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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

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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
January 3, 1985

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1 SAN DIEGO, CALIFORNIA, THURSDAY, JANUARY 3, 1985 9:35 A.M..

2 --oo0oo--

3
4 THE COURT: Good morning, everybody.

5 Mr. Cooper is still under oath on the stand.

6 Mr. Negus, you may continue with your direct
7 examination.

8 MR. NEGUS: Thank you.

9
10 KEVIN COOPER,

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

14
15 DIRECT EXAMINATION (Resumed)

16 BY MR. NEGUS:

17 Q. Kevin, last night and this morning, did you have a
18 chance to review the transcript of your testimony yesterday?

19 A. Yes.

20 Q. And did you point out to me two corrections that
21 you'd like to correct in the transcript?

22 A. Yes.

23 Q. First off, with respect to Exhibit 666, the lineup
24 of various correctional officers.

25 When you talked about seeing that late last year,
26 were you referring to 1983 or 1984?

27 A. I was referring to 1983.

28 Q. Secondly, when you were describing the clothing

1 that you had with you in leaving the California Institution for
2 Men when you escaped, you spoke of a brown denim shirt. Was
3 that correct?

4 A. No, sir.

5 Q. What color shirt was it that you had?

6 A. Blue.

7 Q. There's a few more things that I neglected to ask
8 you about the 2991 residence.

9 First off, putting on the board Exhibit 76.
10 There's an item in that photograph, a yellow plastic comb.

11 Did you bring that item to that closet?

12 A. Yes, sir.

13 Q. Where did you get that item?

14 A. I believe out the bathroom.

15 Q. Which bathroom was that?

16 A. The Lang bathroom.

17 Q. And were you using that to comb your hair?

18 A. To rebraid my hair, yes. I couldn't comb my hair.

19 Q. Showing you two photographs, Court's Exhibits 123
20 and 129, pictures of the counter area in the -- in this middle
21 room of the Lease house.

22 There was what appears to be a set of keys that are
23 laying on those, on that counter. Were those keys there when
24 you were in the house?

25 A. No, sir.

26 Q. The little picture, Exhibit 142, is a view of the
27 living room of the 2991 residence and various Sheriff's officers
28 outside. There's what appears to be an orange ashtray sitting

1 on the table that is to the right.

2 A. Right.

3 Q. Is that the orange ashtray that you used?

4 A. No, sir.

5 Q. Is it similar in appearance to the orange ashtray
6 that you used?

7 A. Yes, sir.

8 Q. Where was the ashtray that you used obtained from?

9 A. All right. It was this table here. You notice
10 there is two ashtrays right here, an orange one and clear one
11 over here in the rear. There's another orange ashtray in
12 between those two chairs right here. I took it right here.

13 Q. Could you put "AT" over that table where you got
14 the ashtray from.

15 A. (Witness complied).

16 Q. Finally, showing you photograph 680, a photograph
17 taken at daytime of the driveway leading up to 2991.

18 Does that photograph show the spot where you
19 stopped and looked at that the garage door?

20 A. Yes.

21 Q. Can you sort of indicate with your marker on that
22 photograph, with your initials "KC", approximately where you
23 stopped.

24 A. (Witness complied).

25 Q. And was that sort of -- where was that with respect
26 to the garage door? Right across from it, straight on, or
27 where were you?

28 A. Well, I was kind of -- the garage door is right

1 here. It was -- the side of the house is by me being over here,
2 up a little bit. I was at an angle. There's a light on the
3 side of the garage up here, and you can just see.

4 Q. Showing you the small photograph, 667. Does that
5 photograph show the buildings on the side of the road closest to
6 2991 that you went around when you were coming down the hill?

7 A. Yes.

8 Q. And what color are they in the photograph?

9 A. Looks like a turquoise, green and white.

10 Q. A light green or turquoise?

11 A. Right. Right here.

12 Q. Is the big building on the other side of the road
13 depicted in that photograph?

14 A. Partly.

15 Q. Where is that?

16 A. Just -- is it this building right here? I am not
17 sure.

18 Q. Okay. Was there another big building in the area
19 besides that one?

20 A. I believe across the road, yes.

21 Q. Would that have been -- where would that have been
22 on the picture as you are looking at the picture?

23 A. On this side of the stop sign.

24 Q. Okay. Off to the right then.

25 A. Yes.

26 Q. What did you do when you reached, when you started
27 to -- when you reached the intersection that we were discussing
28 yesterday afternoon?

1 A. Which intersection was that?

2 Q. After you come down the hill, going past the fire
3 station, you indicated you came up to an intersection.

4 A. Yes.

5 Q. What did you do at that time at that intersection?

6 A. First I tried to orientate myself as far as
7 direction goes.

8 Q. How did you do that?

9 A. First I tried to look up for the North Star. I
10 really couldn't see it, so when somebody was coming by I stopped
11 them.

12 Q. What did you do?

13 A. I asked them which way to Mexico.

14 Q. And did they indicate a direction on the way to
15 you?

16 A. Yes.

17 Q. Was that to your right or to your left as you were
18 facing the intersection?

19 A. To my right, straight on down.

20 Q. Again, in trying to orient yourself in determining
21 between you and I where you went, did you look at these two
22 photographs I placed in front of you, 670 and 671?

23 A. Yes.

24 Q. Okay. When you were out there the lighting
25 conditions were quite different than they were in those
26 photographs; is that correct?

27 A. Yes, it was dark.

28 Q. