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SUPREME COURT - STATE OF CALIFORNIA

THE PEOPLE OF THE  
STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

KEVIN COOPER,

Defendant-Appellant.

SUPREME COURT NO. CRIM 24552

FROM SAN DIEGO COUNTY

HON. RICHARD C. GARNER,  
JUDGE

San Diego County Superior Court Case No. CR 72787

REPORTERS' TRANSCRIPT

VOLUME 97

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 30

HON. RICHARD C. GARNER, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT

December 19, 1984

APPEARANCES:

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Official Reporters

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(Mr. Negus)

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1 SAN DIEGO, CALIFORNIA, WEDNESDAY, DECEMBER 19, 1984 9:35 A.M..

2 --oo0oo--

3  
4 THE COURT: Good morning.

5 To explain the absence of our regular bailiff,  
6 Deputy Ricks, his mother has become quite seriously ill so he  
7 had to go to the Sacramento area.

8 Everybody is present.

9 Mr. Negus, the witness is still under oath on the  
10 stand.

11  
12 BILL ARTHUR,

13 called as a witness on behalf of the Defendant, having been  
14 previously duly sworn, resumed the stand and testified further  
15 as follows:

16  
17 DIRECT EXAMINATION (Resumed)

18 BY MR. NEGUS:

19 Q. When you were taking the measurements with Mr.  
20 Gregonis last April, did you take any other measurements in the  
21 general area besides the distance from doorway to doorway there?

22 A. I believe I measured the distance from the spa to  
23 the patio doors.

24 Q. And that was six feet?

25 A. I believe that's correct.

26 Q. And how about -- what was the distance from the  
27 patio doors to the driveway there?

28 A. That's written down in that report.

1 Q. Did you bring your report today?

2 A. No, I didn't.

3 Q. Fine. Here's your report.

4 What was the distance from the patio door to the  
5 driveway there?

6 A. That was sixty-two feet.

7 Q. Okay. During -- in that area that's surrounding  
8 the house, that's essentially all lawn and palm trees; is that  
9 correct?

10 A. All except for the area of the driveway in front of  
11 the garage and around that side of the house, yes.

12 Q. But the vegetation in the area surrounded by the  
13 driveway that goes around the house, is that essentially just  
14 lawn?

15 A. Yes.

16 Q. Are there any two foot -- were there, back on June  
17 5th, any two foot tall bushes with large burrs on them in that  
18 area?

19 A. Not that I recall.

20 Q. Did you also measure the distance between the patio  
21 door and that fence there?

22 A. Yes.

23 Q. And that was from the patio door to the fence that  
24 separates the Ryen property from the 2991 property, that was 278  
25 feet?

26 A. I don't believe it is. It is 266 feet.

27 Q. You have got it in front of you. You are correct.  
28 And then did you also measure from the slope here

1 at the top down to the door?

2 A. I don't believe the slope. I think from the top of  
3 the fence.

4 Q. Oh, from the top of the fence?

5 A. Yes.

6 Q. You didn't take any measurements from here down to  
7 the door?

8 A. No.

9 Q. Okay. Now, in the area between the driveway, the  
10 east driveway and the fence, were there any two foot tall bushes  
11 with large burrs on them?

12 A. I don't know.

13 Q. Did you see any such bushes anywhere around the  
14 Ryen house?

15 A. Not that I recall.

16 Q. Did you, yourself, personally search in this area  
17 between the Ryen house and Lease house to determine whether or  
18 not there was any -- any areas where the vegetation had been  
19 broken down like there was a struggle or something?

20 A. On the 5th?

21 Q. Yes.

22 A. No.

23 Q. Some other time did you?

24 A. I have walked through that area.

25 As far as noticing broken down vegetation, I was  
26 not in the area at the time that it would have mattered.

27 Q. Did you request anybody else in the Sheriff's  
28 office to do that particular task for you?

1 A. Yes.

2 Q. Who was that?

3 A. On the 5th? I believe that to be Captain Bradford,  
4 or Lieutenant Bradford at that time. I believe toward the fence  
5 area I believe Captain Meyers assisted in that, though I'm not  
6 positive about Captain Meyers. Rick Roper covered some of that  
7 area. Shelby Gaul may have.

8 On the 6th there were additional personnel put into  
9 the area to do that from CCD.

10 On the 7th I had our academy officers enrolled, I  
11 don't know how many were there; 30, 40, 50 personnel covering  
12 the areas.

13 Q. On the 5th was there some essentially breaking in  
14 the vegetation noticed on the areas of rather thick vegetation  
15 that was, as it were, between the Ryen, south side of the Ryen  
16 driveway, and the large field area that's to the south of the  
17 Ryen home?

18 A. I don't know.

19 Q. By the way, over the time from the last, from  
20 yesterday to today, did you go back and look at the picture and  
21 seen whether there was any photographs of those shoeprints in  
22 the barn?

23 A. Yes, I did.

24 Q. And were there?

25 A. There were not.

26 Q. By the way, showing you Exhibit 172, a small three  
27 by five photograph of the slope that came down from the lunging  
28 area to the 2991 driveway.

1 Does that picture appear to depict the vegetation  
2 conditions as they appeared on June 7th or 8th, 1983?

3 A. Yes.

4 Q. And was that approximately the same level of  
5 dryness, and what have you, that they were on June the 5th,  
6 1983?

7 A. I believe so.

8 Q. There's some depicted at the top of the slope  
9 there. There is somewhat looks to be maybe two foot high  
10 plants, somewhat dry in nature.

11 Do you recall whether those plants -- do you recall  
12 seeing those particular plants when you were out there?

13 A. I didn't pay any attention to the porch.

14 Q. On the barn that's not really very visible, but  
15 sort of back in there. Behind the trees, in that particular  
16 photograph, No. 4, is there a large light fixture on that barn?

17 A. Yes.

18 Q. And showing you a little photograph, 232, does that  
19 depict the area where you can see that large light fixture?

20 A. Yes, it does.

21 Q. Giving you a blue Sharpie, can you make a circle on  
22 that photograph for the spot where that appears.

23 A. (Witness complied).

24 Q. Now, through trial and error, have you noticed that  
25 that particular photograph appears to be sensitive to it getting  
26 dark, that is, it has some sort of a device that it will  
27 automatically turn it on when it gets to be dark and that it  
28 will turn if off when it gets to be light outside?

- 1           A.     The photograph?
- 2           Q.     No, the light fixture --
- 3           A.     Oh, the light.
- 4           Q.     -- that appears in the photograph.
- 5           A.     Yes.
- 6           Q.     Does that have some sort of a light sensing device
- 7     on it so that when it gets dark outside it comes on, when it
- 8     gets light again in the morning it goes off?
- 9           A.     I believe that to be true.
- 10          Q.     And on -- for example, on the night of June the 5th
- 11     when you were working late that night, did in fact that light
- 12     come on?
- 13          A.     I didn't see it come on. I saw it was on that
- 14     night.
- 15          Q.     You saw it was on that night. You don't -- you
- 16     don't recall whether you looked at it during the daylight hours.
- 17          A.     No.
- 18          Q.     You have been out there during the daylight hours
- 19     though when it does appear to be off during the daylight without
- 20     anybody flicking the switches.
- 21          A.     That's correct, yes.
- 22          Q.     Now, showing you another photograph, Exhibit 251.
- 23                 Does that likewise show the area where that large
- 24     light fixture is?
- 25          A.     Yes.
- 26          Q.     Could you circle it in blue on that particular
- 27     photograph too.
- 28          A.     (Witness complied).

1           Q.     Now, the small picture here that I just showed you,  
2     Exhibit 251, put that up here -- that is sort of taken directly  
3     looking at the fixture from a certain spot in the Ryen lawn; is  
4     that right?

5           A.     Yes.

6           Q.     Taking the orange marker on Exhibit 3-B, can you  
7     draw for us the approximate line of view of that photograph, No.  
8     251.

9           A.     (Witness complied).

10          Q.     Now, there -- the photograph apparently is taken in  
11     a gap of vegetation that is just between the house and the trees  
12     that are to the south; is that right? You can see the trees on  
13     one side, the house on the other.

14          A.     Yes.

15          Q.     Does that gap continue in a straight line all the  
16     way down towards the -- towards the lunging area in the  
17     driveway?

18          A.     Well, it has some trees at that location, at the  
19     end of the patio, that might interfere that you cannot see here.

20          Q.     Do they in fact?

21          A.     But appears they might here, yes.

22          Q.     Well, you have been --

23          A.     The lunging area is here. If you came down this  
24     way you are going to have to make a turn.

25          Q.     Well, let's say the -- if you drew a straight line  
26     where you and Gregonis measured between the house and the 2991,  
27     you could indicate that that upper field area would be  
28     illuminated, at least in part, by the light from the barn; is

1       that right?

2             A.     I don't agree with that.

3             Q.     Well, you have been, you and Kottmeier and I have  
4 all been out there at night; is that right?

5             A.     That's correct.

6             Q.     And the light from that barn is quite bright, is it  
7 not?

8             A.     Yes.

9             Q.     I mean, and the swing set that is depicted in the  
10 little photograph, Exhibit 251, you and Mr. Kottmeier and I went  
11 out and determined it would be possible to play football in the  
12 light that existed at that swing set; is that right?

13            MR. KOCHIS: Objection, he's getting leading.

14            THE COURT: Yes, sustained.

15            MR. NEGUS: The witness is showing some reluctance, your  
16 Honor.

17            THE COURT: Sustained, counsel. I don't find that.

18            BY MR. NEGUS:

19            Q.     Mr. Arthur, did you and Mr. Kottmeier go out there?

20            A.     Yes.

21            Q.     And did you find that you could play football in  
22 that light?

23            A.     Pertaining to the area in front of the barn?

24            Q.     Right. By the swing set.

25            A.     By the swing set, yes.

26            Q.     And did the light from the -- from the barn  
27 illuminate a portion of that wooden thing that is along the  
28 eastern side of the driveway so it was quite brightly

1 illuminated?

2 A. Yes.

3 Q. Unless I'm mistaken.

4 A. You didn't ask me about that, you asked about the  
5 lunging area.

6 Q. Please, just try and be responsive, Mr. Arthur.  
7 I'm just asking you that question right at the moment. Did it?

8 A. Yes.

9 Q. And did it also illuminate a portion of this field  
10 that was sort of on that slope that I have just traced with my  
11 finger to the east of the driveway, and between the east of the  
12 driveway and the lunging area?

13 A. I don't know.

14 Q. When you were observing the lighting conditions,  
15 um, at the, at the Ryen house, you observed them with various  
16 exterior lights turned off and on; is that right?

17 A. Yes.

18 Q. During the time that you were making your  
19 observations, all of the interior lights were turned off; is  
20 that right?

21 A. Yes.

22 MR. KOCHIS: Objection, vague as to time. Are we  
23 December of '84, or June of '83?

24 THE COURT: I assume they're talking about the time that  
25 you were there with Mr. Kottmeier.

26 MR. NEGUS: That is what I'm talking about. I will clear  
27 it up.

28 Q. Mr. Arthur, did you go out and do experiments with

1 the light at any time other than the time that you went out with  
2 Mr. Kottmeier and myself?

3 A. No.

4 Q. So during that time you were doing the experiments  
5 with the lights, you had -- the lights inside the house were  
6 turned off.

7 A. Yes.

8 Q. And the light from the barn, was it at all times on  
9 during those particular times?

10 A. Yes.

11 Q. The ones that there was also some exterior lights  
12 both on the bedroom eaves and on the living room eaves that we  
13 discussed yesterday, they were tried in a variety of conditions.

14 A. Yes.

15 Q. Now, the living room lights when turned off and on  
16 would not effect the lighting conditions on the patio very much;  
17 is that correct?

18 A. It did effect the lighting condition on the patio.

19 Q. The living room lights?

20 A. Yes.

21 Q. How did it do that?

22 A. You could see better with the light on than you  
23 could with it off.

24 Q. Did the light from the living room reflect around  
25 the trees to the patio?

26 A. I think over them.

27 Q. Was the improvement that the lighting condition  
28 from the eaves made on the -- on the lawn back here, essentially

1 that it illuminated this back area of lawn and the driveway?

2 A. I did not pay that much attention to the driveway.  
3 It did illuminate the lawn back toward the patio.

4 Q. With both the living room lights and the bedroom  
5 lights turned off, you could still see clear enough -- could you  
6 still clear enough to play football when you were standing out  
7 next to the swing set?

8 A. I suppose you could, yes.

9 Q. Well, is that you what you and Mr. Kottmeier  
10 determined?

11 A. That conversation was had. I am not a football  
12 player. I would hate to try and catch a ball out there.

13 Q. Was it light enough to determine what color tie you  
14 were wearing out there?

15 A. Under the light? Under the barn light?

16 Q. Yeah. The barn or the area of the swing set.

17 A. I have no idea, I didn't touch that.

18 Q. Um, the photograph, No. 4, is taken from a  
19 helicopter above the scene; is that right?

20 A. Yes.

21 Q. Do you know that if you would get down to ground  
22 level at the lunging area, whether or not you could see directly  
23 to the light that is coming from the barn?

24 A. I don't know.

25 Q. Do you know whether you could see directly or not  
26 to the lights that are on the bedroom?

27 A. I don't know.

28 Q. Or the living room?

1 A. I don't know.

2 Q. Did you measure the distance between the Ryen house  
3 and the Edwards' house?

4 A. No.

5 Q. Just based upon then an estimate, does the Edwards  
6 house appear to be further from the Ryen house than is 2991?

7 A. I don't know.

8 Q. Do you know if any of the lights from the Ryen  
9 house will illuminate the upper slope area of the slope that  
10 goes down to the 2991 driveway?

11 A. No.

12 Q. While you and Mr. Kottmeier and I were at the Ryen  
13 house last week, there was also some experiments done inside the  
14 house with all the lights in the house turned off; is that  
15 correct?

16 A. That's correct.

17 Q. Does the light from the barn shine directly into  
18 the Ryen bedroom?

19 THE COURT: Master bedroom?

20 MR. NEGUS: Yes. Master bedroom.

21 THE WITNESS: No.

22 BY MR. NEGUS:

23 Q. What about through the window that's above that.

24 A. Yes. It illuminates that area. It doesn't shine  
25 directly in there.

26 Q. In the -- do these -- do the lengths of these walls  
27 in the -- that are shown in this diagram here, Exhibit 6, do  
28 they appear to be exactly to scale, as that is?

1           A.     Detective Clifford says that they are to scale and  
2 I believe Detective Clifford and that's all I can go by. I  
3 didn't do any measuring.

4           Q.     They do appear to you then to be just as you look  
5 at them?

6           A.     Again, I don't know.

7           Q.     While just the barn -- Well, the experiments that  
8 were done involved turning off and on the living room lights,  
9 turning off and on the lights outside the bedroom, and at all  
10 times the lights were on; is that right?

11          A.     You said turning on the living room light. You are  
12 talking about the outside light --

13          Q.     Yes. Excuse me.

14          A.     -- not the inside light.

15                 Yes.

16          Q.     And the lights outside the master bedroom?

17          A.     Yes.

18          Q.     Now did the -- when the lights that were outside  
19 the Ryen master bedroom were turned on, did they shine directly  
20 into the bedroom?

21          A.     No.

22          Q.     What about on the east wall?

23          A.     You've pointed at two different locations for  
24 lights. The only lights I remember were on the corner here.

25          Q.     Which corner?

26          A.     Near the spa. At that location, yes.

27                 You had pointed earlier to the --

28          Q.     Would the window that's above the bed --

1           A.     To the other corner. Okay.

2           Q.     They did not shine directly through that window?

3           A.     They did not shine directly through the window.

4     They illuminated.

5           Q.     Well, let's -- let's start with the closet there.

6                   What about when -- when all the lights, all the  
7     exterior lights were on, none of the interior lights were on,  
8     could you see into the closet that's behind Doug Ryen?

9           A.     Yes.

10          Q.     And what was the source of that illumination?

11          A.     The lights that were coming in from the outside of  
12     the house.

13          Q.     Could you tell which one it was?

14          A.     No, because I saw it with him without the lights  
15     on.

16          Q.     Was it the same intensity with the -- with the  
17     bedroom lights on as it was the barn lights?

18          A.     More intense.

19          Q.     Was it -- with just the barn lights on, was it  
20     intense enough that you could see the color and the grain of the  
21     wood in the closet wall on the inside of that closet?

22          A.     Yes.

23          Q.     Same with -- same with the -- and it was even more  
24     so when you turned on the lights outside the bedroom?

25          A.     Yes.

26          Q.     Could you -- was there sort of -- that is, an  
27     actual thing where you could do shadow -- I mean, the lights was  
28     strong enough that you could hold up your hands and see shadows

1 on the wall?

2 A. I didn't try that. I don't know.

3 Q. Did it appear to you to be of that intensity?

4 A. I believe you could.

5 Q. Could you, taking the brown marker, on Exhibit 6-I  
6 sketch that area in?

7 A. The area of the closet oyou're talking about?

8 Q. The area that was brightly illuminated, enough so  
9 that you could make shadow pictures and you could see the grain  
10 and what have you.

11 A. I believe that would be an area that you could see  
12 the grain quite well.

13 Q. Okay. As you moved around -- Well, when you were  
14 there doing the experiments with the lights, there was no  
15 furniture in the room; is that right?

16 A. That's correct.

17 Q. There was essentially new carpeting, new paint, and  
18 a new plaster put on the south wall?

19 A. Yes.

20 Q. But was the -- did the arrangement of the walls and  
21 windows appear to be unchanged from June 5th, 1983?

22 A. Yes.

23 Q. Did you determine that the, for example, the height  
24 that the dresser had been when it was in this position in the  
25 southeast corner was such that it could not have interfered with  
26 any of the light that we saw coming into the bedroom last week?

27 A. We discussed that. Without seeing the dresser back  
28 in that location I would hesitate to say that it would or

1 wouldn't.

2 Q. Well, did you tell me that, for example, it was  
3 below the level of the -- of the window?

4 A. I believe it was below the level of the window,  
5 yes.

6 Q. And on the east wall here was there some light  
7 shining on the east wall that was approximately the same  
8 intensity as the light shining in the closet, that is, it was a  
9 spot that was more brightly illuminated than the rest of them?

10 A. There was a brightly illuminated spot on the wall.  
11 I think it was brighter than that shining into the closet.

12 Q. Brighter than?

13 A. I believe so.

14 Q. Okay. And did you determine that the height of  
15 that dresser would not have interfered with that particular  
16 brightly illuminated spot?

17 A. We discussed that. Again, I don't know whether it  
18 would or not. We did have that discussion.

19 Q. Did you tell me at that time that it would not?

20 A. I believe I said that I didn't know whether it  
21 would or not.

22 Q. Was there any spots along the wall where the  
23 shelving had been that were more brightly illuminated than the  
24 surrounding area?

25 A. I don't remember that wall.

26 Q. Did you attempt to sort of move around the room and  
27 in different areas while you were there while Mr. Kottmeier was  
28 attempting to try and make television pictures of it?

2  
1 A. Yes.

2 Q. Did you also during the period of time observe me  
3 moving around the room into different locations doing one thing  
4 and another?

5 A. Yes.

6 Q. As one moved around the room, did the -- did the  
7 lighting on a person change considerably, is that so, that is,  
8 from areas of almost darkness into areas of quite bright  
9 illumination?

10 A. I really don't know how to answer that because  
11 you're using the term "quite bright illumination". It was not  
12 quite bright in that room. You could see -- you could see  
13 movement and shadows.

14 Q. You could see, for example, could you see, for  
15 example, that all three of us were Caucasians?

16 A. In that room I believe so, yes.

17 Q. Could you see the color of our shirts?

18 A. No.

19 Q. Could you see the outline of our shirt?

20 A. That's a problem I'm having. I remember the  
21 outline and, of course, I know we're Caucasian. I -- I don't  
22 think I could tell color in there.

23 Q. Did you make a comment at the time that you could  
24 be able to recognize somebody?

25 A. I had no problem recognizing between you.

26 THE COURT: The question was: Did you make that comment.

27 MR. KOCHIS: Well, that's hearsay. It's not inconsistent  
28 with anything he said. So far he's been asked about color and

1 race.

2 THE COURT: How can you impeach your own witness, Mr.  
3 Kochis? If you wish, it's the proper way to do it. Overruled.

4 THE WITNESS: Could I have the question again, please.

5 BY MR. NEGUS:

6 Q. Did you make a comment that you could recognize  
7 people in that room?

8 A. I don't know. I may have.

9 Q. In fact, could you?

10 A. Yes.

11 Q. Were you able to see the pattern of your tie, or  
12 Mr. Kottmeier's or my tie?

13 A. I didn't look.

14 Q. Was an experiment done whereby my camera bag, which  
15 is about fifteen by eighteen inches --

16 First of all is my camera bag about fifteen inches  
17 by eighteen inches?

18 A. Thereabouts.

19 Q. Was that placed by one of you, Mr. Kottmeier or  
20 yourself, in the doorway there where Jessica was lying?

21 A. Yes.

22 Q. And did you then go down to Josh's bedroom and come  
23 down the hall and determine whether or not coming from Josh's  
24 bedroom down the hall you could see the camera bag in the  
25 position that Jessica was found?

26 A. I don't think I did that. From Josh's room I don't  
27 think I did that.

28 Q. Did you walk down the hall with Mr. Kottmeier and

1 turn the corner and determine that when you were in the hallway  
2 that would essentially be between Jessica's bedroom and the  
3 laundryroom that you could in fact see the camera bag?

4 MR. KOCHIS: Objection. It's leading.

5 THE COURT: I will overrule it.

6 THE WITNESS: I may have. At this point I don't remember  
7 taking those steps.

8 BY MR. NEGUS;

9 Q. Well, did you stand in the hallway, forgetting the  
10 steps then, and look down the hall from the direction that Josh  
11 would have been coming when he and Chris left the bedroom  
12 somewhere in this hall looking at that camera bag and determine  
13 that you come in fact see the camera bag?

14 A. I stood in the hall. I don't remember that. I  
15 don't remember seeing the bag. I don't know that it was there.

16 Q. You don't remember that at all?

17 A. At the time I was in the hall, I don't believe the  
18 bag was there.

19 Q. You don't recall commenting to Mr. Kottmeier that  
20 you can see it there?

21 A. I recall making that statement and I was standing  
22 in the bedroom because I had just placed the bag there.

23 THE COURT: Ladies and gentlemen, a question in itself is  
24 not evidence and is important only insofar as it may supply  
25 meaning to an answer.

26 So by some of the questions, don't draw inferences  
27 from the question unless you may do so legitimately by  
28 connecting it with an answer.

1                   Go ahead.

2       BY MR. NEGUS:

3           Q.     Do you recall Mr. Kottmeier, on I believe two  
4       different occasions, holding his television cameras in his hands  
5       and walking down from Josh's bedroom towards the doorway?

6           A.     Yes.

7           Q.     And were you with him during that?

8           A.     No.

9           Q.     Where were you?

10          A.     I was standing in the bathroom doorway from the  
11       master bedroom.

12          Q.     Right here (indicating)?

13          A.     In that area, yes.

14          Q.     Did -- did you also while you were in the bedroom  
15       ask me to stand in that -- in that doorway?

16          A.     Yes.

17          Q.     And that was for for the purpose of -- Was that for  
18       the purpose of seeing whether, first of all, you could recognize  
19       me?

20          A.     No.

21          Q.     What was the purpose?

22          A.     You were in the way.

23          Q.     Didn't you ask me to move out of where you were  
24       standing and go back in there so you could look around and  
25       observe how I appeared in the bathroom door?

26          A.     I don't believe so.

27          Q.     Did you make any comment to the effect that you  
28       could have recognized Cooper, I believe the word you used,

1 standing in the position that I'm in?

2 MR. KOCHIS: Well, your Honor, I would object. It's not  
3 inconsistent. It's hearsay. It's not relevant, what he  
4 could -- if he could recognize Mr. Cooper there.

5 THE COURT: Overruled.

6 THE WITNESS: I don't think I used Cooper's name. I made  
7 that statement but without Cooper -- Cooper's name.

8 BY MR. NEGUS:

9 Q. Was there the kind of light shining on the open  
10 door and wallway area between where Jessica's body lay and the  
11 spot where you asked me to stand such that you could like make  
12 shadows on the wall?

13 A. I don't remember that.

14 Q. Do you feel, based upon what you saw at that  
15 bedroom, that words can adequately describe the lighting  
16 conditions in that bedroom during -- as we did our experiments?

17 MR. KOCHIS: Objection. That calls for speculation.  
18 It's vague as to what "adequate" means.

19 THE COURT: Sustained.

20 BY MR. NEGUS:

21 Q. Are you able to accurately articulate the lighting  
22 conditions in that room using just words?

23 MR. KOCHIS: Same objection.

24 THE COURT: Counsel, I think that we can draw our own  
25 conclusions, and I may draw my conclusions based upon your  
26 questions and the answers given over the last twenty minutes or  
27 so. Sustained.

28 BY MR. NEGUS;

1 Q. Did you attempt, with Mr. Kottmeier, to video tape  
2 those lighting conditions?

3 A. Yes.

4 Q. And the lighting was such that video tape was not  
5 adequately able to do that; is that correct?

6 A. No.

7 Q. I mean, you couldn't see much of anything on the  
8 video tape except just high contrast areas of a few shadows and  
9 mostly just, I guess, random colors?

10 A. I saw no color. I saw myself.

11 Q. As a shadow?

12 A. A figure.

13 Q. Without, however, the same sort of definition and  
14 clarity that you could see, for example, me as I was walking  
15 around the room?

16 A. I had no problem seeing you.

17 Q. Right. But on the television, the picture on the  
18 television was considerably less well-defined than actual -- the  
19 actual figures moving around the room?

20 A. Yes.

21 Q. With the -- on the diagram here, could you put the  
22 approximate spot with an "L" where the lights were outside of  
23 the Ryen master bedroom.

24 A. (Witness complied.)

25 Q. And could you also put the spots where the lights  
26 were outside the living room.

27 A. (Witness complied.)

28 THE COURT: What spots are those?

2  
1 BY MR. NEGUS:

2 Q. On 6-I, the "L's" would refer to the flood lights  
3 that were pointing down being the ones closest to the walls and  
4 the ones that were pointing to the two sides being the furthest  
5 from the wall on the outside the -- on the exterior of the  
6 living room; is that right?

7 A. Yes.

8 Q. In the living room, with the lights -- the living  
9 room lights on, did we have it for a time arranged so that you  
10 were down inside the living room and I was standing up on top of  
11 the stairs?

12 A. Yes.

13 Q. Could you -- from that illumination could you see  
14 enough to recognize me at the top of the stairs?

15 A. Yes.

16 Q. And were you also able to see well enough to  
17 negotiate yourself around the -- around the living room to see  
18 the different -- the fireplace and the different walls and steps  
19 and everything like that?

20 A. Yes.

21 Q. And there's no problem like going down the steps,  
22 is that right, as far as light was concerned?

23 A. I had no problem.

24 Q. Living room lights turned off, were you still able  
25 to see where the steps were?

26 A. Yes.

27 Q. And still able to see, for example, the outline of  
28 my particular form?

1 A. Yes.

2 Q. Was the source of that essentially the lighting  
3 from the valley below?

4 A. Yes.

5 Q. The view from the Ryen bedroom is -- I mean the  
6 Ryen living room is quite spectacular; is that correct?

7 A. Yes.

8 Q. You could see practically the whole Pamona Valley,  
9 Chino area, all the way up to like Mount Baldy?

10 A. I didn't pay that much attention. It's possible.

11 Q. And the lights of the city below come into the  
12 living room and provide some illumination even when there's no  
13 exterior lights; is that right?

14 A. Yes.

15 Q. The light that -- in December when you and Mr.  
16 Kottmeier and I were at the house, the moon had not yet come up;  
17 is that correct?

18 A. That's correct.

19 Q. From the -- the Ryen bedroom -- again we look out  
20 over a different portion of the valley over the lights of the --  
21 of the city below it, is that right, or the lights of the  
22 housing tract below it?

23 A. Yes.

24 Q. This -- this street that goes east and west is  
25 Eucalyptus; is that right?

26 A. Yes.

27 Q. If you look out the doorway of the Ryen master  
28 bedroom you're almost looking due -- due east along Eucalyptus;

1 is that correct? I mean you can see Eucalyptus Avenue, straight  
2 line out there?

3 A. Yes.

4 Q. And the lights from that housing tract and from the  
5 shopping center that's down there and just from the valley below  
6 sort of come up and also provide some illumination in the Ryen  
7 master bedroom?

8 A. Yes.

9 Q. What were the lighting -- with the barn light on  
10 and the other exterior lights, what were the lighting conditions  
11 in Josh's room?

12 A. It was a little darker than the rest of the house.

13 Q. So, it would not have been as brightly illuminated  
14 say as the living room or the master bedroom; is that right?

15 A. No.

16 Q. Of all the house, was the living room and the  
17 master bedroom the most brightly illuminated?

18 A. Yes.

19 Q. In Josh's bedroom, though, could you still see well  
20 enough to distinguish forms?

21 A. Yes.

22 Q. And with the doors in the positions more or less  
23 that they are shown -- when -- when we were doing our  
24 experiments, were the doors more or less in the positions that  
25 they're shown in this diagram?

26 A. More or less.

27 Q. With the doors more or less in that position, was  
28 it even possible to like make out forms and see shapes in the

1 hallway area?

2 A. Yes.

3 Q. That is, as Mr. Kottmeier was approaching you down  
4 the hall with his camera you could see him coming with the  
5 camera?

6 A. The camera was glowing. I had no problem.

7 Q. It was just a little red glow?

8 A. A glow.

9 Q. Did you ever see Mr. Kottmeier coming without the  
10 camera going?

11 A. I don't know that I paid that much attention.

12 Q. By -- at one point in time was the doorway to the  
13 laundryroom closed by yourself?

14 A. By one of us.

15 Q. Did that make any appreciable different in the  
16 lighting in the hall?

17 A. I don't remember.

18 Q. The driveway area -- well -- there's -- after you  
19 get past a little veranda, I guess, there's a driveway out in  
20 this general area; is that right?

21 A. Yes.

22 Q. Is that driveway area, is it as brightly  
23 illuminated as the areas to what I would call the back of the  
24 house?

25 A. No, sir.

26 Q. Is it still, however, possible to easily discern  
27 the outlines of vehicles parked there?

28 A. Yes.

1 Q. On Exhibit 3-B, using the brown marker, could you  
2 put a "P.U." for the spot that the Ryen pickup was parked when  
3 you first -- when you first found it.

4 A. (Witness complied.)

5 Q. And was that spot in direct line with the light  
6 from the barn so that the Ryen pickup could be, as it were,  
7 outlined in light?

8 A. I never paid that much attention that it would  
9 appear there.

10 Q. The spot where A-3 is found, can you see it on this  
11 diagram, 3-B?

12 A. A-3 being the rope?

13 Q. Piece of rope bloody rope.

14 A. I don't believe so.

15 Q. Was the spot where A-3 was found in the same sort  
16 of brightly lit illumination that the pickup was?

17 A. I don't believe so.

18 Q. You have heard testimony from Mr. Hughes, I believe  
19 and others as to the spot that the Ryen station wagon was often  
20 parked there in front of the garage?

21 A. Yes.

22 Q. Was that spot -- did that spot receive the same  
23 bright illumination as the spot where the pickup was?

24 A. No.

25 Q. Was it, in that particular spot, however, bright  
26 enough to see that there was a car and steering wheel and the  
27 different parts?

28 A. Yes.

1 Q. When you went into the barn on June the 5th the  
2 first time, were there any horses in there?

3 A. Yes.

4 Q. About how many?

5 A. I didn't count them.

6 Q. Were there also horses outside the barn area in  
7 what looks to be the light brown area on the Photograph No. 3?

8 A. I don't remember.

9 Q. When you went in the barn did the horses make any  
10 noise?

11 A. No.

12 Q. Between the brown area around the barn and another  
13 sort of crescent-shaped brown area, to the north of the barn  
14 there is a, what appears on this photograph as an area with sort  
15 of greenish vegetation.

16 Is that area a rather steep slope?

17 A. Yes.

18 Q. And likewise, is it a steep slope going from the  
19 Ryen driveway down to the Edwards?

20 A. It is a slope. I wouldn't consider it really  
21 steep.

22 Q. Have you ever encountered the Edwards dog named  
23 Bruiser?

24 A. Yes.

25 Q. Does he appear to be friendly towards strangers?

26 A. I have no way of gauging that.

27 Q. Some dogs, when you first encounter them, appear to  
28 growl and show their teeth a lot; others are more wagging their

1 tail.

2 Do you recall which kind he is?

3 A. Well, he has no tail and he barked.

4 Q. Did he show you his teeth?

5 A. No.

6 MR. NEGUS: I'm about to move into an area. Perhaps we  
7 could switch targets.

8 THE COURT: All right. We will take the morning recess.  
9 Remember the admonition.

10 (Recess taken.)

11

12 THE COURT: Go ahead.

13

14 DIRECT EXAMINATION (Resumed)

15 BY MR. NEGUS:

16 Q. Mr. Arthur, what days, day or days, did you go to  
17 the residence 2991?

18 A. There was a question. I am just waiting. I can  
19 answer that. That was the 7th, I believe.

20 Q. Was that the only day you went out there?

21 A. I have been there many times. I remember that was  
22 the first day I went there.

23 Q. Do you recall whether you went there any other days  
24 that first week?

25 A. I don't recall.

26 Q. How long were you there the first day?

27 A. 30 minutes.

28 Q. Did you ever return that day or just that one 30

1 minutes?

2 A. I don't believe I ever returned.

3 Q. What time was it you got there?

4 A. It was in the afternoon after the scene had been  
5 located; that area had been located. I don't know.

6 Q. Was it still light out?

7 A. Yes.

8 Q. When you said "the scene", do you mean crime scene?

9 A. That location. No, it was not a crime scene.

10 Q. When you said when the scene had been located, did  
11 you mean that to be the crime scene?

12 A. The scene of evidence.

13 Q. Did you get shown through the house by anybody?

14 A. Yes.

15 Q. Who was that?

16 A. Sergeant Swanlund.

17 Q. Did Sergeant Swanlund point out to you areas of a  
18 special evidentiary interest?

19 A. Yes.

20 Q. Showing you Exhibit 137, which shows a portion of  
21 the kitchen area, 2991 residence, and there's a washer and dryer  
22 in the back of that.

23 Did Sergeant Swanlund point out to you the washer  
24 and dryer combination?

25 A. No.

26 Q. Did you ever look inside the washer/dryer  
27 combination?

28 A. No.

1 Q. Did you ever see any bloody clothes in the house?

2 A. No.

3 Q. Did you ever tell Sheriff Tidwell that you saw  
4 bloody clothes inside the Lease house?

5 A. No.

6 Q. With respect to the Lease house, what was the  
7 division, what was the division of responsibilities between  
8 yourself and Sergeant Swanlund? Were you still in overall  
9 charge of that house or was he?

10 A. He was in charge of the house, I was in charge of  
11 the investigation.

12 Q. So he was essentially delegated the task of  
13 processing the house by you as part of your overall charge of  
14 the investigation.

15 A. Yes.

16 Q. During the period of time that that house was being  
17 processed, did you ever delegate to anybody, other than Sergeant  
18 Swanlund, the overall responsibility for processing?

19 A. No.

20 Q. Showing you photograph L-12.

21 Does that photograph depict an area where you saw  
22 what appeared to be a bloodstain?

23 A. Yes.

24 Q. Could you use a brown marker and put "BS" for  
25 bloodstain there where you saw it.

26 A. (Witness complied).

27 Q. When did you see that?

28 A. At the time I was there with Sergeant Swanlund.

1 Q. Can you describe that bloodstain.  
2 A. Very small smear.  
3 Q. How small is small?  
4 A. At this time I don't remember. It was small.  
5 Q. Visible with the naked eye?  
6 A. Yes.  
7 Q. Did it appear to be made as some person with blood  
8 on their hands had touched the light switch?  
9 A. That is a possibility.  
10 Q. Can you see that stain there in the photograph,  
11 L-12?  
12 A. No.  
13 Q. Was there anybody -- who all was in the room at the  
14 time it was pointed out to you?  
15 A. Sergeant Swanlund and myself.  
16 Q. Did you point it out to anybody else?  
17 A. No.  
18 Q. Did you ever point it out to John Clifford?  
19 A. No.  
20 Q. Was Mr. Clifford with you and Mr. Swanlund in the  
21 house?  
22 A. No.  
23 Q. Was he at the scene?  
24 A. Not when I was there.  
25 Q. Was Mr. Duffy at the scene when you were there?  
26 A. I don't recall.  
27 Q. Showing you Exhibit 142, a picture of some people  
28 out in the lawn there taken from inside the living room.

1                   Is one of those you?

2           A.     Yes.

3           Q.     Was that picture taken before or after you saw the  
4     bloodstain, "BS"?

5           A.     After.

6           Q.     From the spot where you were standing on that lawn  
7     when the picture was taken, could you see the Ryen house?

8           A.     I believe you can.

9           Q.     As you -- when you were at the 2991 --

10          THE COURT: Bailiff, you will have to cut it off when the  
11     seats are filled. Thank you.

12     BY MR. NEGUS:

13          Q.     When you were at the 2991 residence, did you see  
14     anybody besides yourself and Sergeant Swanlund inside the house?

15          A.     I remember as I was leaving somebody else there,  
16     but I don't remember who it was.

17          Q.     Let's see. There's a person in the photograph No.  
18     142 that has previously been identified as Sergeant Swanlund, I  
19     believe. Behind that person is another person with dark hair.

20                   Do you know who that is?

21          A.     No.

22          Q.     Did you actually do any investigation at the 2991  
23     house or did you just look?

24          A.     Just looked.

25          Q.     Did you ever participate in, on I guess June the  
26     8th or June the 9th, any experiments with luminol inside the  
27     house?

28          A.     2991?

1 Q. Yes. On June the 8th or June the 9th.

2 A. No.

3 Q. So you didn't see them ever, in 1983 at least,  
4 spray the showers at 2991.

5 A. No.

6 Q. How soon after the discovery of 2991 was it that  
7 you determined that Mr. Cooper had been in that house?

8 A. The night of the 8th or early morning hours of the  
9 9th.

10 Q. That was when you got some phone records.

11 A. Yes.

12 Q. Up to that particular point in time, had the  
13 investigation focused on any particular suspect?

14 A. No.

15 Q. As the person who was in charge of the  
16 investigation, were you under any pressure from your superiors  
17 to come up with a suspect?

18 A. No.

19 Q. Did any of your superiors ever mention to you that  
20 they didn't like press coverage indicating that no suspect had  
21 been found?

22 MR. KOCHIS: Objection, irrelevant; hearsay.

23 THE COURT: Yes. Sustained.

24 MR. NEGUS: It's not offered for the truth of the matter  
25 asserted if the matter is -- but merely for the defense of which  
26 I have articulated before.

27 THE COURT: Yes. The ruling will stand.

28 BY MR. NEGUS:

1 Q. Did you, yourself, feel any urgency to come up with  
2 a suspect?

3 A. Certainly.

4 Q. After you found out about the phone calls, did you  
5 immediately undertake steps to file a complaint, to seek a  
6 complaint charging Mr. Cooper with murder?

7 MR. KOCHIS: Objection, irrelevant.

8 THE COURT: No. Overruled.

9 THE WITNESS: Within a time frame after that, yes.

10 BY MR. NEGUS:

11 Q. Did you -- let me start back on that.  
12 Did you tell Mr. Clifford to get busy on it?

13 A. Not immediately.

14 Q. Within a few minutes?

15 A. No.

16 Q. That night?

17 A. The next day. I believe.

18 Q. And a formal complaint was filed against Mr. Cooper  
19 in the afternoon hours of June the 9th; is that right?

20 MR. KOCHIS: Again, objection, it is not relevant.

21 THE COURT: Overruled.

22 THE WITNESS: Yes.

23 THE COURT: Counsel, I have to give wide latitude for him  
24 to develop his theory of the case. Proceed.

25 BY MR. NEGUS:

26 Q. Prior to the filing of the criminal complaint  
27 against Mr. Cooper, did you have a number of persons under  
28 consideration as possible suspects?

1 A. Yes.

2 Q. And essentially -- well, had you been given  
3 resources by the Sheriff, that is, wider than just your  
4 particular department, in order to try and solve this particular  
5 case?

6 A. No.

7 Q. Well, had -- was there such a thing as a Career  
8 Criminal Division in the Sheriff's Department?

9 A. Yes.

10 Q. I think I was sloppy in my last question.  
11 Were you given resources more than just the  
12 homicide division to try and solve this particular case?

13 A. Yes.

14 Q. And that included the Career Criminal Division of  
15 the Sheriff's Department.

16 A. Yes.

17 Q. And essentially was a task force formed?

18 A. Yes.

19 Q. How many persons were in that task force as of June  
20 the 9th?

21 A. I don't recall the amount.

22 Q. 40 or 50 sound like a reasonable number?

23 A. Yes.

24 Q. Putting on the board exhibit --

25 THE COURT: I think we'd better have a discussion in  
26 chambers.

27 Ladies and gentlemen, relax. Please chat amongst  
28 yourselves but not about the case.

1           Would counsel and the defendant step into chambers  
2     with the reporter, please.

3

4           (Chambers conference reported.)

5           THE COURT: Perhaps all you have to do is to articulate  
6     to me, Mr. Negus, where we're going. I'm afraid we're going to  
7     get into irrelevant or prejudicial matters.

8           See if I have the possible scenario. That the  
9     Sheriff's Department brass, or people in charge prior to  
10    apparently the 9th, had focused attention on other people and  
11    other possible suspects. Then they got locked in on Mr. Cooper,  
12    and neglected and quit and abandoned looking for other people,  
13    for instance, the three white men indicated by the boy.

14           (A) relevancy, (B), it is going to open up, I  
15    suspect for opinion evidence, and what was the thought processes  
16    of the investigating officers and why they locked in on Cooper  
17    and what their suspicions were. Just generally it is  
18    inadmissible.

19           Can you enlighten me.

20           MR. NEGUS: Well, I am not sure what you are asking me.

21           THE COURT: Well, I'm anticipating an objection pretty  
22    soon. I'm about to start ruling on them, if left to my own  
23    device. If you can clarify it for me I will be happy to  
24    consider it.

25           MR. NEGUS: Clarify what? I mean, first -- I'm not sure  
26    what you are asking me.

27           THE COURT: Well, first, is that the general scenario,  
28    that you are trying to say that they didn't find the true

1 killers because they quit working on the case in a professional,  
2 proper manner, so to speak, focusing in on Cooper, excluding all  
3 possible others.

4 MR. NEGUS: I certainly intend to show that they dropped  
5 the investigation of other possible suspects after they accused  
6 Mr. Cooper, that is true, but not as a thought process. Just  
7 that in fact I have concrete examples which you have already  
8 said are admissible which I tend to bring in as to that.

9 THE COURT: Well, I can't keep all these loose ends tied  
10 together.

11 MR. NEGUS: For example, the Yucaipa coveralls, you  
12 already said that I could bring that in. Mr. Kochis made an  
13 objection to it, you said it was okay.

14 THE COURT: I have no doubt about that ruling. That  
15 wasn't what I was --

16 MR. NEGUS: If you look at -- well, let's just go step by  
17 step. You've told me I can't get into the thought processes of  
18 the brass or Billy or anybody else.

19 THE COURT: Don't put words in my mouth. I'm not  
20 accepting your words at this time as to what I said before, the  
21 record will reveal that. I am not acquiescing in your  
22 interpretation of what I have done in my rulings.

23 MR. NEGUS: Whatever. I am not trying to put words in  
24 your mouth, I'm just trying to tell -- you asked me where I am  
25 going, I'm trying not, based on upon what I interpret your  
26 ruling to be, to not go into the thought processes of Billy or  
27 the brass.

28 Everytime Mr. Kochis makes an objection that seems

1 to get sustained to that ground, so I picked up on that.

2 THE COURT: Perhaps I'm worried unnecessarily. You are  
3 not about to make a scene outside, Mr. Kochis or Mr. Kottmeier.

4 MR. KOCHIS: Well, I am going to start making some  
5 objections but I don't think it is completely necessary to think  
6 about where we're going, considering where we have gone.

7 Over my objection he's been allowed to bring out  
8 the facts that they found out Mr. Cooper was next door, and  
9 shortly thereafter filed a complaint. I certainly intend to go  
10 through all the information the Sherrif had when they filed the  
11 complaint, because the way it is left now, it makes it look like  
12 they find out Mr. Cooper's next door, they stop all the  
13 investigation, and they focus in on him, and that is a lie.  
14 That includes the stuff from Pittsburgh. They knew he was an  
15 escapee, they knew he was a violent individual and then viewed  
16 him as a violent man.

17 THE COURT: This is the type of the thing that I was  
18 worried about when I said we're going to get into opinion and  
19 perhaps into inadmissible matters. Otherwise, when you start  
20 opening this up as to why they do these things --

21 MR. NEGUS: But I am not -- you won't let me ask -- I'm  
22 just asking what they did. I'm -- just the concrete steps that  
23 they took. Okay.

24 THE COURT: One way or another you are asking it.

25 MR. NEGUS: No, I am not, because you won't let me.

26 THE COURT: Counsel, by implication or expression you are  
27 asking it.

28 MR. NEGUS: I'm sorry, judge, you have made a ruling that

1 we can go into the objective -- the objective things that they  
2 did in the investigation, we can't go into their thought  
3 processes.

4 THE COURT: I'm just trying to forestall difficulties  
5 outside. I will just go ahead. Let's go back outside. I will  
6 just go and rule when the objection comes up as best I can.

7 MR. NEGUS: Can I just --

8 THE COURT: I don't much care information for your  
9 attitude here. You seem to be on the defensive all the time  
10 trying to make me a heavy; for whatever reason, I don't know.

11 But I think my rulings have been correct thus far  
12 and I will abide by them unless something else comes up to  
13 change it. I'm certainly trying to avoid a scene before the  
14 jury.

15 MR. NEGUS: Let me just get to the next concrete -- the  
16 next area of inquiry.

17 Mr. Kochis introduced, I think it is admitted in  
18 evidence, Exhibit 596. 596 has the names and blood types of a  
19 whole bunch of people in it. He brought it up, he introduced  
20 it. Amongst those are three suspects: Mr. Balau, Mr. Martinez,  
21 and Mr. Knorri.

22 THE COURT: I didn't know who those names were.

23 MR. NEGUS: They're three people. He brought that in, I  
24 didn't.

25 THE COURT: Who are these people, Mr. Kochis?

26 MR. KOCHIS: Your Honor, Michael Martinez was an escapee  
27 from the Boys Republic in Chino. Mr. Balau I believe was --  
28 either one of them was an escapee from CIM the day or two after

1 Mr. --

2 MR. NEGUS: Mr. Knorri.

3 MR. KOCHIS: Mr. Balau was a gentleman that was arrested  
4 in the Orange County area in connection with another fracas and  
5 some of the clothing from all three of those people were seized.

6 We introduced evidence of their blood type because  
7 we had a motion in limine outside the presence of the jury, and  
8 the Court did rule that evidence of other suspects would be  
9 admitted. We introduced their blood types to exclude them from  
10 being the donors of the blood either in the Ryen scene or the  
11 Lease scene, so their names are there. I would expect him to  
12 ask some questions about that.

13 THE COURT: All right, apparently you are both committed  
14 to certain theories and strategies. Let's go.

15 MR. KOCHIS: Well, I'm now somewhat confused. If I make  
16 at this point an objection that it is not relevant, that there  
17 were other people out there, I don't want to antagonize the  
18 Court or waste the Court's time.

19 THE COURT: You are not going to antagonize me.

20 As far as wasting time, apparently this is going to  
21 take a long time. Irrelevant? It appears to be relevant.

22 If you are asking me about his ability to go into  
23 the specific three suspects, other people that had escaped, the  
24 officers are working on it, I find no objection with Mr. Negus  
25 general theory that it must have been three other guys. So, I  
26 have answered your question.

27 What specifically do you want to ask me?

28 MR. KOCHIS: I think my question was he has got the chart

1 up on the board, he's going to ask, was Mr. Martinez at one time  
2 a suspect? Objection, irrelevant.

3 THE COURT: Overruled.

4 MR. KOCHIS: Okay. Mr. Knorri, was he a suspect?  
5 Objection, irrelevant.

6 THE COURT: Same. Let's go.

7 MR. KOCHIS: Then the other issue we haven't resolved,  
8 your Honor, is on cross, if there is going to be any cross, as  
9 to the complaint being filed on the 9th, just not in terms of  
10 thought processes but objective pieces of information, this was  
11 not the only piece of information.

12 THE COURT: That is what I originally came back upon.

13 MR. KOCHIS: That is the position.

14 MR. NEGUS: It would seem to me that, obviously that as  
15 far as information that might lead them, that is probable cause  
16 for an arrest warrant. They have -- in addition to the phone  
17 calls, they have the axe and they have the shoeprint. Correct  
18 me, but that is all they had, and it certainly is not -- would  
19 not be probable cause that Mr. Cooper is a --

20 THE COURT: Probable cause is not in issue.

21 MR. NEGUS: No, but --

22 THE COURT: You are trying the Sheriff's department here  
23 and you have been from the word go. He's got to be permitted to  
24 defend it.

25 MR. NEGUS: Well, I don't know about that. But in terms  
26 of objective evidence that they had, that's one thing; in terms  
27 of who Mr. Cooper is, that is basically irrelevant to defend  
28 them.

1 THE COURT: Don't go into anything that I have previously  
2 ruled as inadmissible without further audience with the court.

3 MR. KOCHIS: Well, this was --

4 THE COURT: On cross examination, when it comes time for  
5 you to have to start examining the witness, at that point you  
6 better have another hearing back here and see where he's going.

7 MR. KOCHIS: Perhaps we could break 15 minutes early  
8 today and have that hearing. It is my understanding I won't get  
9 to cross prior to the conclusion of today.

10 THE COURT: At the conclusion of his examination, at some  
11 point, either today or tomorrow, we will have your hearing. But  
12 don't -- we won't just blunder right into it, we'll have another  
13 hearing out of the presence of the jury. Let's go.

14 (Chambers conference concluded.)

15  
16 THE COURT: I told you before that you're not to be  
17 concerned with matters that occur outside of your presence. We  
18 each have our respective jobs to do.

19 I can tell you, generally speaking, that sometimes  
20 I try to forestall argument and objections in court, but outside  
21 of that, don't worry about it, ladies and gentlemen.

22 You are to consider only the evidence that's  
23 presented to you. Thank you.

24 Counsel, please proceed.

25 MR. NEGUS:

26 Q. Exhibit 596 on the board behind you, a chart of a  
27 bunch of blood types of various and sundry people, did you  
28 request that those different blood samples be taken from the

1 various individuals?

2 A. Some of them I did.

3 Q. Which ones didn't you?

4 A. J. L. Miles, for some reason that name escapes me,  
5 so I'm not sure of him. I think the rest I requested.

6 Q. Okay. Assuming that J. L. Miles is a gentlemen in  
7 Fresno who really has nothing to do with this particular case,  
8 the other people were people that for some reason or other you  
9 thought -- Erase that whole question. Let me try that again.

10 Rodney Parish, you requested a sample of -- from  
11 Rodney Parish. Is -- is he a Black individual who was working  
12 on the -- with Mr. Glenn in transporting the victims away from  
13 the crime scene on the night of June the 5th?

14 A. Yes, sir.

15 Q. Charles Roberts, is he a Black individual who I  
16 think was the termite -- had some sort of termite contract with  
17 the -- some sort of contract like that with the Ryen family?

18 A. Yes.

19 Q. Willie Kindred and Sandra Kindred, were those Black  
20 individuals I believe from Tempe, I believe, Arizona who had  
21 gone to school with the Ryens?

22 A. Yes.

23 Q. And John Carlyle, was he another Black acquaintance  
24 of the Ryens?

25 A. Yes.

26 Q. These from Charles Roberts down, leaving aside Mr.  
27 Miles, those persons were -- you requested to get samples of  
28 those people from essentially October of 1983 on; is that right?

1 A. Yes.

2 Q. The three samples that are at the top, those  
3 samples were requested by you prior to Mr. Cooper being charged;  
4 is that correct?

5 A. Two of them were, I'm not sure on the third.

6 Q. That's true about Balau?

7 A. I'm not sure what day that was requested.

8 Q. Around the same time?

9 A. Yes, sir.

10 Q. And in fact it says "B-a-l-a-u."

11 The actual sample you requested was from a man  
12 named Milton Bulau, B-u-l-a-u?

13 A. Yes.

14 Q. The group of trees that are found at the -- where  
15 Edison dead ends into Highway 71 , is that called the Boys  
16 Republic?

17 A. Yes.

18 Q. And is the Boys Republic an institution for  
19 juveniles who have been declared the ward of the court and are  
20 put there for essentially punishment or whatever they call it in  
21 juvenile court?

22 A. I don't know that that's the only reason boys are  
23 there.

24 Q. Certainly that is a main reason?

25 A. Yes.

26 Q. On June the 5th did you learn that Michael Martinez  
27 had run away from the Boys Republic?

28 A. Yes.

1 Q. And was the sample, M-1, drawn from Mr. Martinez  
2 after he was recaptured three or four days later, whenever that  
3 was?

4 A. Yes.

5 Q. Mr. Knorri -- Michael Martinez was -- was described  
6 as an American-Indian individual; is that right?

7 A. I don't remember the race.

8 Q. Mr. Knorri was a white individual; is that right?

9 A. Yes.

10 Q. And he, on June the 4th, escaped from CIM?

11 A. Yes.

12 Q. And on June the 6th he was arrested somewhere in  
13 the San Gabriel Valley; is that right?

14 A. Yes.

15 Q. And the San Gabriel Valley on this photograph, No.  
16 1, would be this area back over behind that second ridge of  
17 hills?

18 A. No. I believe that's east L.A..

19 Q. Where would you --

20 A. I believe this is what I refer to as the San  
21 Gabriel Valley here.

22 Q. That would be Diamond Bar and some other kind of  
23 places?

24 A. Some confusion. I believe Diamond Bar is in this  
25 area.

26 Q. Whatever. It's like 10 or 15 miles to the west of  
27 Chino Hills?

28 A. I believe it's further than that.

1 Q. San Gabriel Valley?

2 A. I believe so.

3 Q. And Mr. Bulau was an individual who was arrested in  
4 Costa Mesa, California; is that right?

5 A. Yes.

6 Q. And his arrest occurred on I believe June the 7th,  
7 1983?

8 A. I don't recall.

9 Q. In that time frame?

10 A. Yes.

11 Q. Now, as to each of those individuals, when their  
12 apprehension became known to you did you send parts of your task  
13 force down to, for example, interview them?

14 A. Yes.

15 Q. Collect physical evidence from them?

16 A. Yes.

17 Q. Including the blood samples that are listed on the  
18 chart there?

19 A. I'm not sure that the blood samples were collected  
20 at that time.

21 Q. On June the 10th -- Well, are you familiar with a  
22 man named Michael Stodelle?

23 A. Yes.

24 Q. Is Mr. Stodelle a man of the same rank as yourself  
25 who in June of 1983 was assigned to the Yucaipa station of the  
26 Sheriff's Department?

27 A. Yes.

28 Q. On June the 10th, 1983, did you have contact with

1 Mr. Stodelle?

2 A. Around that time.

3 Q. Did he inform you --

4 MR. KOCHIS: Your Honor, I would be interposing a hearsay  
5 objection to contents of conversations.

6 MR. NEGUS: Just not offering it for the truth of the  
7 matter asserted, I will have other witnesses on that -- on the  
8 actual item itself, but merely I wish to show that nothing was  
9 done.

10 THE COURT: Are you going into all the conversation?

11 MR. NEGUS: No. I wasn't going into all the  
12 conversation. I was phrasing the question in such a way that it  
13 would only eliminate -- only elicit the relevant information. I  
14 got interrupted before I got through with the question.

15 THE COURT: See if you can't rephrase it without getting  
16 into conversation. Sustained.

17 BY MR. NEGUS:

18 Q. As a result of your conversation with Mr. Stodelle,  
19 were you notified of the existence of a pair of bloody coveralls  
20 reportedly connected with the Chino Hills slayings?

21 MR. KOCHIS: That was the objection I had.

22 THE COURT: I know. Yes. I will sustain the objection.

23 MR. NEGUS: Your Honor, --

24 THE COURT: We will take it up later if you wish to  
25 pursue it, Mr. Negus. But I think that you could get around the  
26 hearsay objection in another manner. And I know the reason for  
27 you doing it, you don't need to argue it now.

28 MR. NEGUS: I was just going to represent that I was

1 bringing in Mr. Eckely to testify as to all the --

2 THE COURT: Maybe you better just wait until then. The  
3 objection is sustained.

4 BY MR. NEGUS:

5 Q. After June the 10th, Mr. Arthur, did you ever make  
6 an attempt to fetch any coveralls covered with suspected blood  
7 from the Yucaipa substation?

8 A. No.

9 Q. Did you ever direct any of your subordinates to do  
10 so?

11 A. Not that I recall.

12 Q. On June the 11th, the date of the discovery of the  
13 Ryen car in Long Beach, how many people were in the task force?

14 A. I don't know at what point we -- what date we  
15 started cutting back. It could have been the same amount as we  
16 started with.

17 Q. After June 11th, how many members of your task  
18 force were assigned to investigate suspects other than Kevin  
19 Cooper?

20 A. If I understand the question --  
21 Could you reask that question?

22 Q. After June 11th, how many members of your task  
23 force were assigned to try and investigate suspects in the Ryen  
24 homicide other than Kevin Cooper?

25 A. Well, it was an on-going investigation and I don't  
26 know what time frame we broke the task force down and everything  
27 came back to homicide.

28 Q. Well, there was a period of time after discovery of

1 the Ryen homicides when there were a number of people in the  
2 career criminal division who were assigned to try and catch  
3 Kevin Cooper; is that right?

4 A. Yes.

5 Q. During that period of time were there any people  
6 assigned to investigating suspects other than Mr. Cooper?

7 A. Yes.

8 Q. How many?

9 A. I don't recall.

10 Q. Do you know who they were?

11 A. No.

12 Q. On June the 5th, 1983, did you see a deputy by the  
13 name of Curtis Ward come up to the general area outside the Ryen  
14 home?

15 A. Not that I recall.

16 Q. Do you know Mr. Ward?

17 A. Yes.

18 Q. Is he -- he's a deputy assigned to patrol out of  
19 the West End Substation?

20 A. He was at that time. He's no longer with us.

21 Q. During the course of the investigation on the first  
22 week on approximately June the 6th, did you assign any of your  
23 deputies to go to the Chino Hardware Store to pick up a knife  
24 and take it and show it to Dr. Root?

25 A. Yes.

26 Q. Do you know who they were?

27 A. I don't recall their names at this time.

28 Q. Did you ever see the knife that they picked up?

1 A. No.

2 Q. Showing you Exhibit 537, do you know if that is the  
3 type of knife that you assigned them to pick up and take and  
4 show to Dr. Root?

5 A. No.

6 THE COURT: No it isn't, or --

7 THE WITNESS: I don't know.

8 BY MR. NEGUS;

9 Q. On Exhibit 596, Mr. Roberts, Mr. Kindred, Mrs.  
10 Kindred, Mr. Carlyle, and Mr. Parish were never considered  
11 suspects in this particular homicide; is that correct?

12 A. That's correct.

13 Q. Did you ever receive at homicide a report from a  
14 Deputy Rick or F. E. Rick Eckely from the Yucaipa Station of the  
15 Sheriff's Department during the course of the investigation?

16 A. Yes.

17 Q. When?

18 A. I don't know.

19 Q. Was it not month of June?

20 A. I don't know.

21 Q. Prior to May of 1984, do you recall reviewing that  
22 report?

23 A. Yes.

24 Q. When?

25 A. I think in May of '84 I reviewed the report.

26 Q. Okay. But I'm asking you before that do you  
27 remember.

28 A. No, I don't.

1 Q. In May of 1984 you did assign one of your  
2 subordinates, a Mr. Stalnaker to try and locate some coveralls;  
3 is that right?

4 A. Yes, I did.

5 Q. Did -- when you were -- when you were at the Ryen  
6 scene on June the 5th, did you search the Ryen truck?

7 A. Yes.

8 Q. Did it have keys inside it?

9 A. I don't remember.

10 Q. In June of 1983 were -- putting up for you again  
11 Exhibit 2 with 2-B overlay on it, at the intersection of the  
12 road that leads up from English Road towards the Ryen and Lease  
13 residence, when we go out there now one would find a gate that's  
14 in place there at that -- at that entryway; is that right?

15 A. I don't remember a gate there.

16 Q. Sort of folded up against the -- that sign there?

17 A. I don't remember.

18 Q. Was that gate in place in June of '83?

19 A. I paid no attention to that.

20 Q. In June of '83 there was a gate on the road that  
21 leads up from the -- up towards the Edwards and Ryens house from  
22 the area near Larry Lease's barn?

23 A. I paid no attention to that. I don't know.

24 Q. From the Ryen driveway is the slope such that a  
25 vehicle could be coasted all the way down to essentially in  
26 front of the Howey residence without starting the engine?

27 A. It's a possibility.

28 Q. And you -- in fact you could even coast it all the

1 way down to just to the bottom of the creek; is that right?

2 A. It is would depend on the vehicle.

3 Q. What about the Ryen station wagon?

4 A. I don't know.

5 THE COURT: Would this be a convenient time, Mr. Negus?

6 MR. NEGUS: Sure.

7 THE COURT: To the students out there and their teacher,  
8 you may have to catch a bus or something to where you are under  
9 some time restraints, but if you have time and if you have the  
10 inclination I would be happy to have the bailiff later bring you  
11 back into chambers for an informal discussion.

12 Ladies and gentlemen, please, remember the  
13 admonition and please return at 1:30 this afternoon, please. We  
14 will be in recess until that time.

15 (Noon recess taken.)

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1       1       SAN DIEGO, CALIFORNIA, WEDNESDAY, DECEMBER 19, 1984 1:30 P.M..

2                       --oo0oo--

3  
4                       (Chambers conference reported.)

5               THE COURT: All right, we're in chambers, at my request,  
6 the defendant and all counsel.

7               Counsel, I pointed out to you the People versus  
8 Green case, which isn't, I recognize, directly on point. But I  
9 want to voice to you my concern that there may be a legitimate  
10 analogy with that case.

11              MR. NEGUS: We litigated this once before.

12              THE COURT: Well, and we may be too late to change  
13 anything. That case was never cited to me, incidently.

14              MR. NEGUS: Well, I think it was.

15              THE COURT: Pardon?

16              MR. NEGUS: There is no evidence of motive coming in.

17              THE COURT: I appreciate that, Mr. Negus. That's why I  
18 say, it is not directly on point. It may be too late to change  
19 the commitment in the roads that we're on. But, it is  
20 unsettling to me that you are doing in effect precisely the same  
21 thing that they did in that case.

22              MR. NEGUS: I am not having anything to do with motive.  
23 Motive is -- that's got nothing to do with the evidence that I'm  
24 presenting.

25              THE COURT: We're not concerned with the evidence that  
26 you are presenting, so far, indeed with motive. But you are  
27 bringing in evidence of third parties, as Green did, and you are  
28 suggesting to the jurors that those third parties might be the

1 guilty ones, and you are perhaps doing it without substantial  
2 evidence tending to connect those persons or person with the  
3 crime.

4 This case has been logically very nebulous from the  
5 very beginning. The relevancy of your theory, Mr. Negus, is  
6 troubling to me.

7 In other words, if I get your syllogism correct, I  
8 would pose the question, is it relevant defense evidence to  
9 present the following evidence:

10 1. There were several leads and suspects early on.

11 2. Investigators then obtained certain evidence  
12 against Cooper and terminated all other investigations pointing  
13 to other.

14 3. And, ergo, the crimes could have been committed  
15 by other people and thus incriminating evidence against the  
16 defendant is less credible.

17 MR. NEGUS: I think you missed --

18 THE COURT: Sergeant Arthur, I think you should be  
19 outside now. Thank you very much.

20 MR. NEGUS: I --

21 THE COURT: As best I can phrase, what I gather of your  
22 defense, that basically is it, is it not?

23 MR. NEGUS: No.

24 THE COURT: Would you explain to me, I'm so dense.

25 MR. NEGUS: The basic thrust of the defense is that  
26 Joshua identified his attacker as three white guys in the  
27 hospital.

28 THE COURT: We haven't even talked about that. We're

1 getting to all the other people outside now.

2 MR. NEGUS: Well, Joshua identified his attacker as three  
3 white guys in the hospital. I made that as part of my opening  
4 statement, and it so happens, for whatever reason, I told you  
5 this was not the order of proof that I wanted to do it in, so  
6 I'm putting on Sergeant Arthur somewhat out of order because I  
7 had to, not because I wanted to.

8 THE COURT: No, because you didn't want to comply --  
9 didn't want to call your other witnesses ahead of time. But  
10 that's by the by and by. Go ahead.

11 MR. NEGUS: So, the syllogism is that Joshua identified  
12 his attacker as three white guys before he was put under  
13 anesthetic and before O.C. had a chance to change his mind. I  
14 can prove that O.C. lied.

15 THE COURT: Who lied?

16 MR. NEGUS: O.C. -- O'Campo -- lied in that he claims  
17 that he never talked to Josh about the crime before June the  
18 14th. However, Dr. Mary Howell and Linda Headley, two very  
19 credible witnesses, will testify that he's lying. And we don't  
20 know all the different things.

21 THE COURT: Counsel, I have no doubt but what you can get  
22 into evidence three white guys; you have established enough of  
23 that to me before. I think you can use that to impeach Josh  
24 Ryen's testimony; that has been received thus far; that's coming  
25 in, that's not my concern here.

26 MR. NEGUS: The other thing here is there's a brown  
27 T-shirt that has blood on it that could have come from Doug  
28 Ryen, I can connect that with three white guys who were in the

1 Canyon Corral Bar.

2 THE COURT: Can you connect that with the three white  
3 guys?

4 MR. NEGUS: Yes. Lelko said that's the kind of T-shirt  
5 that they had on, and that the T-shirt was found near the area  
6 where they were out wandering around. I can't prove it beyond a  
7 reasonable doubt, but neither can they do it with any other  
8 evidence. My evidence is just as good as their's.

9 MR. KOCHIS: Is the T-shirt -- the bartender can't recall  
10 whether it was light yellow, tan or light brown. The T-shirt is  
11 tan, it has blood on it, it is human blood, it is consistent as  
12 coming from 40 percent of the population which includes -- it is  
13 ABO type A also, I believe.

14 MR. NEGUS: There is some other enzymes in it as well.  
15 It is not just an ABO.

16 MR. KOCHIS: It is consistent with a percentage of the  
17 population that's much larger than the victims.

18 MR. NEGUS: Well, it is consistent with Doug and not with  
19 Kevin.

20 MR. KOCHIS: And blood of other people.

21 MR. NEGUS: Well, so is the hatchet consistent with  
22 the -- I mean, who knows what? The hatchet is probably  
23 consistent with the whole world as far as that goes.

24 I think it's just as strong as theirs, the People's  
25 evidence, which has come in without getting involved in it,  
26 and --

27 THE COURT: Let's confine it to what I have heard about  
28 this morning, to the people whose blood were tested because they

1 were possible suspects.

2 MR. NEGUS: The only problem is that they brought in,  
3 they have introduced that thing in evidence.

4 THE COURT: What I think maybe we should do at this stage  
5 is to establish some limits on that evidence and that is why I'm  
6 here. Maybe a cautionary instruction to the jury, I don't know.

7 MR. NEGUS: Why is it when -- why do we start cautionary  
8 instructions to the jury in the defense case? That is a little  
9 troubling, judge. We know that all this testimony was coming  
10 out from the get-go, I made it in my opening statement, we had  
11 extensive hearings on it last summer, and then --

12 THE COURT: Counsel, I knew nothing, absolutely nothing  
13 of this. I didn't know those names before, I told you that  
14 earlier on.

15 ~~THE COURT:~~ <sup>MR. NEGUS</sup> Anyway, Milton Bulau was in the -- sighted in  
16 possession of the car that was identified as the Ryen station  
17 wagon. So there is some evidence with him connected with the  
18 crime scene.

19 THE COURT: Mr. Kochis, Mr. Kottmeier?

20 MR. KOCHIS: But as to Martinez, and Knorri, really none.

21 MR. NEGUS: Except that Martinez is sort of iffy. But  
22 Mr. Bulau -- Mr. Martinez -- an American Indian, he was sighted  
23 in the company, in the Ryen station with the American Indian  
24 type. I think it was an individual bought a knife of the type  
25 that was identified by Dr. Root as being consistent with the  
26 murder weapon in the Chino hardware store on the morning,  
27 afternoon of June the 4th.

28 THE COURT: Martinez was seen in the Ryen station wagon?

1 MR. NEGUS: No. The American Indian.

2 THE COURT: What lau

3 MR. NEGUS: Bulau.. B-u-l-a-u.

4 MR. KOCHIS: Was seen in Costa Mesa, arrested in an  
5 apartment at which location someone claimed to have seen the  
6 Ryen station wagon with the Ryen 4 license plate.

7 MR. NEGUS: With the 2AL731 license plate and with the --  
8 they also -- they have also identified Bulau as being with the  
9 station wagon, right?

10 MR. FORBUSH: I believe so.

11 MR. KOCHIS: That's not my recollection of that arrest.

12 THE COURT: Of course this is all new to me. I don't  
13 know any of this.

14 MR. NEGUS: My recollection of what we had is that  
15 basically it --

16 MR. FORBUSH: I believe that is my recollection.

17 THE COURT: Well, that would be enough to go after Bulau  
18 then if you have that.

19 MR. NEGUS: I tend to agree.

20 THE COURT: How about Martinez, the other one?

21 MR. NEGUS: Martinez is -- as I say, nobody can identify  
22 Martinez. There is an American Indian involved with the --  
23 Bulau is seen in the company of an American Indian, and there  
24 was also, I think, and I don't remember right offhand the person  
25 that bought the knife that Dr. Root says could have been the  
26 murder weapon in the Chino hardware on the afternoon of June the  
27 4th, I think -- no. Wrong? Okay. Take it back.

28 MR. KOCHIS: Perhaps we should have some hearing to

1 eliminate further --

2 MR. NEGUS: We already did. It was already established  
3 that I was allowed to bring in that Josh Ryen identified three  
4 white guys and there was evidence that connected three white  
5 guys with the crime. It may not be evidence beyond a reasonable  
6 doubt, but that's because the Sheriff's didn't do an adequate  
7 job. That is the defense.

8 THE COURT: Were beyond the three white guys. I don't  
9 see how, I told you before, I can keep that out.

10 Well, unless is there some other suggestion we will  
11 proceed. But you might keep this in mind when you reach for the  
12 outer limits of some of your evidence.

13 MR. NEGUS: Well, you always have to -- I understand that  
14 it seems like the more -- if I introduce tenuous evidence that  
15 seems to hurt me, I don't think it's going to take much time to  
16 to all this.

17 So, you know, it is sort of a self-pleasing  
18 mechanism involved in putting evidence that the People are going  
19 to poo-poo.

20 THE COURT: Okay. Let's go. Bring in the jurors in.

21 MR. NEGUS: As long as we're back here --

22 THE COURT: Let's go through this later.

23 MR. NEGUS: Might as well do it now.

24 Um, when Mr. Cooper testifies next week it is my  
25 request that the extended coverage not be allowed.

26 THE COURT: I will grant it.

27 MR. NEGUS: Okay.

28 THE COURT: If he tells me he doesn't want it, so be it.

1 MR. NEGUS: Mr. Cooper, do you want extended coverage  
2 when you testify?

3 MR. COOPER: No.

4 THE COURT: It's going to be the 2nd or 3rd of January.

5 MR. NEGUS: 2nd of January. And I expect  
6 cross-examination to last at least into the next week.

7 THE COURT: At least when?

8 MR. NEGUS: Well, unless.

9 THE COURT: Until the rest of the week, you say?

10 MR. NEGUS: I expect cross-examination to last at least  
11 into the next week. That is my guess.

12 THE COURT: Incredible. As far as my advisal to the  
13 press, I'll just do it before that session before he gets on the  
14 stand.

15 MR. NEGUS: Sounds good.

16 THE COURT: Okay. Fine.

17 (Chambers conference concluded.)

18

19 (The following proceedings were held in  
20 open court in the presence of the jury:)

21 THE COURT: The jurors, all counsel and the defendant are  
22 all present. Go ahead.

23

24

25 BILL ARTHUR,  
26 called as a witness on behalf of the Defendant, having been  
27 previously duly sworn, resumed the stand and testified further  
28 as follows:

## DIRECT EXAMINATION (Resumed)

1  
2 BY MR. NEGUS:

3 Q. The overalls from Yucaipa, did you send those --  
4 did you have those sent to the crime lab for processing?

5 A. No.

6 Q. Was that because of neglect?

7 A. Yes.

8 Q. On September, September 5th, 1984, did you and Mr.  
9 Kochis and Mr. Ogino and Mr. Stockwell go up to 2991 English  
10 Road?

11 A. The date again, please.

12 Q. September 5th, 1984.

13 A. I believe that's correct.

14 Q. And was that at nighttime?

15 A. Yes, sir.

16 Q. While you were up there, or while you were at that  
17 particular location, did you go down to the Canyon Corral Bar?

18 A. Yes.

19 Q. And is the Canyon Corral Bar right where I'm  
20 pointing on Exhibit No. 1, in the intersection of Peyton and  
21 Carbon Canyon?

22 A. Yes.

23 Q. From the back parking lot of the Canyon Corral Bar,  
24 can you see the -- at night -- the barn light at the Ryen  
25 residence?

26 A. Yes.

27 Q. And can you sort of see the Ryen residence and then  
28 the trees leading down to the Lease residence, at least for the

1 trees of that particular area silhouetted against the evening  
2 sky?

3 A. Yes.

4 Q. When you went into the Lease residence, has it been  
5 changed now since June the 5th or June the 7th, 1983?

6 A. Yes.

7 Q. How has it been changed?

8 A. There is now a man living in it.

9 Q. Has there been any physical alterations take place  
10 to the place?

11 A. Well, I am aware that a lock has been put on a  
12 certain portion of the house to keep people out.

13 I'm aware that there was a broken sink. There was  
14 some alterations.

15 Q. Well, is essentially what we have referred to in  
16 this particular case as the Lang part of the house, been, as it  
17 were, separated off from the the Bilbia part of the house?

18 A. Yes.

19 Q. And the rest of the house, who lives in the Bilbia  
20 place, can't get over to the Lang part of the place anymore; is  
21 that right?

22 A. I don't know if he can or not.

23 Q. There seems to be barricades between them somewhere  
24 in the wall.

25 A. There is a lock on the door. I don't know who has  
26 a key.

27 Q. Now, in September of this year, were you present  
28 when Mr. Ogino was performing some experiments on the shower in

1 the what we have called the Bilbia bathroom?

2 A. Yes.

3 Q. Did you, while you were in there, did you take some  
4 pictures?

5 A. Yes.

6 Q. What kind of camera did you use?

7 A. A Canon .35 millimeter.

8 Q. Just basic click. Did you have to put it on a  
9 tripod?

10 A. On a tripod.

11 Q. Using a regular lens?

12 A. Yes.

13 Q. And regular Kodak film?

14 A. VR-1000 film, Kodak.

15 Q. You can buy it over the counter at drug stores.

16 A. Yes.

17 Q. Did you take essentially fourteen different  
18 pictures while you were there?

19 A. Yes.

20 Q. Showing you what appears to be a couple of  
21 yellowish dark colored photographs that have the numbers 1 and 2  
22 on them, are those two of the pictures you took?

23 A. Yes.

24 Q. When did you take those particular pictures?

25 A. While I was loading the cameras.

26 Q. And you wished -- did you ask me to include those  
27 in the pictures that I submitted to the court as far as the  
28 evidence in this particular case?

1 A. I did.

2 Q. The -- showing you a series of what appear to be  
3 all gray photographs, did you take those?

4 A. Yes.

5 Q. And when did you take them?

6 A. Those were taken after we'd started spraying  
7 luminol in the shower.

8 Q. The Canon that you were using, that camera, did it  
9 have an automatic setting on it?

10 A. No, sir.

11 Q. So it was manual?

12 A. Yes.

13 Q. Are all -- leaving aside No. 1 and 2 -- are all the  
14 other pictures that you took taken with the same setting?

15 A. Yes.

16 Q. The pictures that have the numbers, um, 7, and 8 on  
17 them, were those taken at approximately at the same time?

18 A. Yes.

19 Q. Okay. What had been done to the walls just prior  
20 to the taking of No. 7?

21 A. Just prior to the taking of No. 7, the walls had  
22 been sprayed with bleach.

23 Q. And then while -- just -- was Mr. Ogino also  
24 spraying luminol on just prior to the taking of that photograph.

25 A. No, he had quit. He had quit prior to taking 7.

26 Q. Just prior?

27 A. Yes.

28 Q. Where was your -- on the Exhibit 5-H here, using

1 the green Sharpie, can you put the spot where your camera was  
2 set up and how it was pointed?

3 A. (Witness complied). At approximately at that  
4 location.

5 Q. Do you remember what exposure you took?

6 A. I think it was set on bulb and we assumed we  
7 counted off in approximately seconds for exposure.

8 Q. How many seconds did you count off for each  
9 photograph?

10 A. I believe we started with ten seconds to a minute.

11 Q. So, the different pictures have different settings.

12 A. Yes.

13 Q. Different exposure, different time exposures.

14 Q. So there was different times, the same F-stop.

15 A. In some sequences, yes. There is some reluctance  
16 on my part because of the darkness and the fact that notes were  
17 later taken and a lot of this was timed by counting and not by  
18 an device, so I'm not that sure of my time.

19 Q. Are you that sure of the F-stop?

20 A. Yes.

21 Q. What F-stop was it?

22 A. It was set on bulb.

23 Q. No, no, not the number of seconds.

24 A. I'm sorry.

25 Q. But the opening of your lens.

26 A. I don't show that.

27 Q. Well, do you know if it was wide open versus  
28 stopped down?

1 A. I believe it was wide open.

2 Q. Okay. How long had Mr. Ogino stopped spraying with  
3 luminol prior to the taking of No. 7?

4 A. He had not, he was still spraying.

5 Q. How long before -- was he standing in the shower  
6 sort of out of camera range?

7 A. How long had he stopped spraying luminol?

8 Q. Right.

9 A. Well, he had changed from the luminol bottle to the  
10 bleach bottle. Just a matter of that period of time.

11 Q. I think I'm getting myself -- let's say that at  
12 time zero was when you took the photograph No. 7 exposing it for  
13 however many seconds you exposed it, I take it both -- Mr. Ogino  
14 was neither spraying luminol nor bleach while you were taking  
15 the picture.

16 A. He was spraying bleach when No. 7 was taken.

17 Q. Okay. So he was physically squirting the bleach at  
18 that point in time?

19 A. Continually, yes.

20 Q. And so he had just sprayed the luminol on there  
21 prior to him spraying the bleach on; is that right?

22 A. Yes.

23 Q. Okay. Was he doing the same thing with No. 8?

24 A. Yes.

25 Q. How long was the time between the time that you  
26 stopped exposing No. 7 and you started No. 8?

27 A. I think in the matter of time it takes to change  
28 the film in the camera, continue spraying and taking another

1 shot.

2 Q. Just cock the shutter and then press the bulb  
3 again; is that right?

4 A. Basically.

5 Q. Same procedure used for No. 9? I mean, was Mr.  
6 Ogino doing the same thing?

7 A. Yes.

8 Q. And the same time sequence?

9 A. Approximately.

10 Q. It appears in photograph No. 7 and photograph No. 8  
11 that there was a reaction that was being obtained from the  
12 surface of the tiles but none was being obtained from the  
13 grouting. Is that a fair picture of the actual reaction that  
14 occurred in the shower?

15 A. Yes.

16 Q. Now, directing your attention to the photographs  
17 which have been labeled No. 10 and 11, when were those  
18 photographs taken?

19 A. I believe those photographs were taken  
20 approximately 20 minutes later, 15, 20 minutes later.

21 Q. That was after the shower had had a chance to run?

22 A. No.

23 Q. Before the shower had had a chance to run?

24 A. That was with -- it was so hot in there we had to  
25 leave for that period of time and we went outside, came back in,  
26 and at that time the shower had not run, we sprayed luminol on  
27 it -- on the bleach again. Nothing had been wiped down or  
28 rubbed -- or had water run on it.

1 Q. And so you got a reaction this time more in the  
2 grouting than in the -- on the tiles?

3 A. The reaction that I saw in the grouting was on the  
4 floor. As on photo 10 you can see it start a little bit, 11 a  
5 little more at the bottom center of the photograph, and 12 then  
6 you can see the floor starting to go in the grouting.

7 Q. Was 12 taken at the same time as 10 and 11?

8 A. Yes.

9 Q. So, these are, essentially you're exposing more and  
10 more each time?

11 A. No. Same exposure. We're applying more direct  
12 luminol.

13 Q. So, you're getting -- this time when you're  
14 applying the luminol then you're getting the reaction in the  
15 grouting rather than -- more from the grouting than from the  
16 tiles, is that right, contra-distinction from the way you did it  
17 the first time?

18 A. Yes. Through the saturation of the grouting it's  
19 starting to glow.

20 Q. Then, and you don't know whether the sum of the  
21 lens opening and the time of the exhibit exposure was equal or  
22 different between the 7, 8, 9, and photographs and the 10, 11,  
23 and 12 photographs?

24 A. I feel they were all basically the same, but I  
25 could be seconds off.

26 Q. The 13 and the 14 photographs, were they taken  
27 after the shower had been running for 20 minutes?

28 A. That -- Yes.

1 Q. And that was again just coming back and applying  
2 luminol to the walls without applying anything else, right,  
3 except the running of the shower?

4 A. May I explain the running of the shower?

5 Q. Okay.

6 A. The water was run for approximately 20 minutes. We  
7 left for a period of time, turned on fans to dry the shower,  
8 returned, and did additional luminol tests.

9 Q. Okay. Then just with spraying luminol that's what  
10 you got?

11 A. Yes.

12 Q. In the 13 and 14?

13 A. Yes.

14 Q. Now, you say that it got very hot in there while  
15 you were doing this particular work. Was that due to the --  
16 just the air conditions or the number of bodies you had in there  
17 or what was --

18 A. It was a hot night to start with. We had to seal  
19 off the window that ventilated the room and shut the door. And  
20 there was four of us in that shower area, or in that bathroom  
21 area, and it got pretty warm.

22 Q. Did it also get pretty moist?

23 A. Not necessarily moist until we started running the  
24 shower.

25 Q. What about the humidity from the four of you  
26 breathing?

27 A. Yes.

28 Q. It got moist from that as well?

1           A.     I got very moist, yes.

2           Q.     Are now in the -- you also did a written report of  
3     this particular -- these particular experiments; is that  
4     correct?

5           A.     That's correct.

6           Q.     And you indicated that the reactions that you saw  
7     on the walls in luminol were nothing to compare with the  
8     reactions that you'd seen in the Ryen home; is that right?

9           A.     Yes.

10          Q.     Now, the reactions -- what reactions was it that  
11     you saw in the Ryen home?

12          A.     I saw areas of luminescence on the carpet in the  
13     hallway. And then I saw where the -- in the driveway at the  
14     Ryen location where the string had laid, where I knew a bloody  
15     string had laid, a rope. And those reactions were nothing like  
16     I saw here.

17          Q.     Okay. Did you -- did you have occasion to, you  
18     know, watch the Ryen shower or the Ryen sink being sprayed?

19          A.     No.

20          Q.     When you were watching the luminol being sprayed  
21     outside the Ryen home, was that just on the asphalt area there?

22          A.     That's all I recall at this time.

23          Q.     Did -- Was there any background reaction that you  
24     could see?

25          A.     Yes.

26          Q.     Can you describe that?

27          A.     The asphalt itself reacted somewhat to the kind of  
28     a fog lifting off the asphalt.

1 Q. Did you see any luminol being sprayed on any of the  
2 areas of vegetation around the Ryen house?

3 A. I don't believe so.

4 Q. Did you ever attempt to walk from Eucalyptus and  
5 Peyton up the hill to the Ryen house?

6 A. No, not personally.

7 Q. Did you go out and take some pictures of the -- of  
8 the area from Peyton Road looking across the fields between the  
9 McCoy ranch and Eucalyptus?

10 A. The McCoy ranch is the one to the left of the  
11 photograph, yes.

12 Q. The -- Assuming that this house here and the  
13 buildings behind it would be the McCoy ranch, did you do that?

14 A. Yes.

15 Q. Is there any fence dividing Peyton from those  
16 fields?

17 A. Yes.

18 Q. There's a fence along there?

19 A. Right along Peyton I believe there's a fence.

20 Q. Showing you Exhibit 659, a three by five photograph  
21 of the, what appears to be the fields between the -- what I've  
22 called the McCoy ranch and Eucalyptus; is that a photograph that  
23 you took?

24 A. Yes, it is.

25 Q. And did you take that from your car?

26 A. No. I was standing alongside the road.

27 Q. Does that refresh your recollection as to whether  
28 there was a fence there or not?

1           A.     No, because I have nothing to show me the roadway  
2     or the, if you will, bar ditch area where the fence would be.

3           Q.     Did you ever take a picture of a fence in that  
4     particular area?

5           A.     I had no reason to take a picture of just the  
6     fence. If it would have gotten in there it would have been in  
7     there.

8           Q.     Well, in this particular -- in this particular  
9     little photograph, does that depict a field, this field right  
10    here on the extreme left of photograph No. 2, does that sort of  
11    extend down towards the area from which you took the picture?

12          A.     I believe that's correct.

13          Q.     And those line of trees in the little picture right  
14    back here, are they the line of trees along a Creek that extends  
15    from where those line of trees are in photograph No. 2 back  
16    towards a sort of a crook in the road on Peyton?

17          A.     Yes.

18          Q.     And do you recall if there's any fences between  
19    that creek and where the fence around the horses are on the  
20    Lease property?

21          A.     I don't know.

22          Q.     Have you been out to the lumber yards that are in  
23    the area of photograph No. 1 that I'm pointing to with my  
24    finger?

25          A.     In the area.

26          Q.     Have you taken pictures of those lumber yards?

27          A.     I believe some of the photos have the lumber yards  
28    in the background.

1           Q.     Moving from the lumber yards along these fields  
2     here towards Highway 71, are there any fences or any other major  
3     obstructions that would stop somebody who is running along there  
4     from getting to Highway 71?

5           A.     You pointed in an area to the north of Edison?

6           Q.     Yeah, between Edison and Schaefer there, just going  
7     due west from the lumber yards across those fields?

8           A.     I have not been in those fields.

9           Q.     The drainage ditch that -- there's a drainage ditch  
10    that goes along to the west of Highway 71 there on -- just  
11    between Boys Republic and 71; is that right?

12          A.     Yes, sir.

13          Q.     There's a chain-link fence separating that drainage  
14    ditch on either side?

15          A.     There used to be. I don't know if there is now or  
16    not.

17          Q.     If one hopped that fence on both sides, would there  
18    be any other obstructions between if one moved along to the  
19    north and then to the west of Boys Republic and maybe went  
20    across highway -- across Peyton Road, then up around the back  
21    there to the Lease residence, any major reasons why that would  
22    be impossible for somebody on foot to do?

23          A.     I don't know of any fences and it would certainly  
24    be possible with or without fences.

25          Q.     Highway 71 is, certain areas up in this general  
26    area here to the north of Boys Republic, is it somewhat  
27    elevated, above the level of the ground somewhat like a freeway  
28    would be?

1 A. In that area, yes.

2 Q. If one were to continue on down -- if one came down  
3 from the Lease house across the same fields to Highway 71,  
4 there's a shopping center right in there where Pipeline runs  
5 into Eucalyptus and Highway 71; is that right?

6 A. Yes.

7 Q. Then if one were to travel on Highway 71 until it  
8 ends, one would run into the 91 Freeway near Corona; is that  
9 correct?

10 A. Yes.

11 Q. The 91 Freeway could either take you back towards  
12 Riverside or down into Orange County; is that right?

13 A. Yes.

14 Q. If you continued on the Highway 91 freeway down  
15 into Orange County, you could take a short cut on the 55 and  
16 then get on the Interstate 5 freeway; is that right?

17 A. There's a number -- yes, I believe that's correct.

18 Q. And then the Interstate 5 freeway I think leads  
19 right down here to San Diego; is that correct?

20 A. Yes.

21 Q. Between the -- between the -- of the ways to get  
22 from the Chino Hills to San Diego, is it more or less equal  
23 between going through the Orange -- in terms of distance more or  
24 less equal going through Orange County by way of 55 and  
25 Interstate 5 and coming up the 15 East -- the 15 freeway to  
26 Corona and then up the other way?

27 A. Could you ask that again please.

28 Q. If you want to get from Chino Hills to San Diego,

2  
1 one way you can do it when you get to the 91 is to go back  
2 through Corona towards Riverside and then cut down Interstate 15  
3 through Elsinore, Temecula, and down the back way; is that  
4 right?

5 A. Yes.

6 Q. And the other way you can do is to curve around  
7 through Orange County and go down the coast, right?

8 A. Yes.

9 Q. If you don't have beach traffic is it more or less  
10 equal which way you go?

11 A. I don't know.

12 Q. Is Highway 71 a fairly well-traveled highway? Is  
13 there a lot of traffic on it?

14 A. Yes.

15 Q. Do you know whether it's difficult or hard to  
16 hitchhike on that highway?

17 MR. KOCHIS: Objection. That's going to call for  
18 speculation unless he is a hitchhiker.

19 MR. NEGUS: He has also been a police officer in the area  
20 for ten or twelve years.

21 THE COURT: No, it's a good objection. Sustained.

22 BY MR. NEGUS:

23 Q. Showing you two photographs, 661 and 660, are those  
24 three by fives that you yourself took?

25 A. Yes, sir.

26 Q. And are they both taken from approximately the same  
27 place in the Canyon Corral Bar parking lot?

28 A. Yes.

1 Q. Does one of them, Exhibit 661, was that taken with  
2 a normal .50 millimeter lens in a .35 millimeter camera?

3 A. Yes.

4 Q. And was the other one, 661, taken with a long lens?

5 A. .135 millimeter.

6 Q. That has the effect of essentially foreshortening  
7 the distance in terms of the appearance of the photograph?

8 A. Yes.

9 Q. The range of trees up -- that appear on the ridge  
10 in both of those photographs -- well, first of all, in 661, the  
11 range of trees, that would be the Ryen house?

12 A. I'm not sure if it's just the Ryen house. The Ryen  
13 house would be in that area.

14 Q. And showing you another photograph, that is, 660;  
15 there appears to be two different ranges of trees, one on the  
16 left and one on the right; would the one on the left be the Ryen  
17 house and the one on the right be the 2991 residence?

18 A. Yes, sir.

19 Q. And then showing you Exhibit 252, a small three by  
20 five photograph, does that depict the view looking from the Ryen  
21 property down towards Carbon Canyon?

22 A. General -- general area, yes.

23 Q. Can you see on that area where the Canyon Corral  
24 Bar would be?

25 A. I don't believe so.

26 Q. Would it be sort of obscured behind that tree in  
27 the center?

28 A. Yes.

1 Q. And asking you to look at Exhibit 250, three by  
2 five photograph, that again is taken from the spa area of the  
3 Ryen house?

4 A. Yes.

5 Q. And there's a hill that's sort of going off behind  
6 a palm tree to the left; would that hill which is depicted in  
7 photograph 250, would that be the hill that leads up to Boys  
8 Republic?

9 A. Yes, it would.

10 Q. And that photograph likewise depicts the field I  
11 talked about earlier that would be to the west of Boys Republic;  
12 is that right?

13 A. Yes.

14 MR. NEGUS: I have nothing further.

15 MR. KOCHIS: You expressed a desire to see us in chambers  
16 prior to the start of --

17 THE COURT: I'm willing to waive that and you can go  
18 ahead if you wish. Right now, I can't right now remember why.

19 MR. KOCHIS: I can and so can Mr. Negus, and I think he  
20 would still like to see the Court in chambers.

21 THE COURT: You are insisting?

22 MR. KOCHIS: Yes.

23 THE COURT: All right. We will take a recess, the  
24 afternoon recess, ladies and gentlemen. We will call you.  
25 Remember the admonition.

26 And, counsel, I will see you in chambers.

27 MR. KOCHIS: Your Honor, you might also want to inform  
28 the jury that I can't imagine my questioning of Sergeant Arthur

1 lasting more than ten minutes, and I'm not sure if Mr. Negus has  
2 anyone else lined up this afternoon.

3 MR. NEGUS: I don't I'm afraid.

4 THE COURT: They have come to expect surprises by now.

5

6 (Chambers conference reported.)

7 MR. NEGUS: Do you want the bad news first or do you want  
8 to get into John's things?

9 THE COURT: Let's get John's stuff out of the way.

10 MR. KOCHIS: Your Honor, the reason I requested we meet  
11 is you asked before I ask Sergeant Arthur additional questions  
12 about the information they had when they filed the criminal  
13 complaint against Mr. Cooper on June the 9th that I come back  
14 into chambers for a hearing on it.

15 THE COURT: I was trying to think happy thoughts.

16 MR. KOCHIS: It's a happy thought.

17 My questioning in the area was going to be limited.  
18 I was simply going to say:

19 "Sergeant Arthur on the 9th of June of 1983 when  
20 the complaint was filed against Mr. Cooper, was  
21 the information you had that he made telephone  
22 calls from the Lease residence the only  
23 information you had about the crime when the  
24 complaint was filed?"

25 Next question would be:

26 "Was that the only information you had about Mr.  
27 Cooper when the complaint was filed."

28 I wouldn't go further into either area.

1 THE COURT: You expect a negative answer to both  
2 questions?

3 MR. NEGUS: No.

4 MR. KOCHIS: I would hope he would say -- I would  
5 anticipate he would say, "No, that was not the only  
6 information."

7 THE COURT: That's what I meant.

8 MR. KOCHIS: Yes. Yes.

9 THE COURT: And you are not going to go into the detail  
10 of it?

11 MR. KOCHIS: I don't think so.

12 THE COURT: Okay. I find nothing wrong with those. The  
13 problem gets in there if you start trying to amplify it, either  
14 one of you.

15 MR. NEGUS: Well, it seemed like then the proper way to  
16 amplify it would be:

17 "Did Mr. Clifford prepare a memo with what you did  
18 know to submit to the District Attorney's Office  
19 and did that contain the evidence you had?"

20 And then we can confine it to what's in the memo.

21 MR. KOCHIS: Well, that's a strictly probable cause  
22 question. Probable cause is not an issue. I objected on  
23 relevancy grounds. Mr. Negus went into it, and because probable  
24 cause is not in issue he went into it to show, to argue to the  
25 jury that they had a limited amount of information that they  
26 used to file the complaint. And his argument is going to be  
27 that at that point they abandoned efforts to seek other people  
28 out, and they had a lot of information about Mr. Cooper and

1 about the case when the complaint was filed.

2 And all things being equal, I probably should be  
3 allowed to go into everything that they knew, but I'm willing to  
4 agree there may be some problems if I did. And so I'm willing  
5 to stick with just the general. If we want to get specific,  
6 that's fine with me, but I'm not going to be restricted to the  
7 affidavit in support of the arrest warrants because that was not  
8 all they had. I realize legally --

9 THE COURT: Knowing what he is going to do, and if he  
10 stops there, are you going to try and go into more on redirect?

11 MR. NEGUS: My inclination would be to ask them:

12 "Is the only evidence connecting Mr. Cooper with  
13 the crime at that point in time the telephone  
14 calls, shoe prints?"

15 THE COURT: All right. You want to go into specifics  
16 then.

17 MR. NEGUS: No. Just hear me out. The shoe print on the  
18 spa and hatchet.

19 THE COURT: The whole thing is basically irrelevant.

20 MR. NEGUS: And I think that is the only evidence  
21 connecting Mr. Cooper with the crime.

22 THE COURT: I'm simply not going to -- what they knew at  
23 that time since probable cause is not an issue is really  
24 irrelevant.

25 Ask your question; do not amplify on it, counsel.

26 MR. NEGUS: Remember that all I asked Sergeant Arthur  
27 was, all I asked him was:

28 "Did you immediately file the complaint after you

1 found out that Kevin made the phone call?"

2 I didn't ask him what he knew or anything about  
3 what he knew. Mr. Kochis is now trying to open up the area of  
4 what he knew, and I didn't.

5 THE COURT: That implies that that was enough for them  
6 and that was the end of it and that's all they had. And if he  
7 finds out that there was other things and doesn't go into any  
8 specifics, I think that's the way.

9 I'm simply going to rule period. Do not go into  
10 the memo. Do not go into further probable cause. And do it in  
11 the manner that you suggest.

12 I will find that does not open it up any more. You  
13 are simply counteracting what he has already brought out.

14 Anything further?

15 MR. NEGUS: Bad news.

16 MR. KOCHIS: I don't expect my examination to be longer  
17 than five minutes, maybe ten. I have to talk to someone about  
18 that. I will withdraw that.

19 What's the bad news.

20 THE COURT: Going to put Cooper on in the morning?

21 MR. NEGUS: Bad news is tomorrow I have John Clifford and  
22 Don Myers coming down. I suspect Clifford to be done probably  
23 around noon or a little after; Don Myers half an hour at the  
24 maximum.

25 THE COURT: That's okay.

26 MR. KOTTMEIER: I think he is saying it just so if you  
27 want to warn the jury in advance as far as time.

28 MR. NEGUS: I figured that nobody is really going to be

1 bent out of shape if we end early tomorrow. I just wanted to  
2 let everybody know.

3 THE COURT: I have to -- I have to move for the twelve  
4 days of Christmas.

5 MR. NEGUS: You have to move?

6 THE COURT: Sure, move back home now, remember? Tomorrow  
7 is Thursday, is it not?

8 MR. KOCHIS: Yes.

9 MR. NEGUS: True.

10 THE COURT: Okay. So we're going to go probably just  
11 shortly into the afternoon session tomorrow.

12 MR. NEGUS: (No audible response.)

13 THE COURT: That's okay.

14 MR. KOCHIS: I've pulled the initial set of jury  
15 instructions. They are here in San Diego, but the secretary  
16 didn't take out the necessary commas that are in certain  
17 elements. I've deleted them out. I would prefer to have her  
18 retype those and give them to the Court and counsel when we  
19 resume on Tuesday January the 2nd. Would that be --

20 THE COURT: No problem.

21 MR. NEGUS: I'm willing to stipulate there are only two  
22 jury instructions that need to be given, circumstantial evidence  
23 and reasonable doubt.

24 MR. KOCHIS: There are some other sua sponte instructions  
25 we have to have.

26 MR. NEGUS: I don't think instructions will take us very  
27 long.

28 THE COURT: The clerk should be aware that I asked the

1 clerk to read verdicts in case there is bad news for Mr. Negus  
2 (Chambers conference concluded.)  
3

4 (The following proceedings were held in  
5 open court in the presence of the jury:)  
6

7 THE COURT: We're all together.

8 Mr. Kochis.

9 MR. KOCHIS: Yes, your Honor.  
10

11 CROSS EXAMINATION

12 BY MR. KOCHIS:

13 Q. Sergeant Arthur, the 91 Freeway, is that one of the  
14 freeway routes which leads into the Long Beach area?

15 A. Yes.

16 Q. In fact, can you take -- if you leave Chino Hills,  
17 specifically the Ryen home, can you take the 91 Freeway to  
18 another freeway which will take you down into the St. Anthony's  
19 church where the Ryen -- to the church parking lot where the  
20 Ryen station wagon was found?

21 A. Yes.

22 Q. Are there any systems of public transportation  
23 within walking distance from that parking lot?

24 A. Yes, there are.

25 Q. Is one of those a Trailways Bus Station?

26 A. Yes.

27 Q. Is one of those the Greyhound Bus Station?

28 A. Yes.

1 Q. Do both of those carriers have routes which go to  
2 San Diego?

3 A. Yes, they do.

4 Q. How far are they from the parking lot where the  
5 Ryen station wagon was found in Long Beach?

6 A. One of the stations is about six-tenths of a mile;  
7 the other is about a mile.

8 Q. Mr. Negus used a term with you, in talking about a  
9 section of land between the Ryen home and the 2991 residence, as  
10 the lunging area.

11 When we're talking about that type of area, do you  
12 know the purpose a lunging area is used?

13 A. Yes, sir.

14 Q. What purpose?

15 A. That's an exercise area, a training area for a  
16 horse that is put on a approximately 25 to 30 foot lead and run  
17 around in a circle.

18 Q. On June the 5th of 1983, the day that the homicides  
19 were discovered, was access to the room where the bodies were in  
20 the Ryen master bedroom, more restricted than access to the rest  
21 of the house?

22 A. Yes, sir.

23 Q. Can you see the Ryen home from the residence at  
24 2991 Old English Road, the Lease residence?

25 A. Yes, you can.

26 Q. Can you give me a hand here for a minute.

27 From the inside of the 2991 residence, specifically  
28 standing by the fireplace where the hatchet was kept on the side

1 of the fireplace away from the bedroom that was occupied by the  
2 Langs, is there some type of glass?

3 A. Yes.

4 Q. Is that a window?

5 A. Yes, it is.

6 Q. From that area of the 2991 residence, if you look  
7 up the hill, do you actually see the Ryen home?

8 A. Yes.

9 Q. Directing your attention, Sergeant, to a series of  
10 photographs which have been marked for identification as  
11 Exhibits 647, 648, 649 and 650.

12 Are those all pictures that you took on September  
13 the 5th of 1984?

14 A. Yes.

15 Q. Are they all photographs that were taken with the  
16 camera pointed toward the inside of the shower in the bathroom  
17 that at one time was used by Kathy Bilbia?

18 A. Yes.

19 Q. Were they taken when luminol was sprayed on the  
20 wall of that shower?

21 A. Yes.

22 Q. Prior to the time bleach was sprayed on?

23 A. Yes.

24 Q. Did you, with your naked eye, see any reaction to  
25 the luminol when it was sprayed into the shower that Kathy  
26 Bilbia at one time had used?

27 A. No.

28 Q. Do the photographs which are on the board, whose

1 numbers I mentioned for the jury, does that accurately depict  
2 what was seen when the luminol was sprayed into that shower?

3 A. They do.

4 Q. On June the 9th of 1983, was the information that  
5 you had that Kevin Cooper had made phone calls from the 2991  
6 residence the only information you had about the Ryen homicides  
7 when the complaint was filed?

8 A. No.

9 Q. Was it the only information you had about Kevin  
10 Cooper when the complaint was filed?

11 A. No.

12 MR. KOCHIS: I have no further questions.

13 THE COURT: Mr. Negus, anything?

14

15 REDIRECT EXAMINATION

16 BY MR. NEGUS:

17 Q. In Long Beach, Mr. Arthur, if you were to take  
18 either a Trailway bus or a Greyhound bus somewhere, are there  
19 any parking lots more convenient to those locations than the St.  
20 Anthony's church?

21 A. I don't recall ever looking at that.

22 Q. Where John's got the, what appears to be his sign  
23 for a sliding glass door drawn on this diagram here, that in  
24 fact is not a sliding glass door but a window; is that right?

