop. They had,  
4 you know, the smock on. You know, it was just like blood  
5 right here in the belly area.

6 Q Okay. And when you say a smock, did it have like a tie  
7 and you'd wear it over your garments?

8 A It was like, you know, one of them smocks you just wear  
9 over and tie behind.

10 Q Okay. And you didn't think it was unusual to -- to see  
11 someone in a smock?

12 A I -- I thought it was unusual for them to come in to,  
13 you know, eat or whatever they're going to do. It looked  
14 like they can just take them off.

15 Q Okay.

16 A But there's -- you know, there's slaughter houses in  
17 Chino. I didn't really pay much attention.

18 Q Okay. So there -- there are slaughter houses in Chino?

19 A Yes.

20 Q And how close are they to the bar?

21 A Couple three miles I guess.

22 Q Do you know how many slaughter houses there are, more  
23 than one?

24 A I'm sure.

25 Q Okay. And that was in June of 1983?

- 1 A Uh-huh.
- 2 THE COURT: Is that a yes?
- 3 THE WITNESS: Yes.
- 4 BY MS. WILKENS:
- 5 Q Now, you indicate that when you saw these two Hispanic
- 6 males come into the bar that it was daylight outside, is
- 7 that correct?
- 8 A Yes.
- 9 Q All right. And you're positive that it was daylight?
- 10 A Yes.
- 11 Q Okay. Now, you indicated that they both had brown
- 12 hair, is that correct?
- 13 A The best I can recollect, yes.
- 14 Q Okay. Do you recall the length of their hair?
- 15 A Short. I mean --
- 16 Q Would it be a crew cut?
- 17 A I -- crew cut -- I guess. I don't know. Like his but
- 18 shorter than that.
- 19 Q You're looking at Mr. Kazemi?
- 20 A Yeah, the one on my right.
- 21 Q All right. That would be Mr. Kazemi. All right. And
- 22 so short brown hair?
- 23 A Dark, black or brown I guess.
- 24 Q Black, okay. And a white smock?
- 25 A Yeah.

- 1 Q Were the smocks similar?
- 2 A Yeah.
- 3 Q Did they have the name of a business on them or --
- 4 A If they did, I didn't pay attention. I mean, I just
- 5 glanced at them.
- 6 Q Okay. And the smocks had blood on the front?
- 7 A Yeah, I guess. I mean, it was red.
- 8 Q Okay. And did you notice the type of pants they were
- 9 wearing?
- 10 A No.
- 11 Q Shoes?
- 12 A No.
- 13 Q And was there anything about them other than the fact
- 14 that they were wearing smocks that caught your attention?
- 15 A No.
- 16 Q Okay. And once you -- when you saw them come into the
- 17 bar, did you mention to anybody else about their wearing
- 18 smocks?
- 19 A I might have. I can't recall.
- 20 Q Okay. And you don't -- you don't -- you didn't go to
- 21 the bar with someone that night, correct?
- 22 A Pardon me?
- 23 Q You didn't go with someone to the bar? You would go by
- 24 yourself?
- 25 A Usually, yeah. I mean, I'd meet people down there.

1 Q Right. And you don't recall anybody going with you  
2 that day?

3 A Not really.

4 Q Okay. And after you learned of the Ryan/Hughes  
5 murders, did -- did it cause you to think about the --  
6 seeing the men in the smocks?

7 A Well, the more I thought about it, it was after -- what  
8 I thought about it was I think I saw them guys after they  
9 arrested that other guy.

10 Q All right. So you thought about it after Mr. Cooper  
11 had been apprehended?

12 A Yeah, because then I -- I think I said, well, it  
13 couldn't have been them other two guys.

14 Q Okay. And that's the first time you thought about  
15 them?

16 A Yeah, because the more I thought about it, I was trying  
17 to place -- when that lady talked to me on the phone, I was  
18 trying to place the exact day when I was -- that I saw those  
19 two guys, and it was actually after they had caught the  
20 other guy.

21 Q All right. So you think perhaps you didn't see these  
22 two men until after Mr. Cooper had been apprehended?

23 A Yes.

24 Q All right. So you don't know that it was prior to the  
25 murders?

1 A No.

2 Q Okay. And did you ever contact the police about these  
3 two Hispanic males that you saw?

4 A No. Nobody came to me, and I didn't -- I mean, I  
5 didn't think nothing of it.

6 Q Okay. And -- and, Mr. Mansfield, have you been  
7 convicted of grand theft in May of 2004?

8 A Yes.

9 MS. WILKENS: Okay. Your Honor, I have no further  
10 questions.

11 MR. KAZEMI: Just one, your Honor.

12 REDIRECT EXAMINATION

13 BY MR. KAZEMI:

14 Q Mr. Mansfield, do you know where Al Ward is right now?

15 A Who?

16 Q Al Ward, Big Al.

17 A I couldn't tell you. I imagine he's down here in San  
18 Diego somewhere.

19 Q And this next question may seem a bit obvious, but did  
20 your mom know you were in jail when she -- at the time she  
21 testified before this Court?

22 A Yeah.

23 Q And just to clarify a point you made earlier, if there  
24 was sort of trouble in the bar, if some folks got unruly,  
25 one of your roles would maybe be to straighten that out or

1 help out with the folks?

2 A Not really. I'm -- I was just a bartender. I mean,  
3 there usually wasn't any trouble in there. I'm a little guy  
4 anyway, so --

5 Q Uh-huh. If there was trouble, would anybody  
6 generally -- were there any locals who would help out?

7 A Yeah.

8 Q And can you tell me the names of some of those folks,  
9 if you remember?

10 A Well, it depends on who was there, the Douland  
11 brothers. I may be little, but I'm not afraid of much, my  
12 uncle.

13 Q The first group you said was the Douland brothers?

14 A Yeah, Mike and Dave -- or Mike and Dave Douland.

15 Q And, again, do you have any idea where they are now?

16 A No, I don't.

17 Q Did any of them wear cowboy boots?

18 A They all did.

19 Q They all did?

20 A They all did, and we all wore black hats and boots and  
21 jeans.

22 MR. KAZEMI: Okay. Thank you. No further  
23 questions.

24 //

25 //

## 1 RECROSS EXAMINATION

2 BY MS. WILKENS:

3 Q Mr. Mansfield, there was a bartender by the name of Al,  
4 is that correct?

5 A Yeah.

6 Q And he had a nickname Big Al?

7 A Yes.

8 Q Okay. And what was his last name?

9 A I couldn't tell you.

10 Q Does the name Warren sound familiar?

11 A It could have been, but I -- I couldn't tell you  
12 honestly. I really don't know.

13 MS. WILKENS: Okay. Thank you, sir.

14 THE WITNESS: Yeah.

## 15 REDIRECT EXAMINATION

16 BY MR. KAZEMI:

17 Q Final question, Big Al was not African-American, just  
18 to clarify?

19 A No. He was American, yeah.

20 Q A white guy?

21 A Yeah.

22 MR. KAZEMI: Okay. Thank you.

23 THE COURT: Anything else?

24 MS. WILKENS: No, your Honor.

25 MR. KAZEMI: No, your Honor.

1 THE COURT: All right. You may step down.

2 THE WITNESS: Thank you.

3 (The witness was excused.)

4 THE COURT: We'll take our lunch recess, and then  
5 we -- do we have anybody else?

6 MS. WILKENS: No, your Honor. We have Mr. Ted  
7 Fahey for tomorrow and Detective Wilson for tomorrow.

8 THE COURT: Okay.

9 MS. WILKENS: We're out of witnesses for today.

10 THE COURT: And how about on the protocol?

11 MS. WILKENS: I wanted to modify my ex parte  
12 request. My request to the Court would be to ask Doctor  
13 Ballard to file under seal with the Court his methodology  
14 such that it specifies what any other analytical chemist  
15 would need to know in order to reproduce his methodology,  
16 and then we would submit a protocol from Doctor Sciudak.  
17 But what we want is a very clear record that documents what  
18 Doctor Ballard's methodology is. And the reason --

19 THE COURT: So you're saying to file under seal  
20 without disclosing it to anybody else?

21 MS. WILKENS: Correct. We just want to have that  
22 preserved, and then after we file Doctor Sciudak's, there  
23 may come a time where the Court fashions a protective order  
24 so that we can look at Doctor Ballard's methodology, but I  
25 don't want -- I don't want it said that the methodology we



1 present is Doctor Ballard's without knowing that, and I also  
2 want to have preserved in the record what, in fact, his  
3 methodology is because I'm concerned that at some point he's  
4 in a Cafford (phonetic) seat criticizing what we're bringing  
5 forward and we have no idea and cannot discern that later  
6 independently what his methodology was.