25 A. Yes.

26 Q. And in order to see the Ryens there's a bunch of  
27 shrubbery outside of that window; is that right?

28 A. Yes.

1 Q. In order to see the Ryen house you have to sort of  
2 get over in the far corner and you can just sort of see the  
3 gables of the living room from peeking around the far corner; is  
4 that right?

5 A. You can see more than the gables, but that is the  
6 area you do see gables and below.

7 Q. Yes, right. But you can't even see all the way  
8 down to the bottom where the glass doors meet the grass, right?

9 A. No, you cannot.

10 MR. NEGUS: Nothing further.

11 MR. KOCHIS: I have no further questions.

12 THE COURT: Thank you, Sergeant.

13 That concludes it for today?

14 MR. NEGUS: That's it for the day.

15 THE COURT: Ladies and gentlemen, during the recess  
16 counsel and I have discussed logistics for tomorrow. There will  
17 be two witnesses tomorrow examined for the defense and we expect  
18 to break early to go until noon or shortly into the afternoon at  
19 least. That is our best estimate. So, you might plan on  
20 festivities tomorrow night or something else more attractive  
21 perhaps than a full day trial.

22 Okay. And then at that point we're going to break  
23 for the Christmas holidays and not return until the 2nd of  
24 January.

25 Remember the admonition, particularly as we get  
26 further along in the case. But at all times remember it, pay  
27 heed to it. Please enjoy your evening. See you tomorrow at  
28 9:30.

29 (Adjournment)

Copy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 30

HON. RICHARD C. GARNER, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT  
December 20, 1984

APPEARANCES:

For the People:

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ROBERT L. ROACH, CSR #1727  
DONNA D. BEARD, CSR #1874  
Official Reporters

INDEX OF WITNESSESFOR THE DEFENDANT:

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CLIFFORD, John T. (Mr. Negus) (Mr. Kochis)	5289		4320	

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1           1       SAN DIEGO, CALIFORNIA, THURSDAY, DECEMBER 20, 1984, 9:32 A.M.

2  
3                               --ooOoo--

4                       (Chambers conference reported.)

5               THE COURT: Good morning, everybody. We are in chambers,  
6       defendant and all counsel.

7                       What's up?

8               MR. NEGUS: Just wanted to let you know that Don Myers,  
9       who was my second witness today, called in sick this morning.  
10      Apparently he was up in the mountains yesterday, got rained on  
11      and he can't come down today. So I don't have anybody to  
12      replace him. All I have is Mr. Clifford who will be done before  
13      lunch.

14              THE COURT: I'm trying to think of some appropriate  
15      sanction.

16              MR. NEGUS: You could send me home early I suppose.

17              MR. KOTEMEIER: It's a little more serious than being  
18      rained on.

19              MR. NEGUS: That's what Billy told me on the phone. I  
20      didn't know.

21              THE COURT: He is in the mountains in San Bernadino  
22      County?

23              MR. ARTHUR: No, sir. He is sick with the flu as a  
24      result of a continuing illness, but the rain did not help him at  
25      all yesterday.

26              THE COURT: All right, nothing we can substitute, no  
27      other alternatives. Let's go with what we've got.

28                       (Chambers conference concluded.)

1

2

(The following proceedings were held in

3

open court in the presence of the jury:)

4

THE COURT: Good morning, ladies and gentlemen.

5

Counsel.

6

MR. NEGUS: John Clifford.

7

8

JOHN T. CLIFFORD,

9

called as a witness on behalf of the Defendant, having been duly

10

sworn, testified as follows:

11

THE CLERK: Thank you. Would you state your full name

12

for the record and spell your last name.

13

THE WITNESS: John T. Clifford, C-l-i-f-f-o-r-d.

14

THE CLERK: Thank you.

15

16

DIRECT EXAMINATION

17

BY MR. NEGUS:

18

Q. Mr. Clifford, you're a deputy sheriff for the

19

County of San Bernadino; is that correct?

20

A. That's correct.

21

Q. And in June of 1983 your assignment was as a

22

detective assigned to the Homicide Bureau; is that right?

23

A. That's correct.

24

Q. On June 5th, 1983, did -- were you called to 2943

25

English Road in Chino Hills, the Ryen residence?

26

A. Yes, I was.

27

Q. Approximately what time did you arrive at that

28

residence?

1 A. About 2:55 in the afternoon.

2 Q. Where did you go once you arrived?

3 A. I was directed to park the vehicle before getting  
4 to the house itself. Then I walked to the rear of the residence  
5 where the spa was located, and I met with Sergeant Arthur at  
6 that location.

7 Q. Approximately 35 minutes after your arrival did you  
8 actually enter into the Ryen master bedroom?

9 A. I don't believe I entered the bedroom at that time.  
10 I was walked around the house and looked through the sliding  
11 glass windows. And I was walked through the other buildings,  
12 but I don't believe I entered the master bedroom at that time.

13 Q. Did you go to any other part of the -- did you  
14 enter any other part of the residence at that time?

15 A. I don't believe I entered the main structure at  
16 that time. I did later that afternoon.

17 Q. Was -- When you arrived was Mike Hall there  
18 already?

19 A. Yes, he was.

20 Q. Could you see him inside the master bedroom?

21 A. Yes, I could.

22 Q. Did you at that point in time enter to help him?

23 A. Not at that time, no.

24 Q. Volume XIV, prelim, Page 71, Lines 7 through 22.

25 MR. KOCHIS: I have that.

26 MR. NEGUS: (Reading)

27 "Question: Mr. Clifford, on June 5th, 1983, did  
28 you go to the Ryen residence at 2943 English Road

1 in the Chino Hills?

2 "Answer: Yes, I was assigned to the Ryen  
3 residence.

4 "Question: What time did you arrive there?

5 "Answer: Approximately 1455 hours.

6 "Question: And what time did you enter the  
7 residence?

8 "Answer: Probably around 20 minutes after the  
9 hour.

10 "Question: 20 minutes after 3:00 o'clock in the  
11 afternoon?

12 "Answer: That's correct.

13 "Question: When you went in there did you have an  
14 assignment?

15 "Answer: Yes, I did.

16 "Question: What was that?

17 "Answer: To assist Detective Hall in the interior  
18 investigation of the residence.

19 "Question: Had -- that's Michael Hall?

20 "Answer: Yes, it is."

21 Q. Mr. Clifford was your memory of June 5th better at  
22 the time of the preliminary hearing than it is now?

23 A. On those facts, I did enter but not at 20 minutes  
24 after I arrived there. 20 minutes after I arrived there I was  
25 assigned to another location, and I left that location, I  
26 returned about an hour later, then I entered that residence and  
27 assisted Detective Hall.

28 Q. The other location that you were assigned to, that

1 was the residence of a George and Valerie Blade in Los Serranos?

2 A. That's true; that's correct.

3 Q. In fact, you were not assigned to that particular  
4 residence until 4:45 in the afternoon; is that correct?

5 THE COURT: By "that particular residence" you mean the  
6 Ryen residence?

7 MR. NEGUS: No. Excuse me.

8 Q. The Blade residence?

9 A. We were assigned to attempt to locate the Blade  
10 residence. We didn't have an address. I went there with  
11 Detective O'Campo. We conducted an interview. I did two other  
12 interviews at the intersection of Old English Road and Peyton,  
13 then I returned back to the Ryen residence.

14 Q. Did the interview with the Blades take place at  
15 4:45 in the afternoon?

16 A. I'd have to refer to Detective O'Campo's notes. He  
17 is the one that wrote the interview.

18 Q. Do you have those with you?

19 A. No, I do not.

20 Q. I don't either.

21 Do we have a copy of those available though?

22 Showing you Detective O'Campo's notes of that  
23 interview, it begins with the notation at about 1645 or 4:45 in  
24 the afternoon you made contact with the the Blades?

25 A. That's correct.

26 Q. So, that would be the accurate time?

27 A. About that time, yes.

28 Q. And the Blades' residence is about ten -- ten

1 minutes from the Ryen residence?

2 A. Well, it's ten minutes if you know exactly where  
3 you're going. At the time we didn't have an address. We had a  
4 general area and had to go door to door in that area to locate  
5 them.

6 Q. The question I originally asked though, was your  
7 memory more accurate at the time of the prelim of what happened  
8 on June 5th than it is now?

9 A. On some things.

10 Q. What time do you now believe that you entered the  
11 Ryen residence?

12 A. Around 5:30 in the evening.

13 Q. And how long did you remain in there on June the  
14 5th?

15 A. Until the early morning hours of June the 6th.

16 Q. Approximately 3:00 o'clock in the morning or  
17 something like that?

18 A. About that time.

19 Q. A when you began to assist Mr. Hall, were you asked  
20 to specifically look at the bodies of the victims and take notes  
21 as to the wounds and other conditions of their bodies as they  
22 laid there in the room?

23 A. That's correct.

24 Q. Did you see as you were doing that any signs that  
25 any of the victims had been tied up with rope?

26 A. No obvious signs that I could see without moving  
27 clothing, and I did not move the bodies when I conducted the  
28 investigation. I only observed them in the positions they were

1 without touching or moving them.

2 Q. Okay. But as -- did you yourself observe any  
3 evidence that the bodies had been tied up with rope?

4 A. Nothing obvious.

5 THE COURT: Well, just something.

6 THE WITNESS: I saw nothing.

7 BY MR. NEGUS:

8 Q. During the -- during the time that you were in the  
9 Ryen residence on June the 5th, were you also assigned the task  
10 of searching through the personal effects of the victims looking  
11 for certain items?

12 A. Yes, I was.

13 Q. During that particular search did you -- did you  
14 find any car keys that would fit a Buick?

15 A. Not -- No, I did not. There might have been keys  
16 on a key ring in the truck. There were keys in the ignition of  
17 the pickup truck with numerous keys on that key ring. I did  
18 not -- there was no Buick for me to try them in, so I have no  
19 idea if they were for a Buick.

20 Q. Okay. Let me then -- there was -- in the -- in the  
21 driveway of the Ryen residence there was a pickup truck that was  
22 parked?

23 A. Yes, there was.

24 Q. And showing you Exhibit 241, does that depict a  
25 portion of that -- of that pickup?

26 A. Yes, it does.

27 Q. When you -- when you went to the pickup was it in a  
28 locked condition when you found it?

1           A.     The best I can recall now I believe the back  
2     portion of the camper was locked. I don't believe the truck was  
3     locked.

4           Q.     And so the -- the place where the driver would be,  
5     all you had to do was open the door to get in there?

6           A.     When I entered it I just opened the door.

7           Q.     And there were keys in the ignition to that  
8     particular truck?

9           A.     I believe there was keys in the driver's  
10    compartment. If it was the ignition or center box, I don't  
11    recall right now.

12          Q.     Did one of those keys fit the ignition on the  
13    truck?

14          A.     I did not try it.

15          Q.     In the Ryen house, in the residence, you found,  
16    however, no keys that like had "Buick" or "General Motors" or  
17    anything of that nature on them?

18          A.     Not that I recall, no.

19          Q.     Did you find at various locations currency?

20          A.     Yes, I did.

21          Q.     Was there some currency in Peggy Ryen's purse?

22          A.     I did not open her purse.

23          Q.     Did you observe Mr. Hammock, a Deputy Coroner to  
24    open her purse?

25          A.     No, I did not.

26          Q.     Was there some currency on the counter between the  
27    kitchen and the dining room area?

28          A.     There was a small amount of change and a few bills,

1       yes.

2               Q.     Do you remember how much money there was?

3               A.     No. I did not count it.

4               Q.     Did you also while you were searching locate a  
5 rather extensive coin collection?

6               A.     I found a coin collection, yes.

7               Q.     Was it -- how many different -- were the coins --  
8 were many of the coins arranged on little cardboard things where  
9 you --

10              A.     Yes, they were.

11              Q.     And how many different -- how many coins were there  
12 per cardboard thing, approximately?

13              A.     It was just the standard blue coin holder. I  
14 photographed the coin collection. I found it in what looked  
15 like a small safety deposit box.

16              Q.     Was that safety deposit box locked?

17              A.     Yes, it was.

18              Q.     Where was the safety deposit box found?

19              A.     In the upper shelf behind some clothing in the  
20 small closet in the master bedroom on the right-hand side.

21              Q.     In the -- in the -- was there also a jewel box in  
22 the Ryen master bedroom?

23              A.     Yes, there was.

24              Q.     Did that jewel box have jewelry in it?

25              A.     Yes, it did.

26              Q.     Was there a video camera in the Ryen master  
27 bedroom?

28              A.     Yes, there was.

1 Q. In the trophy room were there extensive stereos?

2 A. There was a stereo system in a stand, yes.

3 Q. How many different parts did it have?

4 A. It appeared to have three or four components.

5 Q. Were there also televisions in the house?

6 A. One that I can recall.

7 Q. That was in the living room?

8 A. Yes.

9 Q. Did that also have a VCR connected with it?

10 A. Yes, it did.

11 Q. During the time that you were working with Mr.  
12 Hall, were you also joined by Mr. O'Campo?

13 A. I don't believe I was. He may have been their  
14 later in the evening, but he didn't assist me in anything and I  
15 don't recall him being there.

16 Q. While you were working in the Ryen master bedroom,  
17 did you observe any sheriff's personnel with the rank of  
18 lieutenant or above in the master bedroom?

19 A. In the master bedroom?

20 Q. Yes.

21 A. Not in the master bedroom.

22 Q. How about in the hallway just outside the master  
23 bedroom?

24 A. Yes, I did.

25 Q. Who was that?

26 A. Lieutenant Bradford and Deputy Chief Majors are the  
27 two that I can recall now.

28 Q. And do you remember approximately what time it was

1 that you saw them out there?

2 A. In the evening, maybe earlier.

3 Q. After you began work with Mr. Hall, did you  
4 essentially work with him in documenting the crime scene pretty  
5 much until the time that you left to go home?

6 A. We worked together one of us holding either end of  
7 the tape measure to take measurements of various items.

8 Q. Did that process last then from essentially to 5:30  
9 to whenever?

10 A. After the bodies were removed he started searching  
11 at one end of the residence, I started at the other, then we  
12 switched and duplicated each others work.

13 Q. During that particular search did you find any  
14 weapons?

15 A. Yes, I did.

16 Q. How many different weapons did you personally find?

17 A. I can -- I think two. I can only remember one,  
18 which was a .22 pistol.

19 Q. Was there another -- another firearm that you found  
20 or some other type?

21 A. There might have been an a pellet pistol in the  
22 upper closet.

23 Q. Directing your attention to Exhibit 6 with overlay  
24 Exhibit I on it; I believe you previously testified that you  
25 actually prepared this particular diagram; is that right?

26 A. Yes, I did.

27 Q. And was that based on another diagram that you  
28 prepared on June 5th of the floor plan of the Ryen house?

1           A.     Five separate diagrams. One major one of the floor  
2 plan, several separate ones of the bodies.

3           Q.     Showing you Exhibit 503, a Xerox diagram with some  
4 colored marks on it; leaving aside the colored markings, is  
5 the -- is that a Xerox of diagram that you prepared on June the  
6 5th?

7           A.     Yes, it is.

8           Q.     And is that diagram the basis, along with the  
9 measurements that you and Mr. Hall did of the larger diagram,  
10 No. 6?

11          A.     Basically, yes.

12          Q.     Now, giving you a blue Sharpie, could you indicate  
13 where on that diagram 6-I it was that you found the .22 pistol?

14          A.     Inside of the drawer. I believe it was the top  
15 drawer of the chest of drawers at that location.

16          Q.     Was it loaded?

17          A.     I don't believe it was. I have to recall back to  
18 the photographs. I don't believe it was.

19          Q.     Did you observe also Mr. Hall to bring out any  
20 weapons from the same area?

21          A.     Not that I recall. All the weapons that we found  
22 were placed on the bed and photographed.

23          Q.     Showing you Exhibit 437, do those weapons appear in  
24 that photograph on the bed?

25          A.     Yes, they do.

26          Q.     And there's what looks to be a relatively small  
27 caliber rifle with a scope there; do you remember seeing that?

28          A.     Yes, I do.

1 Q. And was that found by Detective Hall in the same  
2 sort of --

3 A. I believe I found that also.

4 Q. Okay. Was that found in the -- in the middle  
5 shelves of this particular --

6 A. I believe it was found in the middle shelves of the  
7 closet behind Mr. Ryen.

8 Q. Could you put the rifle there?

9 A. (Witness complied.)

10 Q. And was that rifle loaded?

11 A. I don't believe it was.

12 Q. Did you make any report of that or did Mr. Hall?

13 A. I believe Mr. Hall did.

14 Q. Would it refresh your recollection if I were to  
15 show you that report?

16 A. Yes, it would.

17 Q. Showing you Page 456 of the discovery and the  
18 second to the last paragraph.

19 A. Yeah.

20 Q. Indicates that the rifle was loaded; is that  
21 correct?

22 A. That's correct.

23 Q. Showing you another page of Mr. Hall's report, Page  
24 467, asking you to look at Item No. -- entry No. 3 describing  
25 the -- a .22 caliber Ruger brand handgun, does that indicate  
26 that that weapon likewise was loaded?

27 A. Yes, sir.

28 MR. KOCHIS: Well, your Honor, if it's going to refresh

1 his memory --

2 MR. NEGUS: Excuse me.

3 MR. KOCHIS: -- that's one thing; but it's hearsay, it's  
4 not his report.

5 MR. NEGUS: Excuse me.

6 Q. Would that refresh your recollection?

7 A. No. I could explain why.

8 Q. Why not?

9 A. I located the weapons. I did not attempt to open  
10 them. I brought them to Mr. Hall's attention. He had them  
11 photographed and processed.

12 Only thing I can say is I found the weapons and I  
13 did not touch them or attempt to open them.

14 Q. Okay. And approximately how far was the pistol  
15 found from the body of Peggy Ryen?

16 A. Four, four-and-a-half feet.

17 Q. And how far was the rifle found from the body of  
18 Doug Ryen?

19 A. In the closet behind him.

20 Q. Just a couple feet?

21 A. Couple feet in the upper shelf behind and  
22 underneath clothing and miscellaneous items. It was not visible  
23 when you opened the closet.

24 Q. Bet getting back just to diagram No. 6 for a  
25 second, the relative length of the different walls on this  
26 diagram, are they -- were --

27 Did you go back to the scene when you did this  
28 larger diagram in order to detect the lengths of the walls?

1 A. Yes, I did.

2 Q. If there's a discrepancy between the two, which  
3 would be the more accurate?

4 A. This would be the accurate. That one there was  
5 just a recollection of a -- I just did that with a straightedge  
6 and from memory just to --

7 MR. KOCHIS: Your Honor, could we have an indication for  
8 the record what "this one" and "that one" is.

9 MR. NEGUS: Excuse me. The one that you're talking about  
10 as to the one you went back and actually checked on is the  
11 larger diagram No. 6, and the one that's from memory is the  
12 smaller diagram, No. 503?

13 A. Sure. I made estimates on the angles of the walls  
14 and just made a general shape of the house to familiarize myself  
15 with one of the reports when I referred to different items.

16 Q. Did you find anything that was outside of the  
17 master bedroom? Did you find anything that was visibly  
18 ransacked or disturbed in the house?

19 A. No, I did not.

20 Q. On June the 6th, 1983, did you return to the Ryen  
21 residence?

22 A. Yes, I did.

23 Q. And at what point in time was that?

24 A. When did I physically go back into it, or when did  
25 I return to it?

26 Q. Let's -- one at a time. When did you get back to  
27 the Ryen house?

28 A. Early the morning of the 6th, 9:00 or 10:00 o'clock

1 in the morning. I went back to the Ryen residence, walked  
2 around the outer residence for a full description of the house,  
3 and the outer buildings, I did not enter, and then I left and  
4 returned later that afternoon.

5 Q. When you went back in the morning, was there  
6 anybody that you observed inside the house?

7 A. Yes, there was.

8 Q. Who was that?

9 A. There was a deputy in the living room area who had  
10 been left there throughout the evening.

11 Q. Do you know what that person's name was?

12 A. No, I do not.

13 Q. Was he a reserve deputy?

14 A. I believe he was.

15 Q. While you were there, did Mike Hall arrive?

16 A. That morning?

17 Q. Yes.

18 A. I didn't see him, no. I don't believe he had.

19 Q. Other than the reserve that was inside the house  
20 then, you were the only Sheriff's personnel there during that  
21 early morning visit?

22 A. I basically just drove around, marked down in my  
23 notes the color of the house, the color of the barn, the trim,  
24 the general description and left. I was there for a very short  
25 period of time.

26 Q. Just basically to get a description sufficiently as  
27 to describe the house with some particularity so you could tell  
28 that from any other house.

1 A. That's correct.

2 Q. On this diagram, which I have behind me on the  
3 board, Exhibit 227, could you put in the slot 44 "Reserve" there  
4 on the diagram.

5 I'll get you a black thing, marker to do that.

6 If you were told that person's name, would that  
7 refresh your recollection?

8 A. I didn't know at the time and I don't think I'd  
9 know it now.

10 Q. Would the name Tichy, T-i-c-h-y seem familiar?

11 A. I'm assigned to the West End Station now. I know  
12 Mr. Tichy I don't remember him being the same.

13 Q. Could we just put then in the No. 44 spot there,  
14 over here, "Reserve."

15 A. (Witness complied).

16 Q. And you observed him in the living room area?

17 A. That's right.

18 Q. Would -- that would have been 6-6?

19 A. That's correct.

20 Q. So, could you put "6-6" where it says "Rest of  
21 House" there on the chart.

22 A. (Witness complied).

23 Q. When you returned that afternoon, approximately  
24 what time was that?

25 A. About 4:15 in the afternoon.

26 Q. And when you returned you came back for the purpose  
27 of removing the furniture, carpets, and some doors from the Ryen  
28 master bedroom.

1           A.     Well, the doors -- I was to continue the  
2     investigation in the daylight hours, to pick up any additional  
3     evidence that could be found and then to remove that evidence  
4     and the furnishings from the master bedroom.

5           Q.     Okay. The bulk of the work, did that have to do  
6     with removing the furniture, carpet those sort of items?

7           A.     That's correct.

8           Q.     When you got back there, were there any people  
9     inside the Ryen master bedroom?

10          A.     Not inside the master bedroom.

11          Q.     Were there other people in the house?

12          A.     They were waiting for me outside to return with the  
13     search warrant. There was a group of people waiting for me.

14          Q.     Do you remember who those people were?

15          A.     Sergeant Swanlund had a group of people from the  
16     Career Criminal Division to assist in removal of the furniture.

17          Q.     Do you recall there being a Deputy Hagen there?

18          A.     There might have been but I don't recall.

19          Q.     How about Deputy Bengel, Greg Bengel?

20          A.     He was there.

21          Q.     Deputy Dan McCarty?

22          A.     I don't recall.

23          Q.     Deputy Gary Tesselaar?

24          A.     There might have been.

25          Q.     You are not sure?

26          A.     I am not sure.

27          Q.     How about Harvey Walker?

28          A.     Again, I'm not sure.

1 Q. James Hill?

2 A. I believe he was there.

3 Q. Jim Coronado.

4 A. I'm not sure.

5 Q. Robert Acevedo?

6 A. I believe he was there.

7 Q. Robert Hall?

8 A. Yes, he was.

9 Q. Scott Field?

10 A. I don't recall.

11 Q. How about Gary Stroup?

12 A. I don't recall.

13 Q. Each of the persons that you do recall there, do  
14 you recall them actually entering into the -- into the bedroom  
15 and carrying out furniture?

16 A. Sergeant Swanlund's team were the one's that  
17 carried all of the furniture out. I instructed them what items  
18 I wanted removed and they moved them out.

19 Q. So they were going in and out of the house toting  
20 the stuff to a truck.

21 A. They carried it all out, set it outside of the  
22 door. When the truck arrived they loaded it into a truck.

23 Q. Could you then, on that list that we have behind  
24 you, add the name of Greg Benge in the No. 45 spot.

25 A. Okay. Can I stand corrected? I know Benge was  
26 there because he was the driver of the truck.

27 Q. Okay. You are not sure whether he actually was in  
28 the house, but you know he was the driver of the truck.

1           Q.     How about Mr. Hill. Do you know whether Mr. Hill  
2     went in the house?

3           A.     He was there. I presume he did enter the house.

4           Q.     You can't say that of your own personal knowledge?

5           A.     I know he was.

6           Q.     How about Acevedo?

7           A.     Again, you have to have ask Swanlund to be  
8     definite, positive which one of his people was there. I cannot  
9     state positively.

10          Q.     Okay. Definitely, however, you can indicate all of  
11     those people were on the Ryen driveway backyard area.

12          A.     They were in the property area, yes.

13          Q.     Let's put Greg Benge, James Hill and Robert Acevedo  
14     in the appropriate slot.

15          A.     (Witness complied).

16          Q.     For Mr. Hill could you put a "James" or a "Jim" in  
17     front of it there.

18          A.     (Witness complied.)

19          Q.     The date "6-6".

20                     Did you see them all on the patio as well?

21          A.     In the backyard area and driveway.

22          Q.     How about the patio and spa area.

23          A.     Yes.

24          Q.     Could you put "6-6" outside the master bedroom for  
25     all those people.

26          A.     (Witness complied).

27          Q.     When you were there, did you also see any deputy  
28     District Attorneys and the District Attorney in the area?

1 A. Well while I was conducting the search warrant,  
2 yes.

3 Q. Did you particularly see a deputy Stout?

4 A. No, I don't recall that one.

5 Q. How about Frank Cardinal?

6 A. He may have been there but I can't say positively.

7 Q. The work of removing the furniture, that began  
8 after 4:15?

9 A. It could have started a few minutes earlier because  
10 we did have a radio conversation with Sergeant Swanlund that the  
11 search warrant had been obtained. His crew was there, they may  
12 have taken some items. I don't think they did, but they may  
13 have started it once they were advised the search warrant was  
14 obtained.

15 Q. The items that were taken out, were they being sort  
16 of put on the patio area, in the lawn area?

17 A. The driveway.

18 Q. When you arrived had any work been done to try and  
19 remove a section of the plaster from the south wall?

20 A. That was one of the last items that were done.

21 Q. Did -- did you in any way supervise the removal of  
22 the various items?

23 A. Yes, I did.

24 Q. Did you attempt to insure that they were removed so  
25 that there was no contamination of the items and no shifting  
26 trace evidence from one part to the t'other?

27 A. Well, again, prior to the items being removed out,  
28 there were two criminalists there who were doing processing,

1 walking through, photographing, and they finished with the areas  
2 by moving out of it. Then those items that they had finished  
3 were carried out.

4 There were no items placed on top of other items,  
5 they were just carried out in the state they were and set in the  
6 truck.

7 Q. What two criminalists are you talking about?

8 A. At the same time that we were there there was an  
9 I.D. technician and two criminalists doing further processing.

10 The part of the search warrant was to search the  
11 residence for further evidence, traces of blood and the hair.  
12 We wanted to do it again in the daytime when there was better  
13 lighting.

14 Q. Who were those individuals that were involved in  
15 that?

16 A. There were two male technicians. I don't recall  
17 the names now, but there was two of them inside the residence at  
18 the same time I was there.

19 I don't -- I'm not positive but I believe it was  
20 Stockwell and Ogino.

21 Q. Maybe you can see it from this photo.

22 Showing you Exhibit 440, it shows two people  
23 working there on the bed.

24 Can you recognize from those, from that photograph,  
25 who the two people were?

26 A. They are two criminalists. I believe this is  
27 Ogino, the one in front. I recognize the other one, but I don't  
28 recall the name.

1 Q. Would that be Dan Gregonis?

2 A. Yes, it would.

3 Q. Now, you say that those two people were collecting  
4 various items of trace evidence on that particular occasion.

5 A. They were going through the house, yes.

6 Q. Was there some sort of procedure where they would  
7 agree on an item, they had finished with certain items before it  
8 was carted away?

9 A. When they had finished, as best I do recall at this  
10 time, they would finish with an area or item, and the Career  
11 people would pick that item up and remove it out.

12 Q. Did you see them like, for example, working on the  
13 carpet collecting items of trace evidence off the carpet?

14 A. No, I did not. I was not in that room all of the  
15 time.

16 Q. Was the -- was the carpet the last item to be  
17 removed?

18 A. All of the furniture was taken out, then the  
19 carpet, then the wall, and then I believe the doors were taken  
20 out last.

21 Q. Well, in fact was the carpet in fact left in there  
22 while the wall was being cut out, the plaster was --

23 A. The carpet was inside of the room but it was folded  
24 up and out of the way there. It was some distance away from the  
25 wall.

26 Q. Couple feet?

27 A. I believe it was more than a couple feet, plus it  
28 was folded over with the backing side up.

1 Q. The whole thing or just a portion of it?

2 A. I don't recall. I know it was rolled away from the  
3 wall and folded.

4 Q. Showing you Exhibit 453, and you can see some  
5 yellow stuff down there in the front foreground of that  
6 photograph.

7 Does that depict about how far the carpet was  
8 rolled back from the wall?

9 A. I don't know if it was the carpet or the backing.

10 Q. Okay. Assuming --

11 A. There was a pad that was underneath the backing.  
12 The padding could have been rolled back. That could have been  
13 the padding that was underneath.

14 Q. Well, was that -- do you remember that yellow stuff  
15 was attached to the carpet so it was essentially the same item?

16 A. I tend to believe right now that there was an  
17 individual padding underneath the carpet.

18 MR. NEGUS: Your Honor, I can't at the present time  
19 locate Exhibit 443. I do have another copy of that, which is  
20 exhibit -- which is I.D. Exhibit W-17, which I will indicate  
21 when we find it is the same as Exhibit 443, the same photograph.

22 Your Honor, if I can I have permission just to show  
23 my copy of Exhibit 443 at the present time.

24 THE COURT: Show it to Mr. Kochis.

25 MR. KOCHIS: I am aware of which photo it is. I have no  
26 objection.

27 BY MR. NEGUS:

28 Q. Showing you I.D. Photograph W-17, then another

2  
1 photograph of apparently Mr. Gregonis and Mr. Ogino and Mr. Hall  
2 standing looking at the wall.

3 Can you see then that yellow, the yellow backing is  
4 in fact attached to the carpet?

5 A. Due to the picture of the color of it, I think it  
6 was green.

7 Q. Showing you Exhibit 440.

8 A. It appears to be the backing of the carpet folded  
9 over.

10 Q. Attached to the carpet itself?

11 A. Yes.

12 Q. There also appears in that W-17, I.D. number the  
13 same as Exhibit 443, a large stain that has worked its way  
14 through the -- through the carpet.

15 Was that stain in the area of blood that was  
16 underneath body of Douglas Ryen?

17 A. Yes, it is.

18 Q. Was that still wet?

19 A. The center portion of it.

20 Q. When you got to the house on June 5th when you  
21 started working with Mr. Hall, was the bedding still on the bed  
22 at that point in time?

23 A. Yes, it was.

24 Q. When you observed the body of Douglas Ryen, was  
25 there blood on the sort of surface of the -- between the bedding  
26 and the frame of the bed?

27 A. A large amount, yes.

28 Q. Was that -- was some of that blood still not

1 completely dried sort of a gelled state?

2 A. Because of the thickness of it between the bed and  
3 mattress it was gelled.

4 Q. Did you have occasion to look at that again after,  
5 later that evening after both Douglas' body and the bedding had  
6 been removed?

7 A. I may have, yes.

8 Q. Was it still gelled at that time, that point in  
9 time?

10 A. Yes.

11 Q. After the various items were removed from the  
12 bedroom of the Ryen house on June the 6th, did you go with those  
13 items wherever they were taken?

14 A. No, I did not.

15 Q. Did you have anything more to do with those items  
16 after they were essentially taken away by the CCD people?

17 A. No, I did not.

18 Q. As the -- as you observed the furniture that was  
19 taken away, could you tell by looking at it that the various  
20 items of furniture had not had blood samples taken from them and  
21 not been tested for blood?

22 A. It was almost impossible to tell that samples had  
23 been taken because of the way they take them. Items could have  
24 been sampled and I couldn't tell it by looking at it because of  
25 the method that's used.

26 Q. Were some items that you could tell had not been  
27 sampled?

28 A. There may have been. There could have been several

1 items that we removed from underneath the desks, the  
2 photocopier, the typewriter. I don't believe those items were  
3 processed.

4 Q. On June the 7th, 1983, did you go to 2991 English  
5 Road, what's been referred to as the Lease residence?

6 A. I believe it was the 7th, yes. I did not enter the  
7 residence. I went onto the driveway and the front porch.

8 Q. When you were on the driveway, like did you get out  
9 of your car and go up to the front door?

10 A. Yes, I did.

11 Q. And showing you Exhibit 5 with overlay 5-H.

12 The front door you stood at was right where my  
13 finger is; is that correct?

14 A. That's correct.

15 Q. When you looked through that particular door, did  
16 anybody point anything out to you in the house?

17 A. Yes, they did.

18 Q. And what did they point out?

19 A. What looked to be blood smears on portions of the  
20 counter.

21 Q. Who was it that pointed that out to you?

22 A. It could have been one of several people. There  
23 was several people standing at the door at that time.

24 Q. Who were they?

25 A. Lieutenant Bradford, Sergeant Arthur, Mike Hall was  
26 there. There may have been other people but that's all I can  
27 recall right now.

28 Q. Mike Hall had been working with you on that

1 particular day, you had been down to Costa Mesa or on your way  
2 to Costa Mesa?

3 A. Once we were out at that location we were assigned  
4 to Costa Mesa.

5 Q. Could you see the bloodstain from the doorway?

6 A. Oh, I could see stains. They looked the color of  
7 blood. I was some distance. I couldn't be positive.

8 Q. Could you describe them?

9 A. The okay. Can I step up here?

10 Q. Sure.

11 A. That's a counter top here with a cabinet with white  
12 porcelain knobs. One of the knobs appear to have a bloodstain  
13 on it. It appeared to be a small stain here. Right low on the  
14 wall was a light switch looking like somebody using their hand,  
15 palm of their hand, left a smear on the counter at the light  
16 switch.

17 Q. Showing you photograph 123 where it says "BS". Is  
18 that the spot on the wall where you saw what appeared to be the  
19 the bloodstains?

20 A. Yes, it is.

21 Q. Could you, using a different color so we can tell  
22 them apart, using a blue marker, indicate the spot on the  
23 counter with another "BS" where you saw where you believe you  
24 saw that ~~was~~ stain.

25 A. It would be just right underneath the light switch.

26 Q. Oh, okay. The diagram that we were just referring  
27 to, No. 5, I think it was. That was again prepared by you?

28 A. Yes, it was.

1 Q. And did you return to the residence at English Road  
2 at sometime after June the 7th in order to prepare that?

3 A. I believe it was sometime in November.

4 Q. Of this year?

5 A. Last year.

6 Q. Have you been back to that residence since then?

7 A. Yes, I have been back and again measured every wall  
8 to a scale drawing.

9 Q. At the time that you went back most recently, how  
10 long ago was that?

11 A. Two months ago.

12 Q. At that point in time did you observe any changes  
13 in the structure from when -- when you'd be there before?

14 A. Yes, there is.

15 Q. What changes are there?

16 A. There is a wall built in the hallway dividing the  
17 residence into a double or duplex.

18 Q. Could you take the blue marker and indicate where  
19 that wall is now?

20 A. It's right here (indicating).

21 Q. So, essentially the part of the house that we've  
22 formerly referred to as the Lang part of the house has been  
23 essentially walled off from the part of the house which was the  
24 Bilbia part of the house?

25 A. I wasn't aware who had which part at the time.

26 Q. Okay. But is it possible like to get, walking  
27 from -- can anyone walk from this room, what was referred to as  
28 the living room, into the place where the fireplace is without

1 going outside and going through another door?

2 A. When I was first there in November, yes, you could  
3 walk through any room of the house without going outside.

4 Q. But now?

5 A. Now you have to go outside.

6 Q. The -- Showing you again another exhibit, a Xerox  
7 of a diagram, Exhibit 114, is that a diagram that you prepared  
8 in November of 1983?

9 A. Yes, it is.

10 Q. Now, there's -- to your diagram there's been added,  
11 a marking pen has made the walls sort of darker, as it were; is  
12 that correct?

13 A. This, as I say, is not my work. It was my drawing.  
14 Someone has written all over it and worked on it.

15 Q. So the orange and red marks on there were not  
16 placed there by yourself?

17 A. No, it was not.

18 Q. And the walls have been made -- have been made  
19 darker than they were in your particular drawing; is that right?

20 A. That's correct.

21 Q. And somebody has written in "garage door" at the  
22 spot where the garage door is, and that's not yours, is that  
23 right?

24 A. Correct.

25 Q. Nonetheless, realizing that one is not to scale, is  
26 that nonetheless an accurate representation of the 2991  
27 residence when you saw it in November 1983?

28 A. With one correction. One window should be a

1 sliding door.

2 Q. Okay. And again, is Exhibit 5 more accurate and  
3 more to scale than Exhibit 114?

4 A. Yeah. This was, again, just drawn from memory with  
5 a straightedge with no measurements. The large diagram is to  
6 scale.

7 THE COURT: We can take a recess, any time, Mr. Negus.

8 MR. NEGUS: Recess sounds fine.

9 THE COURT: Let's take the morning recess. Remember the  
10 admonition.

11 (Recess taken.)

12

13 THE COURT: Go ahead.

14 BY MR. NEGUS:

15 Q. Mr. Clifford, after you left the Lease residence on  
16 June the 7th, you and Mr. Hall went down to the Costa Mesa  
17 Police Department?

18 A. That's correct.

19 Q. And at the Costa Mesa Police Department did you  
20 make contact with a person by the name of Milton Bulau?

21 A. Yes, I did.

22 Q. After your contact with Milton Bulau, were you  
23 permitted by the Costa Mesa Police Department to view certain  
24 items of evidence that had been collected with Mr. Bulau?

25 A. That's correct.

26 Q. Was one of those items of evidence a knife?

27 A. Yes, it was.

28 Q. And was that knife photographed by yourself?

1           A.     No, it was not. It was picked up by me and brought  
2 back.

3           Q.     Okay. Showing you Exhibit 555, is that a  
4 photograph of the knife that you picked up and brought back?

5           A.     It looks like the same.

6           Q.     And you took -- you took that back and put it into  
7 evidence at the Homicide Department or the Crime Lab?

8           A.     The crime lab.

9           Q.     Showing you Exhibit 164, --

10                   Well, first of all, was there a shirt with a brand  
11 name "Mike's Place" that was in evidence with Mr. Bulau as well?

12           A.     I can't state the brand name. We just took all of  
13 his clothing and did not open it to contaminate it. We took it  
14 in the packaging that was given to us and took it to the crime  
15 lab.

16           Q.     Do you know if Mr. -- if Mr. Hall prepared a  
17 description of the items of property that were seized?

18           A.     I believe he did.

19           Q.     And showing you Page 2446 of the discovery, is that  
20 the list -- does that appear to be the list that Mr. Hall  
21 prepared of the items that you seized?

22           A.     It appears to be the list.

23           Q.     Exhibit 164, does that appear to be the shirt that  
24 you took from Mr. Bulau's property, that's Item No. 3 on that  
25 list?

26           A.     I can't state positively.

27           Q.     Did you take that photograph?

28           A.     No, I did not.

1 Q. Do you know who did?

2 A. No, I do not.

3 Q. Thank you.

4 I have nothing further.

5

6

CROSS-EXAMINATION

7

BY MR. KOCHIS.

8

Q. Mr. Clifford, on Monday, June the 6th of 1983,  
9 when you went back to the Ryen home what was the condition of  
10 the blood on the carpet, the shag portion that faced upward?

11

A. Dry.

12

Q. Directing your attention to a series of three  
13 exhibits which have been marked for identification as 662, 663,  
14 and 664, are those all Xeroxed copies of diagrams other than the  
15 ones that are on the board that you prepared of the inside of  
16 the Ryen master bedroom?

17

A. Yes, they are.

18

Q. Does 662 depict the approximate position Chris  
19 Hughes was in when you took measurements of him in relation to  
20 the walls on Sunday, June the 5th?

21

A. Yes, it is.

22

Q. Does 663 depict the approximate positions of  
23 Jessica Ryen and her mother, Peggy Ryen, within the master  
24 bedroom?

25

A. Yes, it does.

26

Q. Does it contain the measurements from various  
27 points of their bodies to the fixed locations in the room, the  
28 walls and the doors.

1 A. Yes, it does.

2 Q. Does 664 depict the approximate position of Douglas  
3 Ryen where he came to rest near the waterbed?

4 A. Yes, it does.

5 Q. And have you indicated on the diagram the  
6 approximate location of his severed finger that was found in the  
7 closet?

8 A. Yes, I did.

9 MR. KOCHIS: I have no further questions.

10 MR. NEGUS: No redirect.

11 THE COURT: You may step step down.

12 THE COURT: You will be sorry to hear, ladies and  
13 gentlemen, that the second witness that we had planned for today  
14 is ill and unavailable and we're going to break extremely early.  
15 I really regret that. And we didn't know it yesterday nor until  
16 this morning, but the gentlemen is seriously ill apparently. So  
17 we're going to have to break at this time until the 2nd of  
18 January.

19 As you celebrate the holidays and in your gay mood,  
20 don't get loose with the lip and don't talk about the case at  
21 any time. Don't let anybody discuss the case with you. Don't  
22 express or form any opinion on the matter until it's finally  
23 submitted to you.

24 And otherwise, we all wish you a very happy and  
25 holy holiday season. Thank you, ladies and gentlemen. See you  
26 next year.

27 (Adjournment.)

28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 30

HON. RICHARD C. GARNER, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT  
January 2, 1985

APPEARANCES:

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Official Reporters

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(Mr. Negus)

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1 SAN DEIGO, CALIFORNIA, WEDNESDAY, JANUARY 2, 1985 9:30 A.M..

2 --oo0oo--

3

4 (Chambers conference reported.)

5 THE COURT: Good morning. We're all in chambers, all  
6 three attorneys and the defendant.

7 Gentlemen, welcome to the new year.

8 MR. NEGUS: I just wanted to clarify one thing on the  
9 extended coverage.

10 My objection was the same as the prosecution's, to  
11 all extended coverage in the courtroom during Mr. Cooper's  
12 testimony.

13 Is that the same order with respect to the  
14 prosecution witnesses? I thought that is what you had agreed to  
15 last week.

16 THE COURT: Has the press showed up out there?

17 MR. NEGUS: No, they're not here yet. No.

18 THE COURT: All right. So during his testimony there  
19 shall be no extended coverage. That's all right.

20 Anything else?

21 MR. NEGUS: You just handed some --

22 THE COURT: What's this, new discovery?

23 MR. KOCHIS: Yes.

24 MR. NEGUS: Could I have about five minutes just to go  
25 over this? This might be of some import.

26 THE COURT: You want him at the witness stand?

27 MR. NEGUS: I talked to Deputy Ricks and at my request  
28 Deputy Ricks has agreed that Mr. Cooper would not wear a leg

1 brace when he's testifying, because of him having to jump up and  
2 down at the board. I think that they have worked it out so that  
3 that won't unduly compromise security. But I would just as soon  
4 not have Mr. Cooper moving around the courtroom anymore than he  
5 has to for security reasons.

6 What I would like to do is just have him start on  
7 the witness stand, be at the witness stand before the jury is  
8 brought in, and then he can rise and whatever at the witness  
9 stand if that's okay with you.

10 THE COURT: Well, have one of you over by the jury box.

11 THE BAILIFF: Yes. I will be over by the jury box.

12 THE COURT: This is all right with you?

13 THE BAILIFF: Yes.

14 THE COURT: Fine. Okay. Let us know.

15 MR. NEGUS: Okay. Let me just look at this.

16 (Recess)

17

18 THE COURT: All right. We're again in chambers with  
19 everybody.

20 What's the problem?

21 MR. NEGUS: I've just been handed some discovery which  
22 purports -- and I haven't --

23 THE COURT: This is what you had when you were in here  
24 before.

25 MR. NEGUS: 15 pages. I have had a chance to skim it.  
26 Apparently the import of it is that it is a confession  
27 supposedly that was overheard by a member of the Arian  
28 Brotherhood; that that member of the Arian Brotherhood murdered

1 the Ryens along with another person. At least that's what I  
2 picked out of it at the beginning.

3 THE COURT: Somebody overheard a member of the Arian  
4 Brotherhood making a confession to the Ryen killings?

5 MR. NEGUS: Apparently. I haven't had a chance to study  
6 this because it is very complicated as to how it all comes  
7 down.

8 Mr. Cooper is somehow mentioned apparently in  
9 one -- at least one of the versions of the confession as having  
10 been seen outside the Ryen house. somehow -- I haven't figured  
11 out exactly yet, but also Lee Furrow (sic), the person who was  
12 in possession of the bloody coveralls which Deputy Eckley threw  
13 into the Dempsey-dumpster, if you recall back to that, is  
14 supposed to be involved with the Arian Brotherhood and is  
15 somehow involved in the killing. That is, people put Mr. Furrow  
16 (sic) --

17 THE COURT: Is his name mentioned in that report?

18 MR. NEGUS: Yes. Fairly in the -- I guess the second,  
19 connected with Diane Roper. Amongst other things apparently  
20 he's placed in the Chino Hills with blood on it approximately at  
21 the time of the killings. This discovery is dated 12-12 through  
22 12-21-84.

23 I would like to have at least an hour to think  
24 about what my next request is so I can read it and study it  
25 before I start this morning. This is not insignificant  
26 discovery as far as my side of the case is concerned and I would  
27 like to be able to figure out whether I want to request a  
28 continuance at this point in time or whether I wish to go ahead.

1 And that will be in part based upon what I think of the  
2 significance of the discovery, because I just can't tell that  
3 from a rough reading through.

4 THE COURT: Oh, golly. Why couldn't you have given this  
5 to him before, gentlemen?

6 MR. KOCHIS: I got it this morning. I gave it to him as  
7 soon as I Xeroxed it.

8 MR. NEGUS: I am sure he did. Mr. Kochis is very quick  
9 about it.

10 THE COURT: Then the Sheriff's office should have passed  
11 it to Mr. Kochis before the holidays.

12 MR. KOCHIS: Your Honor, I might add that this discovery  
13 doesn't put Mr. Farrell or Mr. Furrow (sic) into the Chino Hills  
14 area when they started going through the hearsay sources of  
15 where the information came from, and they interview the person  
16 who allegedly made the statements. He claims to be the current  
17 boy friend to Diane Roper and he claims that she told him she  
18 had found a pair of coveralls in the closet that she felt came  
19 from her husband. That is the type of information that both Mr.  
20 Negus and I had when we litigated the Hitch motion.

21 The information that is new is that this person who  
22 was interviewed in Vacaville claims that Mr. Koon said more than  
23 that. Mr. Koon was interviewed. He does not say that.

24 THE COURT: Until when, Mr. Negus? 10:30 all right?

25 MR. NEGUS: 10:30 is all right.

26 THE COURT: Tell the jurors to have another cup of  
27 coffee. It is probably going to be close to an hour before we  
28 come back and then at 10:30 keep it loose, approximately an hour

1 before we start. Then at 10:30 I will see you back here.

2 MR. NEGUS: Okay.

3 THE COURT: Is there -- should I be reading a copy of it?

4 MR. NEGUS: You might.

5 (Chambers conference concluded.)

6

7

8 (Chambers conference reported.)

9 THE COURT: Okay. We are all again together in chambers  
10 out of the presence of the jury.

11 Mr. Negus.

12 MR. NEGUS: I have had a chance to review in greater  
13 detail the reports. I am not going to request any further delay  
14 at this point in time.

15 I need Mr. Forbush here for Mr. Cooper's testimony,  
16 but there may be a time later on when I may need a day or two's  
17 delay to get it all together; but at the present time I don't,  
18 and I hope to be able to get it done without any delay.

19 THE COURT: Okay, fine. Let's get started then with the  
20 jury.

21 THE BAILIFF: If I can get them all assembled. I told  
22 them an hour at about a quarter to.

23 THE COURT: As soon as you can, please.

24 THE BAILIFF: Okay.

25 MR. FORBUSH: The hallway is completely abandoned, so  
26 they went somewhere.

27 (Chambers conference concluded.)

28

1                   (The following proceedings were held in  
2                   open court in the presence of the jury:)

3           THE COURT: Good morning everybody. Happy to see you all  
4 survived the holidays.

5                   Mr. Cooper I believe is going to be your first  
6 witness this morning.

7           MR. NEGUS: That's true. I would call Kevin Cooper.

8           THE COURT: Raise your right hand be sworn.

9  
10 the Defendant herein, called as a witness in his own behalf,  
11 having been duly sworn, testified as follows:

12           THE CLERK: Thank you. Be seated. State your name for  
13 the record, please.

14           THE DEFENDANT: Kevin Cooper.

15           THE CLERK: Thank you.

16

17                                 DIRECT EXAMINATION

18 BY MR. NEGUS:

19           Q. Do you have gum in your mouth?

20           A. No.

21           Q. Oh, excuse me.

22                   Kevin, did you kill the Ryen family and Christopher  
23 Hughes?

24           A. No, sir, Mr. Negus, I didn't.

25           Q. Did you go to California Institution For Men in  
26 sometime of the spring of 1983.

27           A. Yes.

28           Q. Do you remember what date that was?

1 A. No.

2 Q. Was it approximately April 29th?

3 A. Yes.

4 Q. Before that had you been arrested in Los Angeles  
5 County?

6 A. Yes.

7 Q. Do you know what date that was?

8 A. I believe the middle of January, the beginning of  
9 January.

10 Q. Would it -- would January 3rd, 1983, be a possible  
11 date?

12 A. Yes.

13 Q. Between January 3rd, 1983, or whatever day it was  
14 you were arrested and the time that you went to the Chino  
15 prison, were you in the Los Angeles County jail?

16 A. Yes.

17 Q. Prior to January 3rd, 1983, did you have glasses?

18 A. Yes.

19 Q. Where were those glasses when you were arrested?

20 A. In my car.

21 Q. When you were arrested were the glasses put in your  
22 property?

23 A. No.

24 Q. Was there any way for you to obtain glasses while  
25 you were in the Los Angeles County Jail?

26 A. No.

27 Q. The glasses that you're wearing now, when did you  
28 obtain them?

1 A. When I was in the San Bernadino County Jail.

2 Q. And how did that happen?

3 A. Well, I have a problem with my eyes as far as  
4 watching TV, reading, drawing, and I spoke to my investigator  
5 about that. He arranged for an optometrist to come inside the  
6 jail and have my eyes checked.

7 Q. That was Mr. Forbush?

8 A. Yes.

9 Q. The arrest in Los Angeles County, what was that  
10 for?

11 A. Burglaries.

12 Q. Was that residential burglary?

13 A. Yes.

14 Q. And were you convicted by way of a guilty plea with  
15 two counts of residential burglary out of Los Angeles County?

16 A. Yes.

17 Q. And as a result of that conviction were you  
18 sentenced to state prison in Chino?

19 A. Yes.

20 Q. When you got to Chino were you assigned to a  
21 particular facility?

22 A. Yes.

23 Q. What facility was that?

24 A. Birch Hall.

25 Q. And if I could direct your attention to Exhibit 55,  
26 which has a plastic overlay 55-B on it, is Birch Hall in the  
27 facility that's labeled here as R. C. Central?

28 A. Yes.

1 Q. Do you remember what cell you were assigned in that  
2 facility?

3 A. No, sir.

4 Q. Do you remember approximately where it was?

5 A. Yes, sir.

6 Q. Where?

7 A. On the second tier, way in the back.

8 Q. Did you have any property with you when you arrived  
9 at Reception Center Central?

10 A. Yes.

11 Q. What was that?

12 A. Street clothing.

13 Q. And were you allowed to keep that street clothing?

14 A. No.

15 Q. Were you allowed to keep any property that you had  
16 with you when you arrived from Los Angeles County Jail?

17 A. Some, but not all.

18 Q. What was that you were allowed to keep?

19 A. Photos, not Poloroid but the kind you have  
20 developed, an address book, some letters, legal material.

21 Q. During the course of your stay in the prison did  
22 you have to eventually mail all of that material to friends of  
23 yours?

24 A. Yes.

25 Q. When you arrived at the prison did they give you  
26 clothing?

27 A. Yes.

28 Q. What clothing were you issued?

1           A.     Underwear, T-shirt, socks, blue denim pants, blue  
2     shirt, brown shoes.

3 Q. The brown shoes, were those leather shoes?

4           A.     Well, they were like cement shoes to me.  They were  
5     heavy, hard.

6 Q. As part of the normal intake at the -- at the  
7 prison, did you go through a physical examination?

8                    A.     Yes.

9 MR. NEGUS: I'd like to have marked as next in order, I  
10 believe it would be 679, a piece of butcher paper, and I will  
11 put the tag on when I get a chance.

12 (Exhibit 679 marked for  
13 identification.)

14 BY MR. NEGUS:

15 Q. Mr. Cooper, could you go to this piece of butcher  
16 paper, and I'd like to have you sort of draw a rough outline of  
17 what the facility at Reception Center Central looks like from  
18 the inside, that is, if you are going -- go from the Birch Hall  
19 up to the places where you were examined?

20           A.       This would be Birch Hall right here. This is a  
21 hallway. Down from Birch Hall I guess would be Palm Hall, right  
22 here I guess. There's a gate right here where you go out into  
23 the yard area about right here. Further down the hall is like  
24 libraries or something over here. And there's a watch  
25 commander's station right here. Across from the watch  
26 commander's station is the medical center, which is like --  
27 something like that. And this hallway just keeps going down.

28 Q. Is there also a gymnasium there?

1 A. Yes.

2 Q. Could you put that in?

3 A. All right. The gymnasium would be down in this  
4 area. That -- Receiving and Release would be down here in this  
5 area (indicating).

6 Q. Could you put sort of "R. R." for wherever  
7 Receiving and Release would be?

8 A. (Witness complied.)

9 Q. And just to sort of orient people so we could  
10 remember, could you put "M" for the medical facility, "W" for  
11 the watch commander, "G" for gym, "Y" for yard, "P" for Palm  
12 Hall, and "B" for birch.

13 A. (Witness complied.)

14 Q. You can sit down again.

15 While you were -- where in the medical facility did  
16 you have an eye exam?

17 A. Yes.

18 Q. Did -- were -- were you explained after that eye  
19 exam the procedure for getting glasses within the institution?

20 A. Yes.

21 Q. Were glasses available to you while you were in the  
22 reception center area?

23 A. No.

24 Q. Where could you get glasses?

25 A. At the final institution that you would be a  
26 assigned to.

27 Q. Did -- during that examination did you make any  
28 request to the doctors concerning your shoes?

1 A. After I talked to a Deputy, a guard, yes.

2 Q. What request did you make to the doctors?

3 A. I explained it to him that I had a callous, or what  
4 they later determined was a wart, on the bottom of my right foot  
5 and those hard shoes those prison issues were hurting my feet, I  
6 couldn't walk.

7 Q. Did the doctor or doctors examine your feet?

8 A. Yes. Two doctors did.

9 Q. Showing you Exhibit 8 and directing your attention  
10 to the -- what's below the purple line on that exhibit; were you  
11 given a piece of paper such as would be the bottom of that -- of  
12 that particular exhibit?

13 A. Yes.

14 Q. Do you remember what color it was?

15 A. Well, they were exactly two copies. One was like a  
16 pink copy on top and I believe it was a white or a yellow copy  
17 on the bottom.

18 Q. Were you given both of those?

19 A. No.

20 Q. One of them was given to you?

21 A. Yes.

22 Q. And as a result of being handed -- was that by the  
23 doctor there?

24 A. No.

25 Q. Who was that by?

26 A. Doctor's secretary. She had to type it up.

27 Q. Was that done there on the same day that you saw  
28 the doctors?

1 A. Yes.

2 Q. Do you remember what date that was?

3 A. I believe it was May 3rd.

4 Q. And how do you remember that?

5 A. Because it was written on the chrono.

6 Q. That document is called the chrono?

7 A. Yes.

8 Q. What did you do with the document that you were

9 handed after you received it?

10 A. Read it.

11 Q. Then what did you do with it?

12 A. Took it to the watch commander's office.

13 Q. That would be the place numbered "W" across the

14 hall?

15 A. Yes.

16 Q. Did you -- did you talk to a correctional officer

17 at the watch commander's office?

18 A. Yes.

19 Q. Who was that if you recall?

20 A. It was a Mexican sergeant.

21 Q. As a result of that conversation were you given any

22 instructions by the sergeant?

23 A. Yes.

24 Q. What were those?

25 A. To take the medical chrono and go down where "G" is

26 for gym and see if they had any shoes down there.

27 Q. Did you do that?

28 A. Yes.

1 Q. And did you make contact with any particular person  
2 at that point -- at that place?

3 A. Yes.

4 Q. Who was that?

5 A. Correctional officer.

6 Q. Was that person male or female?

7 A. Female.

8 Q. Showing you Exhibit 666, a folder with some  
9 photographs in it, in a slightly different form have you seen  
10 that -- that folder before?

11 A. Yes.

12 Q. When you saw it before was there a photograph -- a  
13 little photograph above the word "quit" in the folder?

14 A. Yes.

15 Q. Other than that does that appear to be just the way  
16 the folder was when you saw it?

17 A. Yes.

18 Q. Did you pick out a picture of the -- of the female  
19 correctional officer that you talked to?

20 A. Yes.

21 Q. Is that picture still in the folder?

22 A. No, sir.

23 Q. Is that the picture that has been removed?

24 A. Yes.

25 Q. Did that person have any tennis shoes there for  
26 you?

27 A. Well, it wasn't up to her to give me tennis shoes.

28 Q. Did she tell you to go somewhere else?

1 A. Yes.

2 Q. Where did she tell you to go?

3 A. Up in the upper right-hand corner, just as you walk  
4 in the doorway there's a desk where the correction officer sits.  
5 Where they issue tennis shoes is across the gym. So she told me  
6 to go across the gym and see if they had any tennis shoes over  
7 there.

8 Q. At this point in time there was a -- sort of a  
9 raised platform up in this -- is that what you're --

10 A. Yes right there.

11 Q. And correctional officers were sitting up there?

12 A. Yes.

13 Q. What was the rest of the gym filled with?

14 A. Beds.

15 Q. And the -- the -- on this side over here was where  
16 the tennis shoes were issued?

17 A. Yes. There's a little office and a window with a  
18 cage, and I guess when they play basketball there you handed  
19 them your I.D. and they issue tennis shoes through the bottom of  
20 the cage.

21 Q. When you went to that particular window did they  
22 have any tennis shoes?

23 A. Yes.

24 Q. Did they have any your size?

25 A. Yes.

26 Q. Did you get any?

27 A. No.

28 Q. Did they tell you -- what did they tell you?

1           A.     Told me they was for the basketball team, whenever  
2 they were going to get another team it was for them.

3           Q.     What did you do then?

4           A.     Went back to the sergeants office.

5           Q.     What happened then?

6           A.     Told him what happened.

7           Q.     Then what happened?

8           A.     He asked a few other deputies, correctional,  
9 officers if they knew where I could get some tennis shoes at.

10          Q.     And what happened then?

11          A.     There was this one deputy or correctional officer  
12 that said to follow him and he'd get me some shoes.

13          Q.     In that particular lineup card do you recognize  
14 that particular deputy?

15          A.     Yes.

16          Q.     Which one is that?

17          A.     This one right here (indicating).

18          Q.     You are pointing to a deputy that has the name  
19 Mason, II, S. F. on a little card he is holding --

20          A.     Yes.

21          Q.     -- in front of him?

22          A.     Yes.

23          Q.     And is today the first time that you've identified  
24 that officer to anybody?

25          A.     No, sir.

26          Q.     Have you done so in the past?

27          A.     Yes.

28          Q.     To whom?

1 A. To you.

2 Q. And do you remember how long ago that was?

3 A. Yes.

4 Q. How long?

5 A. I believe it was early -- I mean late last year  
6 when we were in San Bernadino.

7 Q. When you followed that officer whose picture you  
8 pointed out identified in the photograph as officer -- as deputy  
9 or Correctional Officer Mason, where did he take you?

10 A. Down where the "P" is to Palm Hall.

11 Q. Okay. When you got -- is Palm Hall, is the  
12 entrance to Palm Hall the same as it is to Birch Hall or the  
13 other facilities there in the institution?

14 A. No, sir.

15 Q. How is it different?

16 A. It's a lock-down.

17 Q. When you went to -- when he went to Palm Hall did  
18 you go in?

19 A. No, sir.

20 Q. Where did you stay?

21 A. On the right-hand side of the "P" behind the door.

22 Q. Out in the hall?

23 A. Yes.

24 Q. Before you went in did the officer ask you  
25 anything?

26 A. Yes.

27 Q. What was that?

28 A. What size shoes did I wear.

1 Q. What did you tell him?

2 A. Ten.

3 Q. And did he ask you anything else?

4 A. Yes.

5 Q. What was that?

6 A. If they don't have a ten what size should I get.

7 Q. What did you tell him?

8 A. Anything from a nine to a ten.

9 Q. Did the officer come out again with a -- with a  
10 pair of tennis shoes?

11 A. Yes.

12 Q. When you had requested shoes had you requested  
13 specifically tennis shoes?

14 A. No, sir. I requested soft-soled shoes.

15 Q. That would include tennis shoes?

16 A. Tennis shoes, shower shoes, soft-soled shoes so my  
17 foot wouldn't hurt.

18 Q. On the chrono it actually says the word "tennis  
19 shoes"; that was put there by the doctor rather than necessarily  
20 at your request?

21 A. Yes.

22 Q. When the -- when Mr. Mason came out with the --  
23 with the shoes, were they in a box?

24 A. Yes.

25 Q. Was it a box similar to this box that's been marked  
26 as Exhibit 51?

27 A. Yes.

28 Q. Were there just one pair of shoes in the box?

1 A. Yes.

2 Q. Did he give you the box?

3 A. Yes.

4 Q. And what did you do?

5 A. Opened it.

6 Q. Then what did you do?

7 A. Looked at the shoes.

8 Q. And what kind of shoes were they?

9 A. Tennis shoes.

10 Q. Do you remember what color they were?

11 A. Yes.

12 Q. What?

13 A. They were either faded black or faded blue.

14 Q. Were they new shoes?

15 A. No, sir.

16 Q. Do you know what size they were?

17 A. Yes.

18 Q. What?

19 A. Nine mediums.

20 Q. Did you try them on there?

21 A. Yes.

22 Q. Did they fit?

23 A. Yes.

24 Q. Did you have to turn in the chrono that you had in  
25 order to get those shoes?

26 A. No.

27 Q. Was there any paperwork that was filled out when  
28 they were issued to you by you or you saw being filled out other

1 than the chrono?

2 A. No.

3 Q. Did you keep the box?

4 A. I believe so, yes.

5 Q. When you left Birch Hall did you still have it?

6 A. No.

7 Q. What happened to it?

8 A. I left it in my cell.

9 Q. The R & R area there, is that also the area that  
10 you -- that you first -- where you first went when you went to  
11 the institution?

12 A. Yes.

13 Q. And you were processed there for a period of time  
14 before they gave you actual assignment?

15 A. Yes. What happens when you get there is they strip  
16 search you and tell you to put all your personal property in one  
17 box so you can either mail it out to your family or to give it  
18 to people who need it.

19 Then after you're searched you go in and take a  
20 shower. They issue you new clothes and then they send you down  
21 the process line.

22 Q. When you leave the facility you go to the same  
23 place?

24 A. No, sir.

25 Q. Where do you go then?

26 A. Further on down the hall down by the watch  
27 commander's office. You just keep going down to the end of the  
28 hall. And right down there is what they briefly check you out.

1 Q. Okay. Do they -- do you have to turn anything in  
2 when you leave?

3 A. Yes.

4 Q. What did you have to turn in?

5 A. Well, what they do is go -- you don't necessarily  
6 have to turn stuff in, but they make sure you don't take nothing  
7 out you're not supposed to.

8 Q. When -- Well, did you -- sometime after you arrived  
9 in Birch Hall, how long were you in Birch Hall approximately?

10 A. I say about three-and-a-half weeks.

11 Q. In Birch Hall?

12 A. I believe so. I'm not sure on exact time.

13 Q. You're not sure of the exact date that you left?

14 A. No.

15 Q. Could it have been May 12th?

16 A. Could have been.

17 Q. When you did leave Birch Hall did you take your  
18 tennis shoes with you?

19 A. Yes.

20 Q. Did you still have the chrono?

21 A. Yes.

22 Q. Were you questioned about the tennis shoes?

23 A. Yes.

24 Q. By whom?

25 A. Correctional officer that was in charge of  
26 shipment.

27 Q. And did he allow you to take the tennis shoes with  
28 you when you left Birch Hall?

1 A. After he verified that my chrono was accurate.

2 Q. How did he do that?

3 A. Got on the telephone and called somebody.

4 Q. Where did you go when you -- when you left Birch?

5 A. To Medium I believe. I think it's West.

6 Q. Can you describe the layout of West?

7 A. Well, it has two security fences around it with  
8 razor wire. It has -- everything is in a circle more or less  
9 with watch towers in the corner.

10 Q. Going back to the diagram 55 where I'm pointing  
11 where it's labeled on the diagram R.C. West, is that what you're  
12 referring to?

13 A. Yes.

14 Q. In where the R.C. West is written on the diagram,  
15 what's -- what's there in the -- in the actual institution?

16 A. A gym, a kitchen, housing units with inmates, a  
17 laundry, right exactly where that red circle is is a control box  
18 where all the deputies and the correctional officers stay,  
19 different things to run the institution.

20 Q. In the center of the circle what would you find?

21 A. A yard.

22 Q. While you were in Reception Center West, do you  
23 remember approximately how long you were there?

24 A. No. Maybe three weeks. I'm not sure.

25 Q. Is Reception Center West a -- one of those  
26 permanent institutions where you can like obtain glasses?

27 A. No.

28 Q. Is it just another facility like Reception Center

1 Central only of lower security?

2 A. Yes.

3 Q. When you -- is there an R & R equivalent in  
4 Reception Center West?

5 A. Yes.

6 Q. And where is that?

7 A. Oh, well, you get into "R" -- I mean to West you  
8 have to go through I believe it's two gates that is  
9 automatically opened, and the truck or the bus drives you right  
10 up beside R & R and you get out and go on the inside. I believe  
11 it's that center building down at the bottom, where six would be  
12 on the clock.

13 Q. Down here toward -- if the gate is right near the  
14 red circle there, would that be right?

15 A. Oh, that's right, up top, right. I got it upside  
16 down. Okay.

17 Q. So, if the the gate's up here towards the --  
18 towards the top, it would be the building with the red circle  
19 around it, right?

20 A. And the one in the middle down at the bottom is the  
21 watch commander's office down there I had that mixed up.

22 Q. In R & R for West do you have to go through the  
23 same process of checking your equipment out that you had to when  
24 you left Central?

25 A. Yes.

26 Q. Did you have to again show your chrono?

27 A. Yes.

28 Q. And did they allow you to keep the tennis shoes?

1           A.     After they called back to Central to verify that my  
2 chrono was again legitimate.

3           Q.     Did you bring with you from the Reception Center  
4 Central from Birch Hall the brown shoes that you had been  
5 issued?

6           A.     No.

7           Q.     What did you do with those?

8           A.     Left them in my cell.

9           Q.     At that point in time did you have any footgear  
10 other than the tennis shoes that you were wearing?

11          A.     No.

12          Q.     While you were in reception, the R & R, Reception  
13 Center at West, were you issued different clothing?

14          A.     Yes.   What happens you go through the process,  
15 again you get strip searched, all your clothing from Central  
16 they put in a big bag and cart and send it back over to Central,  
17 Central's clothing. Each institution has their own set of  
18 clothing for you.

19          Q.     But they didn't do that with respect to the tennis  
20 shoes.

21          A.     No.

22          Q.     Then you were issued essentially the same type of  
23 clothing but different.

24          A.     Yes.   Same type, right.

25          Q.     Same type but it was just different items?

26          A.     Right.

27          Q.     And were you issued anything else?

28          A.     Um, no, sir.

1 Q. While you were -- well, do you smoke?

2 A. Yes.

3 Q. Is there a particular brand of cigarettes that you  
4 smoke more than others?

5 A. Yes.

6 Q. Was that?

7 A. Kool's.

8 Q. Are cigarettes available in the prison?

9 A. Yes.

10 Q. When you were in prison at all the different  
11 facilities in Chino, did you have any money with you?

12 A. No.

13 Q. Other than having money, a trust account, are  
14 inmates allowed to have money with them in the institution?

15 A. In your pocket?

16 Q. Right.

17 A. No. But there is.

18 Q. But is that contraband?

19 A. Yes.

20 Q. Is there anything else that functions as a sort of  
21 currency or money amongst inmates?

22 A. Yes.

23 Q. What's that?

24 A. Cigarettes.

25 Q. While you were in the institution, did you receive  
26 any state-issued free tobacco?

27 A. Yes.

28 Q. Do you know which you received more of, the Kool's

1 or the state-issued tobacco?