7 THE COURT: But can you have it both ways? If the  
8 Court has said at least at this time with the pending motion  
9 for reconsideration that he's not to be involved, do you  
10 want that for purposes of the record to show that it is  
11 scientific and valid? I mean, is there any problem with  
12 filing that under seal?

13 MR. ALEXANDER: It seems to me, and I -- it seems  
14 to me that that -- that I could persuade Doctor Ballard and  
15 the people he has to report to who are really making this  
16 kind of decision that if it's simply filed with your Honor,  
17 with the Court, and not accessible to the other side, that  
18 that's not a problem, and I agree. I think it's a good idea  
19 for Mr. Sciudak to do the same, and we won't see it, and the  
20 Court can decide what it wants to do.

21 I would also add to that request a piece of  
22 information I -- I ask. First of all, I don't know whether  
23 or not -- I read Mr. Sciudak's curriculum vitae, and I don't  
24 know whether he's done any EDTA testing at all before, let  
25 alone in a capital case, number one. Maybe he could

1 answer -- we could answer that. I think that would be  
2 important to know.

3 And, secondly -- and I don't think this requires  
4 being under seal, but if he feels it needs to be, there is  
5 an issue about the particular type of variant of EDTA I  
6 think that's going to be used, and I may -- I may be  
7 mistaken, but in my first conversation with him, he  
8 recognized that something called deuterium, D-E-U-T-E-R-I-U-M,  
9 would not be acceptable and that you'd have to go  
10 to carbon 13, and the question is where would they get the  
11 carbon 13 from or would they have to synthesize it. That's  
12 an important aspect. We're not aware of it being  
13 commercially available. Perhaps it is. So that's a  
14 question that maybe he could also provide. I mean --

15 THE COURT: Okay. Your expert, the one that you  
16 have, what would -- what role would that person play?

17 MS. WILKENS: Doctor Sciudak or Doctor Lee?

18 THE COURT: No, Doctor Lee.

19 MS. WILKENS: We had envisioned Doctor Lee in --  
20 serving in a traditional capacity as an expert advising us  
21 on protocols and representing us in terms of interpreting  
22 any data and what have you, and we envisioned Doctor  
23 Sciudak --

24 THE COURT: But not doing the testing?

25 MS. WILKENS: Not doing the actual testing, and we

1 wouldn't be asking for Doctor Sciudak's protocol to be under  
2 seal. He does not have any proprietary concerns. We were  
3 asking to preserve in time Doctor Ballard's methodology.

4           And one thing I should say is it should include  
5 every pertinent detail that an analytical chemist should  
6 need because if it's very perfunctory and lacking in detail,  
7 then presumably it won't be part of Doctor Ballard's  
8 methodology because at some point they're going to be  
9 critiquing Doctor Sciudak's methodology, and at some point  
10 the Court may want to issue a protective order and work with  
11 Doctor Ballard's methodology, and we don't want it where we  
12 can't have our experts reviewing his methodology under --  
13 under a protective order because particularly when it hasn't  
14 been subject to peer review, should the Court decide to  
15 involve Doctor Ballard or his methodology, we would  
16 obviously want Doctor Lee reviewing it for its scientific  
17 validity.

18           THE COURT: Well, let me say one idea that the  
19 Court had was to have the -- to say what -- for the Court to  
20 say what should be determined and some control areas and  
21 then have a separate shirt that is also -- so we send it off  
22 to Doctor DeForest. They pull off those areas. They get  
23 the samples ready to be tested, and then we have two  
24 separate controls, one with a T-shirt that's already been  
25 washed with blood on it and have a control area there so

1 that it's marked in various vials not known to the testers,  
2 then shipped off to let's say Doctor Sciudak. He performs  
3 his results with the expert observing from the Petitioner's  
4 side, and then those are remarked -- if there's a way to  
5 preserve that so that they're remarked and then shipped to  
6 the Petitioner's expert, whether it be Doctor Ballard or  
7 otherwise, and with Doctor Sciudak observing, theoretically,  
8 so you've got two different controls. They don't know which  
9 is the evidence and which is the control, and theoretically  
10 the test should be the same.

11 MS. WILKENS: Well, your Honor, the -- I know -- I  
12 noticed yesterday your Honor was thinking that it would  
13 elevate the testing to do double blind testing. It -- it  
14 increases the time, and it increases the cost, and the sole  
15 purpose is because of the concerns about Doctor Ballard.  
16 If -- if you have confidence in the scientist, then you  
17 don't need to have purportedly blind testing, and we don't  
18 feel it's necessary to go through a double testing, and we  
19 also continue to object to any testing by Doctor Ballard or  
20 by his lab.

21 And, frankly, I have concerns about Doctor  
22 DeForest because he's almost become an advocate in terms of  
23 how he's been calling our lab, trying to get them to agree  
24 to -- you know, he was involved in Pompay. I really would  
25 appreciate it if they would get a criminalist in the State

1 of California. It would be nice if they used the same  
2 criminalist they used last time rather than disavowing  
3 themselves of their various choices over time, but I  
4 don't -- I don't think it's worth the expenditure of both  
5 time and money in order to involve Doctor Ballard in the  
6 process because that's where the double blind testing has  
7 been interjected.

8                   And with respect to controls from --

9                   THE COURT: Then on appeal, certainly an issue for  
10 the Petitioner would be that they wanted this certain expert  
11 and the Court denied this certain expert. And so if he is a  
12 participant in some way with additional -- with the  
13 additional control that we have another person that is  
14 observing and another person that's doing a similar test,  
15 then the test results should be the same. If they're  
16 dramatically different, then that speaks volumes to the  
17 reliability of the EDTA testing.

18                   MS. WILKENS: Well, it'll speak volumes. I just  
19 don't know which way it will go. And -- and, again, they  
20 don't -- they don't have a right to have Doctor Ballard  
21 perform the testing. If they want to have Doctor Ballard  
22 observe and if Doctor Ballard wants to be their expert, I  
23 suppose there's nothing, you know, to be said about it. But  
24 for him to be performing the tests on this evidence is -- is  
25 inappropriate because of his baggage.

1 THE COURT: Well, Mr. Alexander?

2 MR. ALEXANDER: I've not felt very good about the  
3 continuing shots at Doctor Ballard. I'll leave that alone.  
4 I think Ms. Wilkens is poorly placed to make those  
5 accusations, but when you now start to take the same shots  
6 at Doctor DeForest who I can tell you is a man of impeccable  
7 integrity and credentials and he'll come here if that's  
8 necessary --

9 THE COURT: We're already -- we're already -- he's  
10 already --

11 MR. ALEXANDER: He's not an --

12 THE COURT: -- done work.

13 MR. ALEXANDER: -- advocate one way or the other.  
14 He is the most conservative individual with impeccable  
15 integrity, and I just wish this sort of stuff would stop.

16 THE COURT: Uh-huh.

17 MR. ALEXANDER: Now, I think the double blind  
18 testing makes sense, and we're -- we're certainly amenable  
19 to it, and I don't know whether Mr. Sciudak has ever done  
20 this before. That would be helpful to know. Presumably  
21 we'll -- we'll find out.

22 THE COURT: And I think that's -- that's a fair --

23 MR. ALEXANDER: Okay. I mean, I read the articles  
24 and, you know, after trying to pronounce the words, I  
25 couldn't tell whether any of this has to do with the kind of

1 EDTA testing we're -- we're involved -- we're involved in.

2 THE COURT: Okay.

3 MR. ALEXANDER: And I've actually asked Doctor  
4 DeForest just to look at the resume and see if he has any  
5 idea. Obviously the gentleman's, you know, very --

6 THE COURT: Is very qualified.

7 MR. ALEXANDER: -- appears to be very well  
8 qualified, it seems, from what we can read on paper, bit of  
9 an attitude, but that may be it was just he and I. I don't  
10 know, and he won't talk to me.

11 So I would -- and if they want to use Doctor Lee  
12 for whatever purposes, I guess I can't stop that.

13 THE COURT: Well, why don't you contact Doctor  
14 Ballard, see if he's willing to provide the protocol under  
15 seal.

16 MR. ALEXANDER: Yes, I'm going to try and do that  
17 even during our break and report back to you.

18 THE COURT: Well, we won't need to resume. We'll  
19 come back tomorrow and then finish tomorrow, and then there  
20 is a -- so is Doctor Sciudak willing to perform the testing  
21 at no cost?

22 MS. WILKENS: Yes, he indicated that he would do  
23 it at no cost because he anticipates publishing papers,  
24 making this subject to peer review at some point. That's  
25 what scientists do. So he would do it as a -- as a pro bono

1 matter for research purposes.