2 A. Yes.

3 Q. Which?

4 A. Kool's.

5 Q. If you didn't have any money, how were you able to  
6 get the Kool's?

7 A. By doing different things for inmates.

8 Q. How does that work?

9 A. Well, say, for example, I'm an artist so I can do  
10 portraits for people, cards for people. They send these to  
11 their girl friends, wives or children or whatever. Inmates  
12 would come to me -- first I would show my work to an inmate, and  
13 he would say, I would like you to do this and this. It depended  
14 on what he wanted done, depending on how much I charge.

15 Thus, therefore, I would get paid for whatever work  
16 I did with cigarettes.

17 Q. That was in -- would how many cigarettes differ  
18 with the range that you would get paid for the work that you had  
19 done?

20 A. All right. Depending on how big it was, how much  
21 detail it was, whatever I had to do. I would get anywhere from  
22 one pack to a carton, five-pack, six-pack, all depends.

23 Q. Once you had the cigarettes, the packs of  
24 cigarettes, I take it you smoked some of them.

25 A. Yes.

26 Q. Did you do anything else with them?

27 A. Yes.

28 Q. What was that?

1 A. Started a little store.

2 Q. What does that mean?

3 A. That means if another inmate didn't have cigarettes  
4 but he had money on account, I will sell one pack for two packs  
5 back. Sort of interest.

6 Q. What would be the advantage to the other inmate?

7 A. Because he wanted to smoke.

8 Q. Couldn't he just go down to the commissary and get  
9 some?

10 A. No.

11 Q. No?

12 A. You just get to go to the commissary when your  
13 block is called. That is maybe once a month.

14 Q. If somebody ran out before the end of the month  
15 then you have to borrow in order to get them?

16 A. Either borrow or smoke that roll-your-own.

17 Q. Showing you Exhibit 665, putting it here on the  
18 board. Was that done by yourself?

19 A. Yes.

20 Q. Where was it done?

21 A. In the County Jail.

22 Q. In here in San Diego?

23 A. Yes.

24 Q. Is that an example of the kind of work that you  
25 would do for other inmates in order to gain cigarettes?

26 A. Yes.

27 Q. Are you right-handed or left-handed?

28 A. Left-handed.

1 Q. While you were in prison, specifically in R.C.  
2 West -- first of all, which dorm were you assigned to?

3 A. I believe Sequoia.

4 Q. Do you remember what bunk you were assigned?

5 A. I believe, but I am not certain, but it was 714  
6 lower.

7 Q. In the West facility, are there cells like there  
8 was in Central or is it different?

9 A. Different.

10 Q. How is it different?

11 A. Dormitories, bunk beds.

12 Q. So there would be and upper and lower bunk?

13 A. Yes. Like if I was 714 lower, the other the guy  
14 would be 714 upper.

15 Q. Was there a basketball team at West?

16 A. Not when I got there.

17 Q. Did you ever try out for the basketball team?

18 A. Yes. They were forming one.

19 Q. Did you make the team?

20 A. No.

21 Q. While you were at West, did you ever check out any  
22 tennis shoes to play in the gym?

23 A. No, I had my own.

24 Q. While you were in the gym did you ever know anybody  
25 by the name of Tay -- while you were at R.C. West were you  
26 familiar with the name of James Taylor?

27 A. No.

28 Q. You've seen James Taylor, a person named James

1 Taylor who testified in court at the preliminary, and then again  
2 at trial; is that right?

3 A. Yes.

4 Q. Had you seen that individual while you were at R.C.  
5 West?

6 A. Yes.

7 Q. What name did you know him by?

8 A. "Shorty".

9 Q. Was Mr. Taylor a friend of yours?

10 A. No.

11 Q. Did you -- how did you come in contact with him so  
12 you knew who he was?

13 A. Because he worked in the gym.

14 Q. What was his job in the gym?

15 A. Passing out the tennis shoes, cleaning up the gym.  
16 He was a gym worker.

17 Q. Did you ever ask him for any favors?

18 A. No.

19 Q. Did Mr. Taylor have any privileges that you didn't  
20 have?

21 A. Yes.

22 Q. What were those?

23 A. Besides working in the gym, that's a privilege in  
24 itself, I had to clean the yard up in the morning. He watched  
25 TV, color TV all the time, listened to the radio, and Lord knows  
26 what else he did.

27 Q. Those are the things that you weren't able to do  
28 normally?

1           A.     Well, I could watch television. As far as radio is  
2 concerned, no.

3           Q.     Was the --

4           A.     Oh, I forgot one more thing.

5           Q.     What's that?

6           A.     He read the newspapers. They got newspapers in the  
7 gym and magazines and things. I couldn't get that.

8           Q.     Was the television that Mr. Taylor had access to  
9 out where all -- anybody who was in the gym playing basketball  
10 could use it?

11          A.     No.

12          Q.     Where was it?

13          A.     In the office.

14          Q.     That is the office that Mr. Taylor worked in?

15          A.     Yes. Him and maybe two or three other gym workers  
16 had a little office where they could sit and play cards, drink  
17 coffee, watch television, listen to the radio.

18          Q.     Did Mr. Taylor ever give you any shoes whatsoever?

19          A.     No, sir.

20          Q.     While you were in West, did you receive any visits?

21          A.     Yes.

22          Q.     From whom?

23          A.     Yolanda Jackson and LaWanda Macky.

24          Q.     Yolanda Jackson is the woman that testified in  
25 court last year sometime in this particular case; is that right?

26          A.     Yes.

27          Q.     LaWanda Macky, did you have a romantic involvement  
28 with LaWanda Macky?

1 A. Yes. She's the mother of my son.

2 Q. When she came to visit you at West was she in fact  
3 pregnant?

4 A. Yes.

5 Q. During that visit, did either Yolanda or LaWanda  
6 buy you anything?

7 A. Yes.

8 Q. What was that?

9 A. LaWanda brought me cigarettes, pop, candy, whatever  
10 you could get out of the machines in the visiting room.

11 Q. That was LaWanda Macky?

12 A. Yes.

13 Q. And do you recall what kind of cigarettes she  
14 bought you?

15 A. Yes.

16 Q. What?

17 A. Kool's.

18 Q. And how many?

19 A. About six packs.

20 Q. Do you remember what particular day that was she  
21 came to visit you?

22 A. No.

23 Q. Was it towards the beginning or middle or end of  
24 your time in West?

25 A. The end.

26 Q. On some day did you get told that you were to  
27 transfer out of West?

28 A. Yes.

1 Q. What day was that?

2 A. Well, actually I found out the night before. They  
3 issue out a transfer paper, which has your name and cell number.  
4 I mean your number, your dorm and your bed, and it tells you are  
5 to transfer to another institution the following day.

6 Then in the morning, I think it is before  
7 breakfast, they call you over the loud speaker, they tell you to  
8 report to R & R after breakfast.

9 Q. Is that the same R & R that you were at when you  
10 first came into West?

11 A. Yes.

12 Q. What happens when you are at R & R, is what happens  
13 when you left Central, they check you out and take stuff back?

14 A. Yes.

15 Q. At that point in time did you still have the chrono  
16 with you about the tennis shoes?

17 A. Yes.

18 Q. Were you allowed to keep the same pair of tennis  
19 shoes that you had been issued back on May 3rd with you when you  
20 left West?

21 A. Yes.

22 Q. Did you have any other shoes with you at that point  
23 in time?

24 A. No.

25 Q. During the time that you were in West, did you have  
26 any shoes other than that one pair of tennis shoes which you had  
27 been issued back in Birch Hall?

28 A. No.

1 Q. When you -- where did you go after you left West?

2 A. To CIM Minimum.

3 Q. And on the chart here, Exhibit 55, where is that?

4 A. I don't know.

5 Q. Okay. How did you get there?

6 A. In a bus.

7 Q. And is that in the same general prison only just a  
8 different facility as R.C. West is?

9 A. Yes. All of the facilities are right next door to  
10 each other, they're just different ones.

11 Q. Now, is CIM Minimum the same kind of facility that  
12 R.C. West and R.C. Central is?

13 A. No.

14 Q. What's different about it?

15 A. Well, CIM Minimum is where you are going to be  
16 until you are released. You are allowed to get your family to  
17 send you in tennis shoes, personal clothing; you are allowed to  
18 have radios. It is just a different facility. You get glasses  
19 issued there, you have surgery there, what's ever wrong with you  
20 you can get fixed there. You are going to be in school there.  
21 You know, you do a lot of things there.

22 Q. Is also the security different?

23 A. Yes.

24 Q. How is it different?

25 A. There's none -- not really no fence, no guard  
26 towers, no security at all practically.

27 Q. When you arrived there, did you go to R & R just  
28 like all the other times?

1 A. Yes.

2 Q. Again you have to give back your West clothing.

3 A. Yes.

4 Q. Did you again go through the same thing with the  
5 tennis shoes?

6 A. Yes.

7 Q. Were you allowed to keep the tennis shoes?

8 A. Yes.

9 Q. Just you like were at all the other steps along the  
10 way.

11 A. Yes.

12 Q. What were you issued -- by the way, do you know  
13 what date it was you arrived at Minimum?

14 A. I believe the beginning of June.

15 Q. June 1st?

16 A. I believe so.

17 Q. What were you issued when you were processed  
18 through R & R at Minimum?

19 A. Underwear, socks. They were going to issue me a  
20 pair of shoes but I didn't want them.

21 Q. A pair of brown shoes?

22 A. Right. Shirt, pants, a lock, papers, rules and  
23 regulations about the institution itself. A lunch. I believe I  
24 got a picture taken again over there because that's going to be  
25 to my regular stop. I'm not sure.

26 Q. Was a new I.D. issued?

27 A. It wasn't issued but they took another picture. I  
28 believe so.

1 Q. Showing you Exhibit 65. Is this -- I will put it  
2 up here.

3 Is that the photograph that was taken of you when  
4 you -- when you first arrived at the institution or when the --  
5 or the photograph that they took of you when you arrived at  
6 Minimum?

7 A. I'm not sure.

8 Q. Did you look substantially the same at both times?

9 A. Basically, yes.

10 Q. Were you issued any sort of jacket?

11 A. No.

12 Q. Did you ask for one?

13 A. Yes.

14 Q. Who did you ask?

15 A. The deputy, or correctional officer who was trying  
16 to give me some shoes when I was in R & R.

17 Q. And do you remember what that person looked like?

18 A. No, not really.

19 Q. What were you told?

20 A. First of all, that work jackets were only issued  
21 out to certain people. Second of all, they didn't issue out  
22 work jackets, you had to go to a clothing room, and third of  
23 all, they didn't issue jackets out in the summertime.

24 Q. Even though it was the summertime at that  
25 particular time of year at the institution, was it cold out?

26 A. At night it got a little nippy, chilly.

27 Q. While you were in Minimum, did you acquire a  
28 jacket?

1 A. Yes.

2 Q. How did you do that?

3 A. Took one.

4 Q. Where did you take it from?

5 A. From Cedar Hall.

6 Q. Can you describe that jacket.

7 A. Yes.

8 Q. Would you.

9 A. Well, it came down to my waist. It was like either  
10 a tan or a brown jacket, and it had a zipper on it, collar,  
11 didn't have any fur on it. Basically it had a collar around it,  
12 like my jacket right here. Just came down to right here.

13 Q. How far did it come down on you?

14 A. To my waist.

15 Q. Where exactly did you get that jacket?

16 A. Out of the TV room at Cedar Hall.

17 Q. Was it -- just how did you did you manage to get  
18 it?

19 A. Just took it.

20 Q. Was there anything in the -- was there anything in  
21 anything on the pockets of the jacket?

22 A. Yes.

23 Q. What?

24 A. A Bic lighter, or a Cricket lighter, some kleenex  
25 and that was it.

26 Q. The morning of June the 2nd, did -- well, do you  
27 recall a correctional officer Gary Fletcher who testified?

28 A. Yes.

1 Q. And did you in fact meet Gary Fletcher on the  
2 morning of June the 2nd?

3 A. Yes.

4 Q. Were you wearing a jacket?

5 A. Yes.

6 Q. Which jacket was it?

7 A. The jacket that I took.

8 Q. Did that jacket have anything like any writing or  
9 anything of that nature on it?

10 A. No.

11 Q. When you met Mr. Fletcher was your hair braided?

12 A. Yes.

13 Q. When had you braided your hair?

14 A. That night. The night before, excuse me.

15 Q. In what fashion did you have it braided in?

16 A. Just big braids.

17 Q. About how many?

18 A. Flat. Just big braids. About seven.

19 Q. How many T-shirts had you been issued?

20 A. All right. Well, what happened was I got there at  
21 the first -- all right. That night I was told to report to the  
22 clothing room, which is down past the cafeteria, and at the  
23 clothing room I was issued a set of clothes to sustain me while  
24 I was there in Minimum.

25 Q. So that was different clothes that you had received  
26 in R & R.

27 A. Yes. They were extra clothes. I just couldn't get  
28 by with one pair of pants.

1 Q. There essentially is more clothes in Minimum than  
2 when you are in other facilities?

3 A. Yes.

4 Q. Now, assuming that the -- that -- well, while you  
5 were at California institutions for Minimum, did you know like  
6 which direction was north, south, east and west?

7 A. No.

8 Q. Was there any way that you could orient yourself in  
9 the institution?

10 A. Yes.

11 Q. What was that?

12 A. They had maps. Kind of like maps in the -- inside  
13 each of the dorms, they had maps.

14 Q. Was there anything outside the institution that you  
15 could see?

16 A. Yes.

17 Q. What was that?

18 A. The North Star at night.

19 Q. Anything else?

20 A. Just like basic layout. Besides that, no.

21 Q. Assuming that the green building that -- well, what  
22 building were you assigned to?

23 A. Cedar Hall I believe.

24 Q. Do you remember, was that a bunk or cell-type  
25 facility?

26 A. Bunk.

27 Q. Do you remember what bunk you were assigned?

28 A. No, but I know I was on the top. I know it was

1 only like three or four beds down from the entranceway to get  
2 in.

3 Q. Assuming that the building that has been circled in  
4 green there with the No. 26 on it is Cedar Hall, where -- and  
5 that let's see. Do you know where the fire station is?

6 A. Yes.

7 Q. Was the fire station right near the corner from  
8 Cedar?

9 A. Yes.

10 Q. Assuming that Building 24 is the fire station,  
11 where approximately was it that you were issued the extra set of  
12 clothing?

13 A. Up here. All right. I believe that's the  
14 commissary is here, maybe the cafeteria -- I think it is this  
15 building No. 13 if I am correct.

16 Q. Would it be the clothing building?

17 A. Yes.

18 Q. Are there telephones inside of the Minimum  
19 facility?

20 A. Yes.

21 Q. And are those available to inmates?

22 A. Yes.

23 Q. How do they work?

24 A. Well, you have to -- first before you can even use  
25 the phone you have to put your name on a list, and depending on  
26 what officer is working there, he will tell you when you can  
27 make your phone call.

28 Q. Is that -- is that a pay phone?

1           A.     It's a pay phone, but it's hooked up where you can  
2     make collect calls only. That's all you can make inside of  
3     jails is collect calls.

4           Q.     You can't put your dimes inside a machine, you have  
5     to call somebody collect?

6           A.     You have to call them collect.

7           Q.     While you were in Minimum did you make any -- any  
8     calls to anyone anyone?

9           A.     Yes. I made two calls.

10          Q.     To whom?

11          A.     First one was to LaWanda but her phone was  
12     disconnected. The second one I made was to Yolanda Jackson.

13          Q.     When you knew LaWanda Macky, was she married?

14          A.     Yes.

15          Q.     During the time that you had your relationship with  
16     her, was she -- was she separated from her husband?

17          A.     Yes.

18          Q.     Do you know if after you were put in jail if she  
19     ever went back to her husband?

20          A.     Yes.

21          Q.     When was that?

22          A.     After she was pressured by the police.

23          Q.     When was that?

24          A.     Sometime after I was accused of this crime.

25          Q.     Did -- during your phone call with Yolanda, how  
26     long did that last?

27          A.     Not long.

28          Q.     Did -- was she -- did she get -- did she express

1 any anger with you?

2 A. Yeah.

3 Q. Why?

4 A. Cause I called her at work.

5 Q. What -- what day was that phone call made at?

6 A. The day I left.

7 Q. On June 2nd did you escape from the California  
8 Institution For Men?

9 A. Yes.

10 Q. What time did you do that?

11 A. In the afternoon.

12 Q. What did you have with you when you left?

13 A. Tennis shoes, socks, underwear, pants, shirt,  
14 jacket, cigarettes, lighter, and an orange.

15 Q. How many -- how many pair of socks did you have?

16 A. One.

17 Q. How many shirts did you have?

18 A. I had on a brown denim shirt, two T-shirts.

19 Q. Were you wearing both T-shirts at once?

20 A. Yes.

21 Q. Did you have anything on your head?

22 A. Not at that particular time, no. I did earlier  
23 when I had met Gary Fletcher.

24 Q. But when you escaped you did not?

25 A. No.

26 Q. Was your hair still in the same set of braids as it  
27 had been earlier?

28 A. Yes.

1 Q. What kind of cigarettes did you have?

2 A. I had Kool's and I had some roll-your-own.

3 Q. How many Kool's did you have?

4 A. About 15.

5 Q. And how much of the roll-your-own did you have?

6 A. About a half a bag.

7 Q. Did you have any matches?

8 A. No.

9 Q. What did you have to light your cigarettes?

10 A. The lighter that I found in the jacket pocket.

11 Q. When you -- when you left --

12 Well, first of all were you at all familiar with  
13 the -- with the Chino area when you were sent to prison?

14 A. No, sir.

15 Q. From the prison were you able to see mountains to  
16 the north?

17 A. Yes.

18 Q. Were you able to see like the hills around the  
19 valley there that are depicted on this aerial photograph,  
20 Exhibit No. 1?

21 A. I was able to see hills, exactly which ones I don't  
22 know.

23 Q. When you -- when you escaped from the prison, how  
24 did you do that?

25 A. Just walked out.

26 Q. Were there any like any guards or watchtowers or  
27 anything like that to stop you?

28 A. No.

1 Q. Can you describe how you -- how you walked out, in  
2 which directions you went when you walked out?

3 A. It's kind of complicated, but I can bear with me, I  
4 can tell you.

5 Q. Okay.

6 A. All right. After I had talked to Yolanda I hung up  
7 the phone. I left, went out Cedar Hall made a right, went over  
8 by the fire department made another right, just walked straight  
9 on down the road which took me to some dirt roads which is  
10 considered out of bounds where I saw Gary Fletcher that morning.  
11 After I got past the spot where I met Gary Fletcher I made  
12 another right, went down another dirt road and made an immediate  
13 left, and there was a road that took me straight on down to what  
14 I later found out was Edison Avenue.

15 Q. Okay. At the time you didn't know the names of any  
16 of the streets?

17 A. No.

18 Q. But by sitting in court you have learned now what  
19 the names of the different streets are?

20 A. Yes, sir.

21 Q. Was there anything -- was there anything that you  
22 saw on Edison Avenue when you arrived at that location?

23 A. Yes, sir.

24 Q. What was that?

25 A. A pink buiding.

26 Q. Okay. It's hard to see it in this particular  
27 photograph, but would that building I am pointing to down at the  
28 bottom right of the Exhibit 1, would that be the same general

1 location that the pink building is that you saw in person was?

2 A. Yes, I believe so. As a matter of fact, this right  
3 here was the long road that I had to walk down to get there.

4 Q. So, you're indicating a line along -- between two  
5 fields, as it were, leading directly to that pink building?

6 A. Yes, sir. In fact, I see my whole escape route.  
7 If you would like me to --

8 Q. I think I'm going to have to get a piece of --  
9 maybe we can do that after lunch. I think I'm going to have to  
10 get some plastic.

11 When -- when you -- -- when you got to the fence  
12 did you see anything unusual about the fence?

13 A. Not at that particular time, no.

14 Q. At some point did you?

15 A. Yes.

16 Q. What was that?

17 A. A precut hole.

18 Q. Did you know that that hole was there when you  
19 started out in that particular direction?

20 A. No, sir.

21 Q. Showing you Exhibits 25 and 26, which show a  
22 section of fence that's been patched up there, does that appear  
23 to be the approximate location where the precut hole was?

24 A. Yes, sir.

25 Q. At that point in time was it patched?

26 A. No, sir. It was wide open.

27 Q. Other than just going through that particular hole,  
28 was there any other obstruction between -- between yourself and

1       being outside of the prison?

2             A.     No, sir.

3             Q.     When you -- when you got outside the prison, what  
4       did you do then?

5             A.     Walked.

6             Q.     Did you have anything in your hands?

7             A.     No.

8             Q.     Had you taken all of the property that you had been  
9       issued with you?

10            A.     No.

11            Q.     What did you do with the rest of it?

12            A.     Left it in my locker.

13            Q.     How far did you walk?

14            A.     Well, the fence is not exactly on the road. It  
15       might be maybe ten, 15 yards off the road. So what I did was  
16       walk out on to the road and looked to see if the way was clear.

17            Q.     Was there -- did you see any correctional officers  
18       or vehicles or anything?

19            A.     No, I saw nothing.

20            Q.     Then what did you do?

21            A.     Took off.

22            Q.     What do you mean by that?

23            A.     I ran.

24            Q.     Do you know which direction you ran?

25            A.     Yes.

26            Q.     Did you know at that point in time which direction  
27       it was?

28            A.     No.

1 Q. From -- as you were coming out from the hole facing  
2 the -- the pink building, did you run to your left or your  
3 right?

4 A. My left.

5 Q. And do you remember anything that you ran past as  
6 you were running?

7 A. Yes.

8 Q. What was that?

9 A. A park and an intersection.

10 Q. Directing your attention back again to the -- to  
11 the Exhibit No. 1, there's an area that appears to have some  
12 brown octagonal shapes, I guess, in it and some green and near a  
13 large intersection, is that the park that you're talking about?

14 A. Yes. Shall I take the pointer?

15 Q. That's okay. Where did you go after that?

16 A. Just followed Edison straight on down.

17 Q. While you were following Edison, were you running  
18 the whole time?

19 A. No, sir.

20 Q. Which side of the street were you on?

21 A. Both sides.

22 Q. Did you -- while you were running did you ever see  
23 anybody in a correctional officer's uniform?

24 A. Yes, sir.

25 Q. And where was that?

26 A. Well, when I got down --

27 Can I use the pointer?

28 Q. Okay.

1           A.     I was running straight down here. There is some  
2     lumber yards in this area right here. I was about across the  
3     street from a lumber yard and I seen, I believe it was a pickup  
4     truck, a blue one, come down and turn this corner, come up this  
5     way while I was running down this way. Inside a truck was a  
6     Black man in a correctional officer's uniform.

7           Q.     Which side of the street were you on when you saw  
8     that person?

9           A.     The left-hand side.

10          Q.     And did you do anything?

11          A.     Yes.

12          Q.     What was that?

13          A.     I waved at him.

14          Q.     Why did you do that?

15          A.     Just to try to throw him off.

16          Q.     What did you do after you waved at him?

17          A.     Took off.

18          Q.     And you mean you ran?

19          A.     Faster. I mean I was jogging when I saw him, and I  
20     seen him coming and I waved to him and I picked up speed.

21          Q.     Showing you Exhibit 19, can you see on that the  
22     approximate location where you were when you saw the  
23     correctional officer?

24          A.     Yes, sir.

25          Q.     Where was that?

26          A.     Right here where this blue mark is across the  
27     street from the the lumber yard.

28          Q.     And did you keep going down the street the same

1 direction that you had been heading?

2 A. Yes.

3 Q. Did you come to a corner?

4 A. Yes.

5 Q. What did you do there?

6 A. All right. While I was running down here there is  
7 what I later learned was Ramona Avenue right here. I got to the  
8 corner and I made a left-hand turn.

9 Q. Was there any buildings there?

10 A. Yes. Right here, you will see a house right here  
11 on this corner.

12 Q. What did you do when you got to that house?

13 A. All right. When I ran around the corner there was  
14 a gate leading to their backyard. I jumped over the gate and  
15 hid down behind the gate on the side of her house.

16 Q. Did -- did you then -- did you ever see Lieutenant  
17 Shephard after you were hiding there?

18 A. Yes.

19 Q. Where did you see him?

20 A. I seen -- first when I was running down the street  
21 I looked over my shoulder and I seen him putting on his brakes,  
22 start backing up and turn around and follow me. So after I  
23 turned around the corner right here and I jumped up over the  
24 gate and got down on the ground, I saw him turn the corner and  
25 proceed going down this way, down Ramona.

26 Q. What did you do then?

27 A. I got up, ran behind her house, this way up across  
28 Edison, back up Edison and went inside a junk -- I mean a lumber

1 yard.

2 Q. When you got inside the lumber yard was it like  
3 open for business?

4 A. Yes, sir.

5 Q. Did anybody come up to you?

6 A. No, sir. I saw people working there.

7 Q. On Exhibit 19, can you see the lumber yard?

8 A. Yes.

9 Q. Taking the blue marker, could you put "L. Y." above  
10 it for lumber yard.

11 And showing you Exhibit 27, can you likewise see  
12 the lumber yard in that photograph?

13 A. Yes.

14 Q. Could you put "L. Y." above it in that particular  
15 photograph?

16 Q. Does that photograph, 27, also show the house that  
17 you -- that you hid behind?

18 A. Yes.

19 Q. Could you put an "H" above that for house.

20 A. (Witness complied.)

21 This would be a convenient time.

22 THE COURT: Sorry about the delay this morning, but we  
23 hope to reconvene promptly at 1:30.

24 Let's take the noon recess. Remember the  
25 admonition previously given to you. 1:30, please.

26 (Noon recess taken.)

27

28

1 SAN DIEGO, CALIFORNIA, WEDNESDAY, JANUARY 2, 1985 1:35 P.M..

2 --oo0oo--

3  
4 THE COURT: Go ahead.

5 MR. NEGUS: Thank you.

6  
7 KEVIN COOPER,

8 called as a witness on behalf of the Defendant, having been  
9 previously duly sworn, resumed the stand and testified further  
10 as follows:

11  
12 DIRECT EXAMINATION (Resumed)

13 BY MR. NEGUS:

14 Q. Mr. Cooper, I put Exhibit 1-A over the large  
15 photograph No. 1 in the break, and I would request at this point  
16 in time that as best you can tell from your memory and the  
17 photographs, if you would trace the route that you took in red  
18 leaving the institution and ending up with your arrival in the  
19 lumber yard.

20 A. Somewhere in this general area. I don't know  
21 exactly where but the hole was somewhere in here.

22 Q. Somewhere near the pink building?

23 A. Right. The pink building here. Somewhere in this  
24 part of the fence, I believe up here by this section of dark  
25 green grass.

26 Q. But you are not sure.

27 A. I am not sure.

28 Q. Why don't you just start then, leave gaps for

1 places that you really aren't sure.

2 Do you remember, for example, how you got -- let's  
3 assume that that's Cedar Hall right where my finger is pointed,  
4 those things -- bright yellow thing, chartreuse things are the  
5 fire truck.

6 Starting from that particular point, as best you  
7 could, could you trace your route out to the fence.

8 A. All right. Down here, down here.

9 Q. Then could you pick up Edison, wherever you can be  
10 sure.

11 A. I know I did walk up the fence this way, so I'm not  
12 sure exactly where the hole was. But I started my run right  
13 here at that dotted.

14 Q. Then could you trace your route going along Edison.  
15 Assuming that where Mr. Roper has written "Ramona" right here,  
16 that's at the intersection of Ramona and Edison.

17 Could you just trace your route along Edison then  
18 around back to the lumber yard.

19 A. (Witness complied).

20 Q. You can sit down again for a time.

21 When you got in the lumber yard, what did you do?

22 A. Well, first I arrived at the lumber yard, I stopped  
23 outside at the gate, they had a gate which you would pull open  
24 or shut. I stopped running, I walked in like I was a customer.  
25 I just walked in, and I went -- maybe had to walk through a  
26 little parking lot where they park the cars. I walked maybe 25  
27 yards inside the lumber yard and there was a stack of lumber  
28 under a roofing-type area.

1 Q. What did you do when you got to that stack of  
2 lumber?

3 A. Climbed on top of it.

4 Q. Then what did you do?

5 A. Just laid down.

6 Q. On top of the lumber?

7 A. Yes.

8 Q. Now, does that -- let's see. In photograph 19, can  
9 you see that roofing over the lumber?

10 A. Yes, sir.

11 Q. Do you remember exactly where it was that you laid  
12 down in the lumber yard?

13 A. Yes, sir.

14 Q. Do you remember exactly --

15 A. I believe so.

16 Q. -- where with respect to where you have drawn the  
17 "L. Y." on the diagram. Is that --

18 A. All right. Well, if you will notice, if the  
19 picture was bigger, there was some cars parked right here along  
20 the street. Where the last car is, that, I believe, is their  
21 driveway where you can drive inside the lumber yard.

22 There is also three buildings, each building has a  
23 stack of wood. Each building is covered by a roof. I think I  
24 was in the middle one.

25 Q. When you arrived there, did anybody come up to you  
26 to tell you to get out of there or anything like that?

27 A. No, sir.

28 Q. From that vantage point were you able to see

1 Edison?

2 A. Yes, sir.

3 Q. Could you see the traffic on Edison?

4 A. Yes, sir.

5 Q. During that particular evening were you able to  
6 observe any like official vehicles in that particular area?

7 A. Yes, sir.

8 Q. What did you see?

9 A. I seen police cars, I seen CIM cars. As far as --  
10 I seen a blue van with "CIM Correctional Men's Institution" or  
11 "California Institution", or something like that on the side of  
12 the door.

13 I seen I believe it may have been one or two cars  
14 that had CIM guards in it. I also seen Lieutenant Shepard's  
15 pickup truck, and maybe two or three police cars from the City  
16 of Chino. They were white.

17 Q. Could you read "Chino" on them or did you just  
18 assume that they were from Chino?

19 A. I believe that I saw on the side the emblem, I am  
20 not sure.

21 Q. How long did you stay up on top of that roof?

22 A. I don't know.

23 Q. Was the -- well, did you observe a time when all  
24 the employees of that particular lumber yard seemed to leave?

25 A. Yes.

26 Q. Was that -- did the employees leave before or after  
27 dark?

28 A. The majority left before, which I would think it

1 would be quitting time because so many left at that particular  
2 time. But there was also maybe one or two stayed over.

3 Q. Did you finally observe those people to leave?

4 A. Yes.

5 Q. Was it still light when they left?

6 A. Yes.

7 Q. While it was still light, did you move from your  
8 location up there on top of the lumber?

9 A. No.

10 Q. Did you do anything up there other than just lay  
11 there and look at cars?

12 A. Yes.

13 Q. What was that?

14 A. Ate my orange, smoked cigarettes.

15 Q. What kind did you smoke?

16 A. Kool's.

17 Q. Did you -- did there come a time then when you  
18 decided to get down from there?

19 A. Yes.

20 Q. Was that after dark?

21 A. It was dark but it wasn't totally dark.

22 Q. When you got down from the lumber yard where did  
23 you go?

24 A. There was a building in the back of the lumber yard  
25 where I guess the offices would be. I went there.

26 Q. What did you do there?

27 A. Got water. They had a water fountain back there  
28 with timeclocks and timecards, things like that, in the back.

1 Q. What did you do then?

2 A. After I got some water?

3 Q. Yes.

4 A. Basically looked around.

5 Q. Were there any lights on?

6 A. Yes, I believe so.

7 Q. Do you remember where?

8 A. I think around the office building. Around the  
9 office building.

10 Q. Did you then leave that office building?

11 A. Yes.

12 Q. Where did you go next?

13 A. There's a lumber yard right next door.

14 Q. How did you get there?

15 A. Hopped the fence.

16 Q. When you hopped the fence, where did you then go?

17 A. When I hopped the fence I was going through trains.  
18 I seen some trains and railroad track right there. But as I  
19 hopped the fence I went out into like an open field. There was  
20 a brown Mercedes Benz, four-door and another type of car sitting  
21 in front of that office in that lumber yard.

22 Q. What did you do when you saw that?

23 A. Went back to the fence by the first lumber yard.

24 Q. Then what did you do?

25 A. After I made sure that there was nobody that I seen  
26 out there in that second lumber yard, I proceeded -- they had  
27 what you might call an 18 wheeler truck with a bunch of lumber  
28 on it. I climbed up inside that truck.

1 Q. What did you do inside the fence?  
2 A. Just sat.  
3 Q. How long were you there?  
4 A. I don't know.  
5 Q. Where did you go when you left that particular  
6 truck?  
7 A. I went to the train tracks where the trains were.  
8 Q. Did you try and start that vehicle?  
9 A. No.  
10 Q. Why not?  
11 A. I don't know how to drive a tractor-trailer.  
12 Q. What kind of trains -- was it like a regular --  
13 were there like a regular yard, or what kind was the state of  
14 the trains?  
15 A. I believe some trains had wood on them. Some of  
16 them were box cars that were open. But the train was sitting  
17 there. I don't know exactly how many cars there were on the  
18 train.  
19 Q. Did there appear to be locomotives or was the train  
20 moving in any way?  
21 A. No, it was standing still.  
22 Q. Did you see anybody around it?  
23 A. No.  
24 Q. What did you do after you looked at the trains?  
25 A. Decided what my next move was going to be.  
26 Q. What was that?  
27 A. At that time, that particular time I wasn't sure.  
28 Q. What did you do next?

1           A.     Looked around to see if I could see anymore police  
2     or CIM officials.

3           Q.     Were you able to see any at that point in time?

4           A.     No.

5           Q.     Then where did you go?

6           A.     I hopped another fence and went into another yard.

7           Q.     Was that the same yard with the brown Mercedes or a  
8     different one?

9           A.     Different one.

10          Q.     Then where did you go? What did you do in that  
11     yard? Excuse me.

12          A.     Looked around.

13          Q.     Was there anything else there? What kind of yard  
14     was it?

15          A.     There were train tracks in that yard, and I looked  
16     at some more trains. I could hear people inside the buildings  
17     working. I don't know what kind of jobs they were doing, but I  
18     could see people working, hear them working rather.