2 And, you know, with respect to Mr. Alexander,  
3 well, we don't know if he's done EDTA testing, this is what  
4 I spoke to the Court about. No one does EDTA testing. So  
5 this was why we got into Daubert issues.

6 So if counsel's going to try to control the  
7 testing by virtue of judging whoever we manage to locate  
8 that will do this testing by whether or not they've done  
9 EDTA testing, once again, he's created a finite world in  
10 which Doctor Ballard is the only person who does this work.

11 THE COURT: Well, I'm --

12 MR. ALEXANDER: That's not true, your Honor.  
13 Excuse me. Let's correct the record. Mr. LeBeau, Mr. Marks  
14 has done it. Doctor Ballard has done it.

15 THE COURT: But there should be more than three in  
16 the nation for it to be recognized.

17 MS. WILKENS: Well, and they don't do it any  
18 longer. The FBI has not done it since O.J. Simpson.

19 MR. ALEXANDER: Well, that's a separate --

20 MS. WILKENS: Mr. Marks no longer does it.

21 MR. ALEXANDER: That's not --

22 MS. WILKENS: We have tried to find people who do  
23 EDTA testing, and no one does.

24 THE COURT: Well, let me tell you preliminarily if  
25 we're able to have -- I -- I think the time and expense of



1 having it replicated in two different ways with each one  
2 observing I think is fair. I -- I would like to know from  
3 them whether they would know the results just by observing,  
4 but if they're marked in different vials through the use of  
5 Doctor DeForest, then I think that there's a way to ease the  
6 concerns of the -- of the Attorney General that it's not  
7 just Doctor Ballard participating. We have a -- another  
8 person who's doing similar testing, and then we also have  
9 Doctor Ballard or someone else doing it on behalf of  
10 Petitioner, and that funding is through the Criminal Justice  
11 Act, and then we have our results. I've reserved judgment  
12 as to whether they're admissible, but we would at least have  
13 the results, and then we would be in a position to then  
14 decide what we do about the results.

15 MS. WILKENS: One of the concerns about having  
16 double blind testing if it's done by Doctor Ballard, he's on  
17 the east coast. We would no doubt be incurring the expenses  
18 of sending our observer back to the east coast.

19 I mean, it seems that Petitioner has been ordered  
20 to locate an expert --

21 THE COURT: Well, one doesn't necessarily mean  
22 that -- I mean, you could have somebody from the Attorney  
23 General's Office observe.

24 MS. WILKENS: None of our scientists will  
25 participate, your Honor.

1 THE COURT: But that's your choice.

2 MS. WILKENS: Well --

3 THE COURT: Then you -- then you have it done  
4 without observation.

5 MS. WILKENS: No. We'll have to pay someone, but  
6 that's my point. You know, if you send it back to the east  
7 coast, the expenses are raised. And, once again, they have  
8 been ordered to find someone besides Doctor Ballard and  
9 someone besides Doctor Ballard's lab, and I think they  
10 should be able to do that, and if you want to have double  
11 blind testing, they should have a laboratory and an expert  
12 that is not Doctor Ballard and not National Medical  
13 Services, and we will continue to object to this evidence  
14 being examined by a junk scientist at a laboratory where we  
15 have bona fide concerns.

16 THE COURT: Well, I think we've already discussed  
17 that if the expert comes with -- with some issues raised  
18 about the scientific method, then whatever is done still has  
19 those issues above the scientific method.

20 On the other hand, Petitioner has the right to  
21 decide who in the nation may or may not be able to do that  
22 and would want somebody who's got credentials to do that and  
23 would not necessarily want the Government or the Court  
24 picking the expert to do it.

25 So the Court's balance in this respect would

1 require some additional costs but with the benefit of some  
2 additional observation. And so I'll ponder these issues and  
3 then hopefully by tomorrow we'll come up with some order,  
4 and then the parties can proceed.

5 MS. WILKENS: Your Honor, on the other -- on the  
6 other T-shirt, you were mentioning another T-shirt that's  
7 freshly laundered and blood put on it. I don't know how  
8 useful that would be, and I would suggest that that may not  
9 really be of assistance beyond controls off the other shirt.

10 But also, if we're going to use another shirt, we  
11 should use one from 1983 because the laundry products have  
12 changed. The clothing materials have changed. This is a  
13 problem when you're dealing with a 21-year-old piece of  
14 evidence.

15 THE COURT: So are you just saying don't do that  
16 at all?

17 MS. WILKENS: I don't know that --

18 THE COURT: Just use the ED --

19 MS. WILKENS: -- it would be helpful, and I think  
20 if the Court wanted it done, it would make more sense to do  
21 it with a garment from 1983. We have other items of  
22 clothing that were in Mr. Cooper's possession. I mean, I  
23 just don't know what a new T-shirt --

24 THE COURT: You do have a garment from 1983?

25 MS. WILKENS: Yeah, we have other clothing that he

1 was in possession of when he was apprehended that, you know,  
2 the Leases identified certain garments, and so I mean if you  
3 want a 21-year-old garment, we can get you one. So I -- I  
4 just don't know how helpful this is.

5 THE COURT: And then how about putting blood on  
6 it?

7 MS. WILKENS: Yeah, I don't know how helpful that  
8 is. I mean, the scientists have not mentioned that as being  
9 helpful, but I can talk to them expressly, but they have  
10 expressed concern because the amount of EDTA in laundry  
11 products have changed over the years.

12 THE COURT: I see.

13 MR. ALEXANDER: Are these the scientists not  
14 participating? I mean, I'll ask -- I know when I've reached  
15 my limit, and I've reached my limit in expertise on this  
16 sort of thing. I'll just ask the people who are experts and  
17 involved. That may be a very reasonable thing to do.

18 THE COURT: All right. So we'll resume tomorrow  
19 at 9:00 o'clock, and we have Fahey --

20 MS. WILKENS: And Detective Wilson.

21 THE COURT: -- and Detective Wilson --

22 MS. WILKENS: Yes.

23 THE COURT: -- is going to come?

24 MS. WILKENS: Yes.

25 MR. ALEXANDER: We may have someone else if I

1 might address it, your Honor, and -- and it's Ms. Epler. I  
2 would please ask the Court to listen to the additional  
3 information. I have spoke to Ms. Epler.

4 THE COURT: Is she willing to come out?

5 MR. ALEXANDER: She is.

6 THE COURT: All right.

7 MR. ALEXANDER: Indeed, her son is willing to meet  
8 her down here. Her -- her situation, frankly, is no --

9 THE COURT: But she's willing to come out here  
10 tomorrow for sure?

11 MR. ALEXANDER: Well, whether tomorrow or Friday,  
12 and it's just a question she's coming from Florida, and I  
13 said, well, maybe if you fly out tomorrow, testify later in  
14 the day --

15 THE COURT: Uh-huh.

16 MR. ALEXANDER: -- because she -- three-hour time  
17 difference.

18 THE COURT: She'd get here about 11:00.

19 MR. ALEXANDER: And then she could go back.

20 Her -- she actually -- her situation is actually less severe  
21 than Ms. Wilkes. She's prepared to come. Her son lives in  
22 San Francisco and is going to come down and meet her. She  
23 is anxious because she doesn't want to get a job and then in  
24 a week or so have to say "I've got to go to California for  
25 something." So she'd like to do this sooner rather than

1 later.

2 THE COURT: If you get her here by tomorrow --

3 MR. ALEXANDER: Uh-huh.

4 THE COURT: Get her here --

5 MR. ALEXANDER: Is Friday available by chance?

6 I'm going to talk to her.

7 THE COURT: Friday is --

8 MR. ALEXANDER: I'm hoping not -- I'm hoping it's

9 tomorrow.

10 THE COURT: See if she could come tomorrow.

11 Tomorrow would be much better.

12 MR. ALEXANDER: All right. I will report back.

13 THE COURT: Because she could fly --

14 MR. ALEXANDER: Uh-huh.

15 THE COURT: -- get here about probably -- from

16 Florida?

17 MR. ALEXANDER: Yeah, Tampa.

18 THE COURT: Tampa. Southwest?

19 MR. ALEXANDER: Right.

20 (Pause.)

21 THE COURT: I think her information is limited.

22 It was given at the time that the Court was under the

23 misapprehension that the logs had not been provided. I am

24 satisfied now that the logs were provided, and I think her

25 information is limited.