19          Q.     By this time was it dark out?

20          A.     Yes.

21          Q.     Where did you do next?

22          A.     Proceeded towards what I later found out was Ramona  
23     Avenue.

24          Q.     Okay. Then when you got to Ramona, what did you  
25     do?

26          A.     Crossed the street.

27          Q.     Then where did you go?

28          A.     Straight down some fields.

1 Q. While you were going down the fields, were you  
2 doing anything to try and orient yourself?

3 A. Yes.

4 Q. What was that?

5 A. I knew I was parallel to Edison. I knew that  
6 Edison led back to Chino, to the prison.

7 Q. So, were you trying to keep going away from the  
8 prison?

9 A. Yes.

10 Q. When -- did you finally get out of the fields?

11 A. Yes, but -- yes and no.

12 Q. What do you mean?

13 A. Some of the fields were also yards where people  
14 would work. Like one yard that I went in was actually a place  
15 where they had a lot of old type cars that they were building or  
16 stripping down or whatever. Like a little junk yard or  
17 something. But it was like a field, until I jumped the fence.

18 Q. Did you finally come to any major roads?

19 A. Yes, I came to a couple major roads.

20 Q. What was the first one you can remember coming to?

21 A. I believe a block down from Ramona.

22 Q. Then did you just cross that?

23 A. Yes. I waited until there was no traffic, no  
24 headlights. I couldn't see the cars, but I could see the  
25 headlights. I ran across the street in some more fields.

26 Q. Did you finally come to another major road?

27 A. Yes.

28 Q. What what his that?

1 A. A freeway.

2 Q. Now, you are from the east coast; is that right?

3 A. Yes.

4 Q. Are the freeway systems on the east coast the same  
5 as in California?

6 A. No.

7 Q. What about this made you describe it as a freeway?

8 A. Because it was a lot of traffic; no stop lights  
9 that I could see.

10 Q. What did you do when you got to what you thought  
11 was a freeway?

12 A. Looked.

13 Q. Then what did you do?

14 A. Waited for no more headlights to approach.

15 Q. Then what did you do?

16 A. Then I ran across the first part of it.

17 Q. Where did you go?

18 A. Down inside a little wash or something.

19 Q. Okay. In order to get inside the wash did you have  
20 to hop any fences?

21 A. I believe so, I'm not sure.

22 Q. After you crossed through the wash, where did you  
23 go?

24 A. Up the other side across the other side of what I  
25 thought was a freeway.

26 Q. Then where did you go?

27 A. Down into some more fields.

28 Q. The fields that you were in now, could you see

1 anything from those fields?

2 A. Yes.

3 Q. What could you see?

4 A. I could see a freeway. I could see a bunch of  
5 lights. I saw one light in particular.

6 Q. Where did you see the lights?

7 A. Well, from the field I could see a -- it was to my  
8 left-hand side up -- kind of high up the hill or something.

9 Q. Did you go up that hill?

10 A. I started to.

11 Q. Did you go all the way up?

12 A. No.

13 Q. Where did you go after you started up?

14 A. Back down into the field.

15 Q. Then where did you go?

16 A. Across the field.

17 Q. Was there like any animals or anything of that  
18 nature in the field that you saw?

19 A. Not at that particular time but there must have  
20 been some.

21 Q. Why is that?

22 A. Because I stepped in horse or cow manure or  
23 something like that.

24 Q. After you proceeded through that field, what was  
25 the next thing you came on that wasn't a field?

26 A. Well, I crossed a road, I believe, but I am not  
27 exactly sure what road it was. It wasn't a wide road.

28 Q. Just going from one field to another across that

1 road?

2 A. Yes. Kind of, sort of.

3 Q. Did you have to hop any fences?

4 A. No.

5 Q. After you crossed that road, what was the next  
6 thing that wasn't a field that you came upon?

7 A. Well, I fell in a creek.

8 Q. What do you mean you fell in the creek?

9 A. Well, it was dark, I couldn't see where I was  
10 going, and there was like a creek that kind of goes down into a  
11 bank or something. I kept walking, thinking it was also a road  
12 or the field was going straight, and when I put my right foot up  
13 I just went straight down in the creek and got all muddy and  
14 wet.

15 Q. What did you do after you did that?

16 A. Got up and went up to the other side of the creek.

17 Q. Then what did you do?

18 A. Kept walking.

19 Q. During the time that you had -- except for like  
20 going down into the drainage ditch, had you basically been up on  
21 the level up to this point in time?

22 A. Rough level ground, yes.

23 Q. Did there come a time when the slope changed?

24 A. Yes.

25 Q. Which way did it go: Uphill or downhill?

26 A. Started going uphill.

27 Q. At that point when it started to go uphill were you  
28 still in the field or was the terrain somewhat different?

1           A.     Well, it was big and open. I guess it was a field,  
2 but there was also fences with horses in them.

3           Q.     Did you come up to one of those fences?

4           A.     Yes.

5           Q.     What kind of fence was it?

6           A.     A white -- like a white post-type fence.

7           Q.     Were there any lights on in the area that you could  
8 see?

9           A.     No. Not in the immediate area, no.

10          Q.     Did the horses react to your coming up at all?

11          A.     Yes.

12          Q.     How did they react?

13          A.     They were blowing real hard out their noses and  
14 running back in the field with their ears up.

15          Q.     Did you climb the fence in any of the fields where  
16 the horses were?

17          A.     No.

18          Q.     What did you do?

19          A.     Just walked up -- the terrain is kind of rough, and  
20 I fell numerous times going up the terrain. So, what I did, I  
21 got tired of falling and I grabbed on to the side of the rail  
22 and I just walked up holding part of the rail.

23          Q.     When you went back to the fence, you went along the  
24 fence, did you go to your left or to your right?

25          A.     To my right.

26          Q.     Were you going up the hill?

27          A.     Yes.

28          Q.     As you went up -- as you went up the hill, did you

1       come to a spot where you saw a light?

2           A.     Yes.

3           Q.     What did you do when you saw that light?

4           A.     Stopped and kind of backed down the hill a little  
5     bit.

6           Q.     Did you get behind -- was there any bushes around  
7     the fence at that point in time?

8           A.     I believe so, yes.

9           Q.     The light that you saw, do you know what  
10    residence -- do you know at this point in time what residence  
11    that was on?

12          A.     Yes.

13          Q.     What residence was that?

14          A.     2991, Lease house.

15          Q.     At that point in time did you have any idea of what  
16    sort of residence or whose residence that was?

17          A.     No.

18          Q.     When you saw that, when you saw that, when you saw  
19    the lights, do you know how many there were?

20          A.     First I seen only one; seen one.

21          Q.     Was there any -- were you near or in the Lease  
22    house, any particular part of the Lease house?

23          A.     Yes.

24          Q.     What part was that?

25          A.     The garage.

26          Q.     Was there anything about the garage that caught  
27    your attention?

28          A.     Yes.

1 Q. What was that?

2 A. The garage door.

3 Q. What about it caught your attention?

4 A. Well, normally when you close a garage door, or  
5 look at a garage door, it is straight up and down like the hands  
6 of a clock would be 12:00 and 6:00 o'clock. This garage was at  
7 an angle, 7:00 o'clock. I could see the bottom, I could see it  
8 was open maybe about that much.

9 Q. That is a couple inches?

10 A. Possibly. Maybe more, maybe less.

11 Q. When you saw that what did you do next?

12 A. Was thinking about going in there. Thought about  
13 going in there.

14 Q. Did you wait a period of time?

15 A. Yes.

16 Q. Then what did you do?

17 A. I went up to the garage door and pulled it open and  
18 looked in there.

19 Q. What did you see?

20 A. At first, nothing.

21 Q. Then what did you see?

22 A. I took my lighter out and turned it on, and then I  
23 looked in there I could see a golf cart.

24 Q. Did you see anything else?

25 A. Yes.

26 Q. What?

27 A. A shelf in the back full of miscellaneous things.  
28 Some -- just a bunch of stuff. I don't know exactly what it

1 was.

2 Q. What did you do then?

3 A. Opened the garage and went in, pulled the door back  
4 behind me to the position it was when I first found it.

5 Q. Up to this point had you observed any signs of  
6 people or animals or anything around that particular house?

7 A. No.

8 Q. Once you got inside the garage, what did you do  
9 next?

10 A. Looked around.

11 Q. Could you see anything more than what you could see  
12 from outside?

13 A. Yes.

14 Q. What did you see?

15 A. Stereo parts, speakers, tape boxes for like 8-track  
16 tapes. I believe tires were in there, old clothes were in  
17 there, cowboy pants, like chaps or vests, something like that, I  
18 think. Stereo, radio, few other things.

19 Q. What was your -- what was the condition of your  
20 clothing at this point in time?

21 A. Muddy, stinky, wet.

22 Q. What did you do after you looked around?

23 A. I saw a doorway which led in the back of the  
24 garage, and I went back there.

25 Q. What did you do when you got back there?

26 A. I saw a refrigerator.

27 Q. What did you do then?

28 A. Opened it.

1 Q. And what, did you see anything inside that you  
2 took?

3 A. Yes.

4 Q. What was that?

5 A. Beer.

6 Q. What kind of beer was it?

7 A. It was a little green bottle.

8 Q. Did you drink the beer?

9 A. Yes, sir.

10 Q. Then what did you do?

11 A. Looked around in the back to see what was back  
12 there.

13 Q. Then what did you do?

14 A. Sat down and smoked a cigarette and relaxed.

15 Q. While you were there, had you heard any music or  
16 other sounds coming from the house?

17 A. No.

18 Q. After you smoked your cigarette, what did you do  
19 then?

20 A. Got up and went back out to the front of the  
21 garage.

22 Q. What did you do there?

23 A. Looked on the shelf and stuff for something to dry  
24 myself off with because I was getting cold.

25 Q. Did you find anything?

26 A. Yes.

27 Q. What did you find?

28 A. Old rags.

1 Q. Then what did you do?

2 A. Got maybe a stepladder, something out there,  
3 climbed up on the shelves, looked for something to change into.

4 Q. You were looking for clothes?

5 A. Basically, yes.

6 Q. What did you find?

7 A. I found a pair of tennis shoes.

8 Q. Showing you Exhibit 120, are these the pair of  
9 tennis shoes that you found?

10 A. I believe so, yes.

11 Q. Now, when you found those tennis shoes, were they  
12 in the same condition that we see them here today?

13 A. Almost, but not quite.

14 Q. What was different about them?

15 A. It was more yellow to them. They didn't have this  
16 reddish-brown paint on there, and they weren't as hard as this  
17 or dents weren't in them like that. But basically.

18 Q. Did they appear to be weathered somewhat since you  
19 found them?

20 A. Yes.

21 Q. Showing you Exhibit 121, a photograph of some  
22 shelving which has been previously identified as being inside  
23 the 2991 garage.

24 Does that photograph show the general area where  
25 you found the yellow tennis shoes?

26 A. Yes.

27 Q. Can you, using the blue marker, write "shoes" for  
28 that spot.

1 A. Should I put an arrow to indicate?

2 Q. However so you can show where it was.

3 A. (Witness complied.)

4 Q. Did you find any other clothing that you took from  
5 that particular area?

6 A. No. I found clothing but I didn't take any of it.

7 Q. Did you in fact put those shoes on at that point in  
8 time?

9 A. Yes.

10 Q. What did you do with the tennis shoes that you had  
11 been wearing before?

12 A. Left them there for awhile.

13 Q. Just where?

14 A. Well, what I did was I found some old rags and  
15 stuff. I was wet, my legs were wet, my socks were wet, my shoes  
16 were wet, my feet were wet. I took off the shoes, socks, rolled  
17 up my pants and took the rags and dried my legs and stuff, and  
18 then I put on the shoes that I found.

19 Q. After you did that, what did you do next?

20 A. Went back in the back and got another beer.

21 Q. Then, was that -- let's see. This picture doesn't  
22 show it best, but in the Photograph 122, do you recognize what  
23 area that depicts?

24 A. Yes. The little workshop area behind the main  
25 garage.

26 Q. Okay. Does that show the general area from which  
27 you got the beer?

28 A. Yes. I see a part of the refrigerator right here.

1 Q. Could you put an arrow and the word the "R.F.", or  
2 "R-e-f-r-i-g" for refrigerator there.

3 A. (Witness complied).

4 Q. Now, in going through those photographs you have  
5 had an opportunity to look at all the photographs that I have  
6 been showing you prior to your testimony today; is that right?

7 A. Yes, sir.

8 Q. You have seen all the -- all the different  
9 photographs the Sheriff's and the defense has of the Lease  
10 residence and from the institution.

11 A. Yes, sir.

12 Q. Have looking at those photographs helped you as far  
13 as your memory is concerned to refresh your recollection about  
14 certain, where certain things were and that sort of thing?

15 A. Yes. In some areas.

16 Q. After you drank your second beer, what did you do  
17 next?

18 A. I noticed a door in the back, the workshop,  
19 parallel to the refrigerator, only like in the left-hand corner.

20 Q. By the way, what did you do with the beer bottles?

21 A. Left them back there.

22 Q. On the ground or trash can or what?

23 A. I don't remember exactly where. I believe on  
24 this -- right beside the refrigerator in this picture there's a  
25 little cabinet with drawers, I believe. I left them right there  
26 but I can't recall exactly.

27 Q. When you -- did you go out that door?

28 A. The back door, yes. Not at first, I opened it.

1 Q. Then when you opened it what did you do?

2 A. Looked out it.

3 Q. Could you see anyone?

4 A. No.

5 Q. Did there appear to be any lights on inside the  
6 house?

7 A. No.

8 Q. Could you hear like any music coming or anything of  
9 that nature?

10 A. No.

11 Q. On Exhibit 5 we've put plastic overlay 5-I  
12 with your name on it.

13 Can you indicate on that diagram the door that you  
14 went out the back.

15 A. Yes.

16 Q. Could you put a red "X" there.

17 Q. After you -- the second time you -- after you  
18 opened the door and looked around, did you then go out there in  
19 what is the -- has been referred to as the back of the Lease  
20 house?

21 A. Yes.

22 Q. Where did you go?

23 A. I went this way. I stopped about right here  
24 (indicating).

25 Q. Okay. When you stopped, that was outside the --  
26 what has been now referred to in this case as the Bilbia  
27 bedroom?

28 A. Yes.

1 Q. Could you see anything inside that particular  
2 bedroom from where you were standing?

3 A. No.

4 Q. Okay. Then where did you go?

5 A. Here (indicating).

6 Q. Okay. That was looking into a -- the room with the  
7 counter in it?

8 A. Yes.

9 Q. Okay. At that point in time could you see anything  
10 looking into that room?

11 A. No.

12 Q. Then where did you go?

13 A. The reason I couldn't see anything in these two  
14 rooms, cause the drapes were pulled.

15 Q. Okay.

16 A. I went here (indicating).

17 Q. Okay. Now what's that?

18 A. The kitchen.

19 Q. Okay. Was that a door or what?

20 A. Yes.

21 Q. What did you do there?

22 A. Looked in.

23 Q. Were there any drapes on that kitchen door?

24 A. I believe so, but the real thin kind.

25 Q. Could you see through into it?

26 A. Yes.

27 Q. What could you see?

28 A. A kitchen.

1 Q. Could you see anybody in it?

2 A. No.

3 Q. Then what did you do?

4 A. Went to this window here (indicating).

5 Q. Okay. And what was -- what could you see through  
6 that window?

7 A. The kitchen and across to this hall right here  
8 (indicating).

9 Q. Okay. Was it -- was it light enough to see inside?

10 A. Not really, but if you put your eyes to the window  
11 and really looked, I mean, you can get accustomed, your eyes can  
12 get accustomed to the dark.

13 Q. So you could make out shapes and things of that  
14 nature?

15 A. More or less, yes.

16 Q. Then where did you go?

17 A. This window right here (indicating).

18 Q. Could you see in that window?

19 A. Yes.

20 Q. What could you see?

21 A. This area. A pool table right here and part of the  
22 kitchen and then part of the living room.

23 Q. Okay. Then where did you go?

24 A. This window (indicating).

25 Q. And could you see through that window as we will?

26 A. Yes.

27 Q. And then where did you go next?

28 A. This big window right here (indicating).

1 Q. Were you essentially just going around the house  
2 looking through all the windows?

3 A. Basically, yes.

4 Q. Did you go all the way around the house?

5 A. Yes.

6 Q. Could you then just trace your route all the way  
7 around the --

8 A. (Witness complied.)

9 Q. Did any of the windows have bushes in front of  
10 them?

11 A. Yes.

12 Q. Which ones that you can remember?

13 A. I believe right in here (indicating).

14 Q. Okay. Were there any other bushes that you can  
15 recall?

16 A. Over here on the side there were bushes.

17 Q. When you got to the Lang bedroom could you see into  
18 that particular bedroom?

19 A. Yes.

20 Q. What could you see?

21 A. I saw a bed right here like this. This closet I  
22 believe was open and so was this when I looked in the window.  
23 And I could see clothing hanging up here. And that's basically  
24 about it.

25 Q. Then where -- Okay.

26 When you got to the front door, what did you do?

27 A. Turned the lock -- well, you know, did like that  
28 (indicating) to the door.

1 Q. And what happened?

2 A. It opened.

3 Q. What was your reaction?

4 A. It startled me. I closed it right back.

5 Q. Then what did you do?

6 A. Went back in the garage.

7 Q. How did you go back around -- around the house or  
8 did you go through the front again?

9 A. Back through the front door. I mean -- yeah, front  
10 door, right here (indicating).

11 Q. When you got back in the -- inside the -- I think  
12 you can sit down for a time.

13 When you got back inside the garage, what did you  
14 do then?

15 A. Smoked another cigarette and thought about what I  
16 had just observed.

17 Q. Did it appear unusual to you?

18 A. Yes.

19 Q. After you thought about it, what did you do next?

20 A. Decided to go in.

21 Q. Which -- how did you go in?

22 A. Through the front door.

23 Q. Okay. When you got to the front door, did you just  
24 walk right in?

25 A. No.

26 Q. What did you do?

27 A. I knocked.

28 Q. Was there any response?

1 A. No.

2 Q. Then what did you do?

3 A. Went in.

4 Q. Did you have any -- any lighting implement with you  
5 at that point in time?

6 A. Besides my cigarette lighter, no.

7 Q. When you -- when you got inside the house, what did  
8 you do next?

9 A. Looked around.

10 Q. And what could you see?

11 A. Mostly shapes of furniture and different things  
12 like that, but not really in detail.

13 Q. Okay. Were you there in the room by the counter?

14 A. Yes.

15 Q. Okay. Did you decide to go into other parts of the  
16 house?

17 A. Yes.

18 Q. Did you go throughout the house?

19 A. Yes.

20 Q. Do you remember where you went first after you got  
21 through the room that had the counter in it?

22 A. Yes.

23 Q. Where was that?

24 A. Down the hall towards the Bilbia bedroom and that  
25 bathroom down there.

26 Q. Okay. And did you look around in those -- both  
27 those rooms?

28 A. Yes.

1 Q. Then what did you do?

2 A. Went up the main hall and looked in each and every  
3 room in that part of the house.

4 Q. Okay. By the way, when you -- when you refer to  
5 the room in the house, what do you call this room that had the  
6 fireplace in it?

7 A. The living room.

8 Q. How do you refer to that particular room  
9 (indicating)?

10 A. It was either another living room or a dining room  
11 or something like that.

12 Q. Okay. But when you think of the living room you  
13 think of this particular room?

14 A. Yes.

15 Q. Why is that?

16 A. That's the way we look at it back in the east, east  
17 coast.

18 Q. After you -- after you completed going throughout  
19 the house, what did you do then?

20 A. Well, inside the house it was dark, and I didn't  
21 want to turn on any lights so I went back out in the garage and  
22 found a flashlight.

23 Q. Okay. You say you didn't want to turn on any  
24 lights, was that to avoid detection?

25 A. Yes.

26 Q. The flashlight that you found, is that the  
27 flashlight that is depicted in photograph 76?

28 A. Yes.

1 Q. And where did you find that?

2 A. In the garage back in the workshop area.

3 Q. That area depicted in this small photo, Exhibit  
4 122?

5 A. Yes.

6 Q. Could you put then "F.L." for flashlight on that  
7 photograph to show where you found that?

8 A. Any particular color?

9 Q. Blue is fine.

10 A. (Witness complied.)

11 Q. Let me just interrupt for a second to return to one  
12 previous area. I've located some additional photos.

13 The photograph that's No. 28 for identification, in  
14 evidence, does that show the dirt road that you walked up when  
15 you were leaving California Institution for Men?

16 A. Yes.

17 Q. And does Exhibit 30 show the pink Edison building  
18 in more detail?

19 A. Yes.

20 Q. When you got the flashlight, what did you do then?

21 A. Went back in the house.

22 Q. Okay. Which way did you go out to get the  
23 flashlight?

24 A. The kitchen door.

25 Q. Okay. And did you come back in the same way?

26 A. Yes.

27 Q. Was the kitchen door locked when you went out it?

28 A. Yes.

1 Q. Did you relock it when you came back in?

2 A. Yes.

3 Q. Once you got back in with the flashlight, what did  
4 you do then?

5 A. Looked through the house again. This time with the  
6 flashlight on.

7 Q. Okay. Did -- did anything seem unusual about the  
8 house to you?

9 A. Yes.

10 Q. What was that?

11 A. Part of it was furnished and part of it wasn't.  
12 Part of it was partly furnished.

13 Q. How did you interpret that?

14 A. I didn't know at first if somebody was moving in,  
15 if somebody was moving out, if it was a weekend type home or a  
16 cottage or something like that where people just come on the  
17 weekend. I just didn't know.

18 Q. Did you see any signs inside the house that people  
19 were like presently living there?

20 A. No. I looked for signs but I couldn't find any.

21 Q. Did you see some signs to the opposite that there  
22 were anybody staying there at the present time?

23 A. Quite a few signs, yes.

24 Q. What did you see?

25 A. Well, I saw a lot of dust which indicated either it  
26 wasn't anybody living there for awhile or the person living  
27 there didn't care about dust in their house.

28 I seen food in the refrigerator, but not enough

1 food to sustain a family or individual for a long period of  
2 time, just some pieces of food. Partial clothing, not a lot of  
3 clothes.

4 In the bathroom I saw some hygiene items but not a  
5 lot like you would normally find in a house.

6 Q. After you completed looking through the house with  
7 the flashlight, what did you do then?

8 A. Made me something to eat.

9 Q. What did you make?

10 A. A sandwich.

11 Q. And was that -- where did you get that food?

12 A. Out of the refrigerator.

13 Q. Then what did you do?

14 A. Turned on the radio.

15 Q. Okay. You located a radio inside the house?

16 A. Yes.

17 Q. And where was that radio? Could you sort of -- on  
18 the diagram 5-I using a red pen, could you put a little square  
19 for where the radio was?

20 A. There was -- it wasn't actually a radio, it was a  
21 stereo, right here.

22 Q. Could you put then an "S" for stereo?

23 A. (Witness complied.)

24 Q. Was there anything on that stereo?

25 A. Yes.

26 Q. What?

27 A. I believe a little lantern or some type of lighting  
28 devise.

1 Q. What did you do with the lantern?

2 A. Lifted it off the stereo.

3 Q. Showing you Exhibit 143, I guess -- you can have a  
4 seat, can -- does that depict the general area of the room where  
5 the -- where the stereo was?

6 A. Yes. I see part of the stereo and part of the  
7 lighting device in this photo.

8 Q. Could you put just sort of an "S" then pointing  
9 down to where that is?

10 A. (Witness complied.)

11 Q. What was your purpose in turning on the radio?

12 A. To see if there was any broadcast of my escape on  
13 the news.

14 Q. Did you hear any such broadcast?

15 A. No. I tried numerous stations and didn't hear  
16 anything.

17 Q. What did you do after you turned on the radio?

18 A. Turned it off, closed the stereo, and put the  
19 lighting device back on top.

20 Q. Then what did you do?

21 A. Put the TV on the floor and turned it on, turned  
22 the contrast or the brightness button down.

23 Q. What's the point in putting the TV on the floor?

24 A. I didn't want to turn it on and the light from the  
25 TV would illuminate that front window and somebody might look up  
26 and see light up there where there wasn't no light before.

27 Q. Showing you photograph 144, does that depict the TV  
28 that you put on the floor?

1 A. Yes.

2 Q. And using the red pen could you put "T.V." For the  
3 approximate spot on the floor where you put TV.

4 A. (Witness complied.)

5 Q. At that point in time were you able to find the  
6 evening news?

7 A. No. I believe it was just going off.

8 Q. How long did you watch the TV?

9 A. When I turned it on a commercial was on. Then when  
10 I turned it back -- and then -- let's see, when I turned it on a  
11 commercial was on. Then when the program came back on they said  
12 something and then it went off, you know, like the names were  
13 going up and down the screen like that, so that let me know the  
14 news was going off, so I turned it right back off.

15 Q. Did you put the television back?

16 A. Yes.

17 Q. What did you do then?

18 A. I believe I went and made me something else to eat.  
19 I was hungry.

20 Q. Do you remember what you made?

21 A. Probably another sandwich.

22 Q. Do you remember what kind of sandwich it was?

23 A. No, not offhand.

24 Q. Then what did you do after you did that?

25 A. Went in the bedroom, I saw clothes.

26 Q. Okay. What was your purpose in looking at the  
27 clothes?

28 A. So I can get some new clothes.

1 Q. Was that bedroom -- what -- what bedroom was that?

2 A. The Lang bedroom.

3 Q. And did you take some clothes at that point in  
4 time?

5 A. No.

6 Q. What did you do?

7 A. Looked through the closet, looked at the clothes,  
8 then sat down on the bed.

9 Q. Then what did you do?

10 A. Smoked a cigarette.

11 Q. Then what did you do?

12 A. Got back up, went made me something to drink.

13 Q. By the way, when you smoked your cigarette in  
14 the -- in the house, where did you put it out?

15 A. In the ashtray.

16 Q. Where was that ashtray?

17 A. In the living room.

18 Q. Do you still have the living room picture on the  
19 stand there?

20 A. Yes.

21 Q. Where was that ashtray when you -- when you found  
22 it?

23 A. Over in the right-hand corner by the sliding glass  
24 door, that sliding glass door.

25 Q. Perhaps you could put "A. T." for ashtray on  
26 Exhibit 5-I.

27 A. (Witness complied.)

28 Q. What did you do with the ashtray after you finished

1 it?

2 A. At that particular time I sat it right back on the  
3 table that was over there.

4 Q. Was that cigarette that you were smoking a  
5 roll-your-own or a Kool?

6 A. A Kool.

7 Q. Okay. After you smoked your cigarette, then what  
8 did you do?

9 A. Sat down on the couch and started thinking.

10 Q. After you thought for awhile did you decide to make  
11 a phone call?

12 A. Yes.

13 Q. Showing you Exhibit 69, does that show the area  
14 from which you made the phone call?

15 A. Yes.

16 Q. And is the phone there on the counter the phone  
17 that you used?

18 A. Yes.

19 Q. Who did you call?

20 A. Yolanda Jackson.

21 Q. And how long did that conversation last?

22 A. For quite awhile.

23 Q. Of your own independent recollection do, you have  
24 any -- could you remember from your own -- from your own mind  
25 without benefit of court records and stuff like that as to how  
26 long and what time it was?

27 A. No.

28 Q. Did you have any watch with you at that point in

1 time?

2 A. No.

3 Q. Have you in court seen documents, court's exhibits,  
4 which indicate, you know, what time it was made and how long it  
5 was?

6 A. Yes.

7 Q. Did you attempt to make that a collect call?

8 A. No.

9 Q. During that conversation did you indicate to  
10 Yolanda where you were?

11 A. Yes.

12 Q. What did you tell her?

13 A. By a highway or freeway that had a bunch of trees.

14 Q. Did you have any greater knowledge yourself of  
15 where you were than that description?

16 A. No.

17 Q. Did you know what town you were in?

18 A. No.

19 Q. Did you even know what county you were in?

20 A. No.

21 Q. Did you ask Yolanda to come and get you?

22 A. Jokingly, yes.

23 Q. You say, "jokingly", why didn't -- why didn't you  
24 expect her to come and get you?

25 A. Cause I didn't know where I was at for her to come  
26 get me.

27 Q. Did Yolanda try to convince you to do anything?

28 A. Yes.

1 Q. What was that?

2 A. Turn myself in.

3 Q. How long was it that she spent trying to convince  
4 you to turn yourself in?

5 A. The majority of the conversation.

6 Q. Did you tell her that you didn't want to turn  
7 yourself in?

8 A. Yes.

9 Q. When you finished your phone conversation with  
10 Yolanda did you attempt to call her back?

11 A. Yes.

12 Q. Approximately how many times did you attempt to  
13 call her?

14 A. Three or four.

15 Q. The first times that you attempted to get her back,  
16 did you get the right number?

17 A. No. I thought I did but somebody other than  
18 Yolanda answered the phone and said the wrong address or wrong  
19 house.

20 Q. Did you finally then request assistance?

21 A. Yes.

22 Q. From the operator?

23 A. Yes.

24 Q. And were you able to get in touch with Yolanda  
25 again?

26 A. Yes.

27 Q. In that second conversation what did you tell her?

28 A. Basically that I appreciate all the help that she

1 gave me since I had been in California, and the way she helped  
2 me out with money and things while I was in jail, and just  
3 basically things like that there. Told her, reassured her that  
4 because she told me she wouldn't help me in that length of time  
5 that I wasn't going to bother her, like that there.

6 Q. After you attempted to -- to talk to -- or after  
7 you had your second conversation with Yolanda, did you attempt  
8 to call anybody else?

9 A. No.

10 Q. Later that -- sometime that night did you attempt  
11 to call somebody else?

12 A. I believe I tried to call LaWanda.

13 Q. Were you successful?

14 A. No.

15 Q. Anyone else?

16 A. Diane Williams I believe.

17 Q. Did you get through to her?

18 A. Yes.

19 Q. When was that, that night or the next day?

20 A. I think it was the next day.

21 Q. Did you ever try and call Diane and not have  
22 anybody answer?

23 A. I believe I did.

24 Q. Your memory about this is somewhat -- you're not  
25 terribly clear on exactly when the phone calls were made?

26 A. No, sir.

27 Q. After you finished your phone conversations during  
28 that -- during the -- with Yolanda, what did you then do?

1           A.     Sat there and thought for a little while about my  
2 present situation.

3           Q.     And then what did you do?

4           A.     Went back into the bedroom.

5           Q.     And then what did you do?

6           A.     I fell asleep.

7           Q.     Where was that?

8           A.     On the bed.

9           Q.     The bed in the Lang bedroom?

10          A.     Yes.

11          Q.     What can you next remember?

12          A.     Waking up.

13          Q.     Was it dark or light out?

14          A.     It was light when I woke up.

15          Q.     Was that essentially the day after you escaped,  
16 Friday?

17          A.     Yes. This was Friday morning.

18          Q.     When -- during the daylight was it possible to see  
19 things that you couldn't see with your flashlight at night?

20          A.     Yes.

21          Q.     Did you again go through the whole house?

22          A.     Yes.

23          Q.     Do you remember what time it was Friday that you  
24 made your phone call to Diane?

25          A.     It was in the morning. I'm not exactly sure when.

26          Q.     Was that a long conversation or a short one?

27          A.     I believe it was a short one.

28          Q.     Did you request anything from Diane?

1 A. Yes.

2 Q. What was that?

3 A. Help, get some money in a certain way.

4 Q. Was that request one that you expected her to  
5 fulfill immediately?

6 A. No.

7 Q. Why not?

8 A. Because I didn't know where to tell her to send it.  
9 I asked her that for future references, future sake.

10 Q. Did Diane agree to help you?

11 A. Yes.

12 Q. During Friday did you attempt to do anything to  
13 change your appearance?

14 A. Yes.

15 Q. What was that?

16 A. Rebraid my hair.

17 Q. How did you do that?

18 A. Took it out and started putting it in corn rows.

19 Q. What do you mean by that?

20 A. Well, I had a great deal of hair at that time, so  
21 at first I just had like grabbed a bunch of it and put it in one  
22 big braid, but then when I took it out I just lined it, real  
23 little corn rows straight down.

24 Q. So, was that a different style than you had had it  
25 when you left the prison?

26 A. Yes.

27 Q. What was your purpose in attempting to change your  
28 appearance?

1           A.     Because I knew the way I looked when Lieutenant  
2 Shephard saw me, I knew that he would tell the police or whoever  
3 what I had on and how I looked.

4           Q.     During that day on Friday did you do anything more  
5 to try and get some clothes?

6           A.     Yes.

7           Q.     What was that?

8           A.     Tried 'em on, altered 'em.

9           Q.     Now, let's -- let's -- showing you photographs 70  
10 and 71, two photographs that have been previously identified as  
11 closets in the Lang bedroom, is that the area where the majority  
12 of the clothes that you tried on were from?

13          A.     Yes.

14          Q.     Did you -- how -- did you find shirts in there?

15          A.     Yes.

16          Q.     Did the shirts fit you?

17          A.     Some did, some didn't.

18          Q.     Did you find pants in there?

19          A.     Yes.

20          Q.     Did any of the pants fit you exactly?

21          A.     No.

22          Q.     What was -- what was wrong with them?

23          A.     Some of them were too little in the waist and the  
24 length, and some of them were short in the length but I could  
25 fit them in the waist.

26          Q.     Okay. So there were some that you could lengthen  
27 the trousers and get into and some you couldn't get into at all?

28          A.     Yes.

1 Q. On Friday did you change your clothes?

2 A. Yes.

3 Q. When did you do that?

4 A. Well, like I previously stated, my prison clothes  
5 were soiled, so I took them off and I did put on those blue  
6 sweat pants.

7 Q. The blue sweat pants that you are referring to are  
8 Exhibit 117?

9 A. Yes.

10 Q. When you put the blue sweat pants on in the -- in  
11 the 2991 residence on Friday, did they have this string in them?

12 A. No, sir.

13 Q. Where did you get that string?

14 A. Off Owen's boat.

15 Q. Whereabouts in Owen's boat?

16 A. In the fore place where I slept at, whatever that's  
17 called.

18 Q. When you -- when you were looking through the house  
19 did you see a clothes dryer?

20 A. Yes.

21 Q. Did you ever look inside the clothes dryer?

22 A. No.

23 Q. Did you wash your clothes in the clothes dryer?

24 A. No.

25 Q. Why not?

26 A. Cause you can't wash your clothes in a clothes  
27 dryer.

28 Q. True. Did you also -- did you also see a clothes

1 washer?

2 A. Yes.

3 Q. Did you wash your clothes in the clothes washer?

4 A. No.

5 Q. Why not?

6 A. Cause I didn't want anyone to come in the house and  
7 see their washing machine running.

8 Q. Why did you then have the radio on?

9 A. At that particular time?

10 Q. Yeah, or the night before.

11 A. Just to find out if there was any broadcasts about  
12 my escape on the news.

13 Q. During -- on Friday did you again listen to the  
14 radio?

15 A. Yes.

16 Q. Did you watch television?

17 A. Yes.

18 Q. Did you hear anything about your escape on the  
19 news?

20 A. No.

21 Q. As you were looking through the house, did you find  
22 anything like with an address on it or flying that would tell  
23 you where you were?

24 A. No.

25 Q. Did you find in the house any unsmoked cigarettes?

26 A. No.

27 Q. While you were in the -- while you were in the --  
28 in the 2991 residence, what were the different types of

1 cigarette that you smoked?

2 A. Kool's and roll-your-own.

3 Q. The -- when you -- when you arrived at that  
4 residence did you have any idea where you were going to go?

5 A. Generally speaking, yes, but not exactly.

6 Q. While you were there did you get an idea of where  
7 to go?

8 A. Yes.

9 Q. How did you do that?

10 A. Watching TV.

11 Q. What about watching TV gave you an idea?

12 A. Commercial.

13 Q. What was that?

14 A. I believe it was called Azure Seas Cruise Lines, or  
15 something like that, about a ship going to Mexico, take a two or  
16 three day vacation to some part of Mexico.

17 Q. And what did you decide on the basis of that?

18 A. To go to Mexico.

19 Q. Did you know how to get to Mexico from where you  
20 were?

21 A. No.

22 Q. Before your arrest in January of 1983, how long had  
23 you been in California?

24 A. Since November of '82.

25 Q. Approximately two months?

26 A. Yes.

27 Q. When you woke up on Friday morning did anything  
28 about your situation alarm you?

1 A. Yes.

2 Q. What was that?

3 A. Just the fact that I allowed myself -- I was so  
4 tired the night before that when I sat on the bed I dozed off,  
5 and just the thought -- when I woke up I was over the bed like  
6 this (indicating), and I looked back through the glass windows  
7 and it dawned on me if anybody had came up to that house and  
8 looked in the windows I would have been busted because I was  
9 laying right there on the bed.

10 Q. When you say "busted" you mean arrested?

11 A. Yeah. I left myself vulnerable in other words.

12 Q. Did you then decide to do anything about that?

13 A. Yes.

14 Q. What was that?

15 A. I figured if I was going to stay in that house, and  
16 I didn't know how long I planned on staying there, but if I was  
17 going to stay there I would have to find another place where I  
18 couldn't be seen so obvious.

19 Q. And where did you decide?

20 A. After looking through the house I decided what we  
21 later learned would be the -- what we later called the Bilbia  
22 bedroom.

23 Q. And what was the purpose of choosing the closet in  
24 the Bilbia bedroom?

25 A. Well, first of all, the room was totally empty  
26 except for the bed headboards, or whatever that was connected to  
27 the wall, so, therefore, I didn't believe anybody would be  
28 coming in there because the bedroom was exactly empty. Inside

1 the closet you could just close your doors and it looked like  
2 the room was empty.

3 Also, there was some, I believe that's a sliding  
4 glass door in the Bilbia bedroom and it opens, I believed that  
5 that was another exit for me should I needed it.

6 Q. Now, when you decided to stay in the Bilbia  
7 bedroom, did you get some items from different parts of the  
8 house?

9 A. Yes.

10 Q. Did you get some linen items?

11 A. Yes.

12 Q. Where did you get those?

13 A. Out of the closet.

14 Q. Can you show that with an "L" on the diagram where  
15 you got that?

16 A. Right here.

17 Q. Now, showing you -- you can sit down again --  
18 Exhibit 44; did you get that pillow from the linen closet?

19 A. Yes.

20 Q. How about the green blanket?

21 A. Yes.

22 Q. That pink blanket?

23 A. Yes.

24 Q. The blue, whatever that is, blanket-type thing?

25 A. Yes.

26 Q. What about that belt?

27 A. No, I never had that belt.

28 Q. When -- Okay. So you never put that belt into that

1 closet?

2 A. No.

3 Q. Showing you Exhibit 49 here, there's the white box  
4 that's depicted in that -- in that photograph, did you put that  
5 white box in the -- in the closet?

6 A. Yes.

7 Q. Where did you get it?

8 A. Out of the bedroom right next to the right-hand  
9 side of the bathroom.

10 Q. This one I'm pointing at right here?

11 A. Yes.

12 Q. And could you show us where you -- could you put a  
13 "box" for where you got that?

14 A. Inside this bedroom was miscellaneous old  
15 furniture, an old bed, I believe a chair, and a little  
16 nightstand, and there was two boxes. I don't know if this was  
17 the top or the bottom of the box, but there were two of them.  
18 And I took one from right here, so I will put "box" here.

19 Q. And the other one was left there in the bedroom  
20 where you got it?

21 A. Yes.

22 Q. What was your purpose for being in that particular  
23 bedroom?

24 A. Well, when I wanted to watch television I didn't  
25 want to keep going in front of that big glass window because a  
26 couple times I stood there and looked down, and I didn't want to  
27 get too close because if I'm standing at the window and looking  
28 down somebody could see me in the window. So what I would do is

1 I would take the TV off the stand, carry it into the bedroom,  
2 that extra bedroom, and plug it in and watch it right there.

3 Q. Showing you Exhibit 134, is that the extra bedroom  
4 we're talking about?

5 A. Yes.

6 Q. And where in there, if you could, write "TV" in red  
7 for the spot that you would plug the TV in?

8 A. All right. Well, the plug is along this wall and  
9 the TV about right here.

10 MR. NEGUS: I think this would probably be as good a time  
11 as any, your Honor.

12 THE COURT: Remember the admonition. We will take the  
13 afternoon recess.

14 (Recess.)

15

16 THE COURT: Go ahead.

17 BY MR. NEGUS:

18 Q. Mr. Cooper, on Friday, when you were watching the  
19 television in the bedroom with the blue carpeting on it, what  
20 time of day was that?

21 A. After the sun was down. It was dark.

22 Q. Did you have your flashlight with you when you were  
23 going in there?

24 A. Yes.

25 Q. The red flashlight.

26 A. Yes.

27 Q. While you were moving stuff in the closet, did you  
28 still have that lighter with you?

1 A. Yes.

2 Q. Were you using that to light your cigarettes?

3 A. Yes.

4 Q. Showing you Exhibit 209, the photograph with a  
5 small pack of matches there near the box. Did you ever use  
6 those matches?

7 A. No, sir.

8 Q. During your search of the house did you discover  
9 any cigarettes anywhere?

10 A. No.

11 Q. Asking you to look at another photograph from the  
12 closet, Exhibit 125. There's a T-shirt and towel that are up  
13 there at the top of the closet.

14 Did you put those there?

15 A. No, sir.

16 Q. I'm showing you Exhibit 160, a T-shirt and a towel.  
17 Did you see either of those items when you were in  
18 the -- in that particular bedroom?

19 A. No, I didn't.

20 Q. Can you say positive they weren't there or just  
21 that you didn't see them?

22 A. Positively they weren't there.

23 Q. In the Photograph 209, there is a stick that's some  
24 sort of stick that's in the back of that closet.

25 Did you notice that in the closet?

26 A. I knew there was a stick in the closet. I don't  
27 know if this is the one for sure.

28 Q. Showing you again the large Photograph 45. There

1 was a hunk of rope that's back there in that closet.

2 Was that hunk of rope there when you were in the  
3 closet?

4 A. No, sir.

5 Q. Can you say that positively.

6 A. Yes.

7 Q. When you were in the -- when you were staying  
8 there, did you notice a black, I believe what's been described  
9 as knife clasp item on the rug?

10 A. No.

11 Q. And did you notice a button?

12 A. No.

13 Q. Did you smoke a Viceroy cigarette and put it in a  
14 napkin and put it in that cupboard?

15 A. No.

16 Q. On Friday, were you in any hurry to leave that  
17 particular residence?

18 A. No.

19 Q. Why not?

20 A. I was buying time.

21 Q. What do you mean by that?

22 A. Well, I know the institution or the police was only  
23 going to look for me in that area for a certain amount of hours.  
24 I mean, 24 to 48 hours. After that, as far as they were  
25 concerned I could have been in L.A., or they wouldn't know where  
26 I was. After that time they'd give up the search. So, I  
27 figured if I stayed there a little while longer my chances of  
28 getting away are that much better.

1 Q. So, what you are saying then is you feel that --  
2 did you feel within limits the longer you stayed there without  
3 being seen the better your chances of getting away from the area  
4 were?

5 A. Well, in a way, yes. I was already away from the  
6 the area. I had already been successfully escaped. What I was  
7 trying to do was complete my escape.

8 Q. Showing you Exhibit 78, I believe, a bigger  
9 photograph of the box, the rope and the matches.

10 Is the tobacco inside the box, is that tobacco that  
11 you brought with you?

12 A. Yes, I believe it is.

13 Q. Were you using that box to essentially make  
14 cigarettes?

15 A. Yes.

16 Q. You said that that while you were in the house you  
17 fixed yourself some drinks.

18 What different items did you drink?

19 A. Lemonade, some Pepsi. They had a little bit of  
20 wine there, a brand new bottle of wine, I believe it was. Mogen  
21 David 20/20. I drank some of that.

22 Q. Where was that?

23 A. In the refrigerator.

24 Q. When you got through with that, did you do anything  
25 to it?

26 A. Yes.

27 Q. What was that?

28 A. Filled it up with water, and put it back in the

1 refrigerator.

2 Q. Why did you do that?

3 A. In case somebody came back for the wine they'd  
4 think they still had a full bottle.

5 Q. Did you also have coffee?

6 A. Yes.

7 Q. Showing you Exhibit 124, a small picture of a glass  
8 from the top of the -- from the closet.

9 Is that the glass that you used to drink the  
10 coffee?

11 A. Yes. And that is the spoon I used to stir the  
12 coffee up.

13 Q. Do you take your coffee with cream?

14 A. Yes.

15 Q. Did they have actually, I mean, like real cream in  
16 the house?

17 A. They had Coffee Mate. Powdered cream.

18 Q. Where did you get the Coffee Mate?

19 A. Out of the kitchen cupboard.

20 Q. Could you put "CM" on the diagram to show where  
21 that is.

22 A. I believe this is the cupboard right here.

23 Q. Could you put a "CM" just to show that general  
24 area. That is 5-I again --

25 A. (Witness complied).

26 Q. -- for the record.

27 Now, on Friday did you do anything to any of the  
28 clothes that you had found inside the Lease closet?

1 A. Yes.

2 Q. What was that?

3 A. After I tried them on and determined which ones I  
4 could fasten around my waist, what shirts I could wear, I went  
5 and got what you might call a steak knife or paring knife out of  
6 the drawer and took the hems out of them.

7 Q. Where did you get the steak knife from?

8 A. Out the kitchen.

9 Q. Were there a number of knives in the kitchen?

10 A. Yes.

11 Q. Did you ever see any hunting knives in a sheath?

12 A. No.

13 Q. What kind of knives were there in the kitchen?

14 A. Basic kitchen knives.

15 Q. Among the pants that you took the hems out of, was  
16 there Exhibit 168?

17 A. Yes.

18 Q. A pair of olive green pants.

19 A. Yes.

20 Q. And what about also Exhibit 119, a pair of beige  
21 pants?

22 A. Yes.

23 Q. The process of braiding your hair, does that take a  
24 short time or a long time?

25 A. Long time.

26 Q. Approximately how long, if you know?

27 A. It was an all day job to me.

28 Q. While you were -- while you were -- while you were

1 there on Friday, did you -- were you also able to make any  
2 observations of the surrounding area?

3 A. Yes.

4 Q. What part could you see?

5 A. All right.

6 Q. Would it assist you if I placed up Exhibit 2, with  
7 overlay 2-B on it. Can you locate yourself up at the 2991  
8 residence on that diagram?

9 A. Yes.

10 Q. Okay. What could you see then from that house?

11 A. Basically -- can I go to the --

12 Q. Sure.

13 A. Basically, where I was right here, looking out this  
14 living room window, I could look down here. I could see what I  
15 later learned was the Lease house. I could see horses and  
16 different people working with horses and different yards right  
17 here. I could see trucks, and cars, somewhere over in here. I  
18 could see further out this way. Exactly what I was looking at,  
19 as far as knowing, I didn't know. I could see some roads.  
20 Basically this was it.

21 Q. Okay. Were you able to see like any landmarks that  
22 you recognized from up there?

23 A. No, not really.

24 Q. Could you see, for example, anything that you could  
25 recognize as the prison?

26 A. No.

27 Q. You could sit down again.

28 When you were making your observations, did you

1 have to take any care --

2 A. Yes.

3 Q. -- in making them?

4 A. Yes.

5 Q. What did you do?

6 A. Well I didn't go all the way to the window; exactly  
7 stand right in front of the window.

8 Q. Why is that?

9 A. Because while I'm looking down at people they could  
10 be looking up at me. I didn't want to do that. So, I stood  
11 maybe four or five feet back from the window and looked out that  
12 way.

13 Q. That night could you also see out at night?

14 A. Yes.

15 Q. Okay. What could you see at night?

16 A. Lights.

17 Q. Could you tell, you know, where the lights were  
18 coming from or anything of that nature?

19 A. In some areas like there were little houses, but  
20 further off they were like city lights, street lights, just  
21 numerous lights.

22 Q. Could you tell any lights, landmarks from the  
23 lights? Could they help you make out --

24 A. I believe, but I am not sure, I could see the light  
25 from Boys Republic. I didn't know it was Boys Republic at that  
26 time.

27 Q. Was that the same place that you -- is that the  
28 light that you later -- did you learn, later learn that light

1 that you had seen off to your left, when you were down by the  
2 culvert, was in fact Boys Republic?

3 A. Yes.

4 Q. Was that by my essentially showing you photographs  
5 of the area?

6 A. Yes.

7 Q. From various photographs then, and from your  
8 recollection, have you attempted to, with me, then, to  
9 reconstruct your route up to the house and down from it again?

10 A. Yes.

11 Q. Showing you a small photograph, 667.

12 Is that one of the photographs that was used by us  
13 in reconstructing your route?

14 A. Yes.

15 Q. On that, in blue, can you draw basically then the  
16 route that you took up to the house.

17 A. (Witness complied).

18 Q. Being in custody you haven't been essentially free  
19 to go out and point out to Mr. Forbush or myself the way you  
20 went up to the house. That is, on the actual terrain; is that  
21 right?

22 A. That's right.

23 Q. So we have had to do it from photographs.

24 A. Yes. And descriptions.

25 Q. On Friday did you continue again to listen to TV  
26 and radio all throughout the day and night --

27 A. Yes.

28 Q. -- at various times?

1 A. Yes.

2 Q. Did you ever have it on all the time or did you  
3 have it off and on?

4 A. Off and on.

5 Q. Any time that day did you hear any indication on  
6 the media as any news of your escape?

7 A. No.

8 Q. During that particular day, did you also find a  
9 white plastic bag?

10 A. Yes.

11 Q. Where was that?

12 A. In the kitchen.

13 Q. What kind of plastic bag was that?

14 A. Like a food bag. Or if you go shopping, a shopping  
15 bag to get clothes in. It was just a -- with plastic writing on  
16 it.

17 Q. Do you remember what the writing said?

18 A. No.

19 Q. Did you put anything in that white bag?

20 A. Yes.

21 Q. What was that?

22 A. My prison issued clothes and tennis shoes. All  
23 except for my underwear, my socks and my T-shirt.

24 Q. On Friday what did you do with your underwear and  
25 your socks and your T-shirt?

26 A. Friday night I washed them.

27 Q. Again, that was -- did you do that in the  
28 washer/dryer or where did you --

1 A. In the Lang bathroom, in the sink.

2 Q. Why did you use the Lang bathroom?

3 A. Because that happens to be where all the soap and  
4 things were at.

5 Q. Was there any soap or things that you could observe  
6 in the Bilbia bathroom?

7 A. No. There was nothing.

8 Q. Where did you dry the clothes that you washed?

9 A. I let them dry by hanging them in the Bilbia  
10 closet.

11 Q. Was that -- essentially where was that?

12 A. Well, in the closet there was a long pole where you  
13 hang hangers on, hang up your clothes. What I did was just fold  
14 the clothes -- not folded them in half -- folded them over the  
15 top of the bar and just let them hang and dry right there.

16 Q. The --

17 A. Oh here it is, right here, a picture with it, where  
18 the bar --

19 Q. Could you then just indicate with "Clothes" where  
20 you dried the clothes.

21 A. (Witness complied).

22 Q. So, where did you sleep then that Friday night  
23 going over into Saturday?

24 A. In the Bilbia closet.

25 Q. When you woke up in the morning, did you notice any  
26 semen on the green blanket?

27 A. Yes.

28 Q. Do you know how it got there?

1 A. Yes, I know. I frequently have wet dreams.

2 Q. Why did you figure out -- excuse me, I didn't  
3 hear -- I didn't hear. What was your last --

4 A. I said, I frequently have wet dreams.

5 Q. Was that the blanket that you were wrapped in  
6 yourself?

7 A. Yes. And to sleep nude. My underclothes were wet.

8 Q. When you were sleeping in the closet, what did you  
9 use as an ashtray?

10 A. A little black cap or something like that.

11 Q. Where did you get that from?

12 A. I don't remember.

13 Q. When you -- while you were at the 2991 residence,  
14 did you smoke up all your Kool's?

15 A. Yes.

16 Q. Where did you put the pack when you finished with  
17 it?

18 A. In the bag in the kitchen, and I believe it was a  
19 garbage bag.

20 Q. When you left, where did you put the ashtray with  
21 your cigarette butts in it?

22 A. I slid -- well, in the daytime I was watching  
23 television, right there where it was, I just turned it on and  
24 sat there with the volume real low, smoking cigarettes, sitting  
25 on the couch. I would slide the ashtray underneath the couch.  
26 It was an orange ashtray.

27 Q. Is that where you left it?

28 A. Yes.

1 Q. On Saturday did you decide to take a shower?

2 A. Yes.

3 Q. Where did you start to take a shower?

4 A. In the Lang bathroom.

5 Q. Why did you choose that particular bathroom?

6 A. Because that's where the soap was, and the towels  
7 and the washrags were, right in the linen closet right outside.  
8 There was aftershave lotion and deodorant and different things  
9 in that bathroom.

10 Q. When you started to take the shower in there, what  
11 happened?

12 A. Well, there's a yellow window in this bathroom. I  
13 had opened that window just in case someone was to come up while  
14 I was in the bathroom I could hear while I was running the  
15 water, in order to take a bath or shower. I did hear a car  
16 drive up in the driveway.

17 Q. Did you observe, you know, what kind of a car that  
18 was?

19 A. Well, after I heard the car I turned the water off  
20 and left the bathroom, ran down the hall and peeked out the  
21 window and I saw a blue, I don't know if it was a car or Bronco  
22 or Blazer or something along that line, pull up in the driveway.

23 Q. When you saw that, did you have any clothes on?

24 A. I had a towel around me.

25 Q. Then what did you do?

26 A. I ran back up in the bathroom.

27 Q. Was the water still running?

28 A. No.

1 Q. What did you do when you got back in the bathroom?

2 A. Closed the door in the first part of the bathroom  
3 and then went to the rear of the bathroom where the tub was  
4 located and closed that door.

5 Q. While you were getting the shower ready, did you  
6 have any clothing items out in that bathroom?

7 A. No. Just my underclothes.

8 Q. Where were they situated?

9 A. Right up on -- well, they were on top of the little  
10 counter part where the sinks are located. But I snatched them  
11 and went in the back and started putting them on.

12 Q. Let's see, if you could go back up to the diagram  
13 with a marker, could you indicate there with a "KC" where you  
14 were when you first heard the car come up.

15 A. Yes. Here's the tub right here, and I was right  
16 here. (Witness complied).

17 Q. Can you show where you had your -- with a "CL"  
18 where you had your clothing.

19 A. Right on this right here. (Witness complied).

20 Q. I can't tell whether you can see on the diagram or  
21 not. It doesn't show on this diagram, but are there in fact  
22 doors that close both in the entrance to the place where the  
23 sinks are and another one to the entrance to where the toilet  
24 and the tub is?

25 A. Yes.

26 Q. Did you close both of those?

27 A. Yes.

28 Q. Then what happened?

1           A.     I proceeded to put my underclothes on, and I  
2 started listening at this door right here, and I didn't hear  
3 anything.

4           Q.     Then what did you do?

5           A.     I opened this door and went to this door and  
6 listened.

7           Q.     Did you hear anything there?

8           A.     No.

9           Q.     What did you do then?

10          A.     Cracked opened the door.

11          Q.     How far?

12          A.     Just enough so I could see that much.

13          Q.     Did you see anything?

14          A.     Yes.

15          Q.     What was that?

16          A.     A woman leaving, coming out the doors here. I was  
17 peeking about right here. I seen her come out this bedroom,  
18 come out and walked that way.

19          Q.     What did you do then?

20          A.     Kind of sighed and closed the door. I was kind of  
21 nervous.

22          Q.     Did you hear anything then?

23          A.     Yes.

24          Q.     What did you hear?

25          A.     I heard the front door, which is right here, open  
26 and close. And then I heard the car, or whatever it was, door  
27 open and close. Then I heard the engine start up.

28          Q.     That remind me, when you got to the house, did you

1 do anything to change that front door?

2 A. Yes.

3 Q. What was his that?

4 A. When I first got there I locked it.

5 Q. Why was that?

6 A. So I wouldn't be surprised.

7 Q. When the car -- you can sit down again.

8 When the car, when you heard the car going away,  
9 did that cause you to reconsider your use of the 2991 residence  
10 as sort of a hideout?

11 A. Yes, it did.

12 Q. Why was that?

13 A. Because now I knew for -- for a fact -- excuse  
14 me -- that somebody was living there or somebody was coming into  
15 that house. Like I said, I didn't know whether they were moving  
16 in or moving out or what, but I knew somebody was definitely  
17 coming to the house.

18 Q. Did you leave immediately?

19 A. No. I planned to leave immediately, but then I  
20 said, "It's daytime. I can't leave right now."

21 Q. Did you then go on back and continue to try and  
22 take a shower?

23 A. Yes.

24 Q. Did you take a shower in the tub in the -- in the  
25 Lang bathroom?

26 A. No.

27 Q. Why not.

28 A. Because the water would not get hot.

1 Q. When you found that out what did you do then?

2 A. Thought about taking a cold one, and then it dawned  
3 on me that there was another bathroom in the house.

4 Q. Okay. Did you go down to that bathroom?

5 A. Yes.

6 Q. Did you -- did you take -- did you try that shower?

7 A. Yes.

8 Q. Would the -- would that water get hot?

9 A. No.

10 Q. Did you take a shower in that shower?

11 A. No.

12 Q. What did you do then?

13 A. Walked back up to the Lang bath and took a bath in  
14 the -- took a sponge bath in the sink cause that water did get  
15 hot.

16 Q. Showing you Exhibit 211, does that show the sink  
17 that you took your sponge bath in?

18 A. Yes. This -- I believe it was this sink right here  
19 (indicating).

20 Q. Could you put "K.S." in blue on which sink it was.

21 A. (Witness complied.)

22 Q. And what -- did you use some of the soap in that  
23 particular picture?

24 A. Yeah. There is the soap right there. And there is  
25 some body lotion right here, after shave lotion right here. And  
26 there was, I believe in either this little box or one of these  
27 drawers or cupboards or something in here, there was some razor  
28 and some shaving cream.

1 Q. Okay. When you -- when you arrived at 2991, did  
2 you have a moustache?

3 A. Yes, a moustache and a half a beard.

4 Q. Okay. And then did you decide to shave that off?

5 A. Yes, my moustache and my beard.

6 Q. And where did you do that?

7 A. In that bathroom.

8 Q. Same sink?

9 A. Yes.

10 Q. After you finished your shower and -- excuse me  
11 your -- the sponge bath, did you -- what clothes did you put on?

12 A. At that particular time?

13 Q. Yeah.

14 A. Army pants.

15 Q. And what shirt?

16 A. It was white in the back, had a zipper in the  
17 front, and it had green and maybe red like different other  
18 colors like dots or something on the front.

19 Q. And did you have any shoes on?

20 A. Yes.

21 Q. Which ones were those?

22 A. The Pro Keds.

23 Q. These ones right here Exhibit 120?

24 A. Yes.

25 Q. What did you do for the rest of the day?

26 A. Ate, watched TV, listened to the radio a little  
27 bit, and basically stayed on my toes so nobody else -- I could  
28 see if anybody else was coming up to the house.

1 Q. Could you see the driveway from there or just  
2 listened?

3 A. No. From the front window I could see where --  
4 looking down by the Lease house I could see where a road did  
5 come up that direction, and knowing that I had crossed a  
6 driveway when I first went into the garage I just assumed that  
7 those two connected.

8 Q. That evening did you again phone Diane?

9 A. Yes.

10 Q. And do you have -- without going to phone records  
11 would you have any precise recollection of when that was?

12 A. Yes.

13 Q. Approximately when?

14 A. 8:00 in the evening.

15 Q. And did you again -- did you again make that a  
16 direct dial rather than a collect call?

17 A. Yes.

18 Q. In that -- in that phone conversation was Diane  
19 friendly?

20 A. Yes.

21 Q. Did she tell you whether she got the money yet?

22 A. Well, what happened, when I called her the first  
23 time she told me to give her a day or two or call her back, so  
24 that's why I called her again on Friday night, and --

25 Q. Friday night or Saturday night?

26 A. Saturday, excuse me. And she told me that she  
27 didn't get it but she was working on it and call her again in a  
28 day or so.

1 Q. So, she didn't -- she wasn't angry with you that  
2 particular time at all?

3 A. No. We talked for a long period of time, so she  
4 wasn't mad at me.

5 Q. After that phone call, what did you do then?

6 A. Got ready to leave.

7 Q. And how did you do that?

8 A. Well, at first I was going to wear the Army pants,  
9 T-shirt, the yellow shoes back down the way I came, but then it  
10 dawned on me that I would probably have to cross that creek, and  
11 see, these -- these photographs, some of them don't accurately  
12 depict the roughness of the terrain. That's rough country right  
13 there. I mean for a city guy like me, that's kind of rough. So  
14 I knew that I was going to have to go back down the way I came,  
15 so what I said, I said, "Well, since my prison clothes are  
16 already messed up, what I do is put those back on, go back down  
17 the way I came. Once I cross the creek, then I will put on some  
18 regular clothes and just go on up."

19 Q. Okay. So what did you do with -- so you put --  
20 what did you do with the clothes you had been wearing, the green  
21 Army pants and shirt?

22 A. I took them off at that period of time. I put the  
23 prison clothes in the plastic bag. Then I cleaned the bag  
24 because it was muddy like that in there, put those clothes in  
25 there, put on my prison clothes, changed shoes, put on my jail  
26 tennis shoes, put on the camp jacket again. I had also found  
27 some clothes to put on. And I went back down the hill.

28 Q. When you left the 2991 residence, did you lock the

1 front door?

2 A. I don't believe so.

3 Q. While you were in the house had you ever -- had you  
4 ever found a key?

5 A. No.

6 Q. Did -- during the time that you were in the house  
7 did you ever notice an axe of any type in the house?

8 A. No.

9 Q. Showing you Exhibit 50, a photograph, did you ever  
10 see that axe sheath?

11 A. No.

12 Q. When you left the residence at 2991 on that  
13 Saturday evening, was it dark out?

14 A. Yes.

15 Q. Did you ever go back up the hill from the residence  
16 towards what we now know as the Ryen residence?

17 A. No.

18 Q. During the time that you were using the 2991  
19 residence as a hideout, did you ever leave that residence except  
20 just to go outside to get to the garage?

21 A. No.

22 Q. For example, did you ever go down and -- and look  
23 around the 2945 residence?

24 A. No.

25 Q. At night could you see that there were lights on at  
26 the 2945 residence?

27 A. Yes.

28 Q. During the daytime could you see that there were

1 people working down there?

2 A. Yes.

3 Q. When you went down the hill again was it dark?

4 A. Yes.

5 Q. Could you see anything in the darkness?

6 A. What do you mean?

7 Q. I mean could you see lights anywhere or anything?

8 A. Yes.

9 Q. Where could you see lights?

10 A. All over where I previously stated.

11 Q. Could you see like any streets leading away from  
12 the residence?

13 A. Yes. Excuse me. I couldn't actually see a street,  
14 but I saw street lights.

15 Q. Did you head towards that general area?

16 A. Yes.

17 Q. Was there anything that -- Well, first of all, did  
18 you get down to the creek again?

19 A. Yes.

20 Q. Did you make it through without falling in it this  
21 time?

22 A. Yes, cause I knew it was there this time.

23 Q. When you got to the other side of it, what did you  
24 do then?

25 A. Took off all my prison clothes, dried my bottoms of  
26 my legs off, got dressed, put my socks on this time. I didn't  
27 have no socks on when I went down the first time. Put on the  
28 Army pants, the jacket, the yellow tennis shoes and put all the

1 prison stuff back inside that plastic bag.

2 Q. Did you -- what did you have in your hands then at  
3 that particular point in time?

4 A. A white plastic bag and a green bag with yellow  
5 handles.

6 Q. Did you have -- did you have a jacket on?

7 A. I had the jacket on going down the hill. Once I  
8 crossed the creek I took it off.

9 Q. That's the brown hacket that you had taken from the  
10 prison?

11 A. Yes.

12 Q. When you crossed the creek, then where did you go?

13 A. Toward the street lights.

14 Q. Okay. When you -- did you go in a direct line or  
15 did you have to curve?

16 A. I had to curve.

17 Q. Why did you have to curve?

18 A. I had to go around the ranch house.

19 Q. When you -- which way did you go around the ranch  
20 house?

21 A. To my left.

22 Q. Okay.

23 A. And then to my left and then to my right.

24 Q. You came around in a sort of semicircle?

25 A. Yes.

26 Q. As you -- do you ever get -- As you pointed on the  
27 witness stand you moved your hand first actually towards your  
28 left and then around to your right?

1 A. Yes.

2 Q. Did you see any other structures as you were coming  
3 down?

4 A. Yes.

5 Q. What was that?

6 A. A big building.

7 Q. Did you have to cross a road to get to that big  
8 building?

9 A. Yes.

10 Q. Was that essentially -- was that the same road that  
11 you crossed on your way up before you got to the creek?

12 A. Yes.

13 Q. What was between the road and the building?

14 A. I believe a ranch, a barn or something like that.  
15 A house.

16 Q. Were there -- were there any other structures  
17 around the big building?

18 A. I don't remember right now.

19 Q. When you got around the big building, what did you  
20 do then?

21 A. Went to the street.

22 Q. Okay. Did you go all the way out on the street?

23 A. No.

24 Q. Where did you go?

25 A. I went and looked at the street to see which -- how  
26 far down it went.

27 Q. Could you see it going -- how far could you see it  
28 going?

1 A. A long ways down.

2 Q. Was there any illumination along it?

3 A. Yes. On one side of the street there were lights,  
4 streets lights.

5 Q. Were there any houses along it?

6 A. Well, I was on the, let's say, the left-hand side  
7 of the street, and on the right-hand side of the street there  
8 was like a wall with houses and then there were street lights  
9 illuminating it.

10 Q. Did the street lights illuminate all the way over  
11 to the other side of the street?

12 A. Part way but not all the way.

13 Q. When you -- did you continue then walking along  
14 that street?

15 A. No.

16 Q. What did you do?

17 A. Went back in the field and walked parallel to the  
18 street in the field.

19 Q. Was this essentially sloped or flat?

20 A. Flat.

21 Q. Now again we've done some work trying to  
22 reconstruct that route through the use of pictures; is that  
23 right?

24 A. Yes.

25 Q. And showing you Exhibit 670, is that one of the  
26 pictures that I've showed you in attempting to reconstruct the  
27 route?

28 A. Yes.

1 Q. In addition to these color picture, we've also used  
2 black and white picture pictures at other times?

3 A. Yes.

4 Q. And does -- as near as you can tell from that being  
5 a daylight picture and it being at night and you see it,  
6 assuming that the hill with the fences along it is 2991, would  
7 that be the street that you walked parallel to?

8 A. Yes.

9 Q. When you got near the end of that street did you  
10 come upon another building?

11 A. Yes.

12 Q. What kind of building was that?

13 A. Fire station.

14 Q. What did you do when you got there?

15 A. I looked around, well, peeked around the front.

16 Q. Were there any people?

17 A. They were inside.

18 Q. What did you do then?

19 A. Walked out into the street.

20 Q. And did you keep going on past the -- did you keep  
21 on going past the fire station?

22 A. Yes.

23 Q. Showing you Exhibit 674, another picture, is that  
24 another picture that we've used in trying to reconstruct your  
25 route?

26 A. Yes.

27 Q. And assuming that that was taken from right in  
28 front of the fire station, does that depict the direction that

1     you continued to walk after you passed it?

2             A.     Yes.

3             Q.     When you -- when you got to the end of the street,  
4     what was there?

5             A.     Big intersection. First I had to go up a little  
6     rise, it's like a little small something or other, but once I  
7     got at the end there there was a big intersection.

8             Q.     At the -- at the rise what did you intend to do?

9             A.     Hitchhike a ride.

10            Q.     The -- were any of the streets in the intersection,  
11    well-traveled streets?

12            A.     Yes.

13            Q.     Which one?

14            A.     I believe the one going north and south. I'm not  
15    exactly sure on directions, but a lot of them had road -- I mean  
16    had traffic on them. Just one was more so than others.

17            Q.     Was there any other buildings in that general area?

18            A.     Well, from where I was standing I could see like a  
19    drainage thing that I had to go across when I first escaped. I  
20    could also -- I believe I passed a shopping center, lights  
21    looked like they was coming from a shopping center. I don't  
22    know if there was any other buildings. I don't remember right  
23    now.

24            Q.     Was it still dark out at this point in time?

25            A.     Yes.

26            Q.     How long was it after your -- your phone call to  
27    Diane that you -- that you left 2991?

28            A.     After I hung up the phone, right after I changed

1 clothes.

2 Q. Did you have a watch with you or anything at that  
3 point in time??

4 A. No.

5 Q. When you hung up the phone was it dark out?

6 A. Yes.

7 Q. Had it been dark when you made your phone call to  
8 Diane?

9 A. Getting there.

10 MR. NEGUS: This is probably as convenient as a spot as  
11 any to stop for the day.

12 THE COURT: All right.

13 We will adjourn until tomorrow morning at 9:30.

14 Please, in the meantime don't discuss the case with anybody.  
15 Don't let anybody discuss it with you. Don't express or form  
16 any opinion on the matter until it's finally submitted to you.  
17 See you in the morning at 9:30.

18 (Adjournment.)

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