1 MR. ALEXANDER: And she recognizes --

2 THE COURT: But if she's willing to come --

3 MR. ALEXANDER: -- Mr. Fields' name now having  
4 seen that. She wasn't sent that by the other side when they  
5 interviewed her. So we sent the actual log that referenced  
6 the picking up of the shirt to her, and we also sent her  
7 the transcript of her interview which she had not had, and  
8 the third thing that I sent to her in response to her  
9 request, one other item -- oh, I know. No. They sent her,  
10 your Honor --

11 THE COURT: We're not paying for her son to come  
12 down.

13 MR. ALEXANDER: No, no, no, no, no. He -- I mean,  
14 that's one of the situations. She has three children -- I  
15 don't want to get into personal matters.

16 THE COURT: Well, how about this, if she's able to  
17 be here tomorrow --

18 MR. ALEXANDER: Uh-huh.

19 THE COURT: -- that's fine.

20 MR. ALEXANDER: Very good.

21 MS. WILKENS: Your Honor, I'm somewhat troubled  
22 because counsel said that she would prefer to come tomorrow  
23 because if she had to come next week, it could interfere  
24 with potential employment, and I don't know what impression  
25 that Ms. Epler's been left with by talking to counsel,

1 and --

2 MR. ALEXANDER: Ask her. You can ask her anything  
3 I said to her. When I talked to her yesterday later after  
4 court, all right, she had -- she was, you know, concerned  
5 about the situation. She's moved recently from North  
6 Carolina. She doesn't have a job. She's concerned about a  
7 job. I talked to her again this morning, and she had gotten  
8 two phone calls about possible job opportunities as a real  
9 estate agent. You may ask her every bit of this, and what  
10 they did is sent her a photograph that we've seen here of  
11 the T-shirt, and she understood that to be the scene where a  
12 blue shirt was found, and she's not -- you know, so she  
13 said, "Is this where the blue shirt was found," and I said,  
14 "No. That's where the what you call it shirt was found,"  
15 but it is what it is.

16 THE COURT: Well, I think on -- I mean, there's --  
17 in these interviews by both sides, I think that it's my  
18 understanding she may not have known about a blue shirt  
19 until counsel mentioned a blue shirt or somebody else. I --  
20 either on one side or the other. So we're talking about  
21 people's recollections 21 years ago and dealing with memory  
22 difficulty at that time.

23 If she's able to be here and get on a plane  
24 tomorrow morning, she could be here by the afternoon.

25 MR. ALEXANDER: She's my first call.



1 THE COURT: Okay. If not, then we could talk  
2 about it tomorrow about Friday. Friday is much more  
3 difficult for me.

4 MR. ALEXANDER: Yes. I understand.

5 THE COURT: Okay.

6 MS. WILKENS: Your Honor, she's 66 years old.  
7 When we spoke to her, it was an enormous hardship. I don't  
8 know who's paying for her son to fly down here. I don't  
9 know what's been offered to her, and there's no allegation  
10 in the pending petition relating to the blue shirt entry,  
11 and, you know, that was all turned over at the time of  
12 trial, and we're bringing in a 66-year-old woman from  
13 Florida who has no recollection about anything to talk about  
14 a phone call she doesn't remember making, and it's -- it's  
15 just an expenditure that someone's going to be paying for,  
16 and it doesn't make any sense, and I -- I really don't  
17 understand --

18 THE COURT: The Petitioner still wants it, is that  
19 right?

20 MR. ALEXANDER: Yes, your Honor, and I --

21 THE COURT: And now you think that she's --

22 MR. ALEXANDER: -- take a little offense at this  
23 reference to 66 years as that is approaching in the not too  
24 distant future, but in any event --

25 THE COURT: And you believe that perhaps she could

1 be available tomorrow?

2 MR. ALEXANDER: Yes. That's what I'm going to do  
3 as soon as I leave this courtroom.

4 THE COURT: If she's available to come and  
5 tomorrow works out much better for me than Friday morning,  
6 but if -- so see if you could --

7 MR. ALEXANDER: I will do that.

8 THE COURT: -- get her on a plane, and then  
9 we'll -- her testimony shouldn't be that long I would think.

10 MR. ALEXANDER: No, I don't think so either.

11 THE COURT: All right.

12 MR. ALEXANDER: Thank you.

13 THE COURT: We'll see you tomorrow at 9:00  
14 o'clock.

15 MS. WILKENS: Thank you, your Honor.

16 (Proceedings concluded.)

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1 I certify that the foregoing is a correct  
2 transcript from the electronic sound recording of the  
3 proceedings in the above-entitled matter.

4  
5 Indon Kelly  
6 Transcriber

9-8-04  
Date

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9 A. P. Francis  
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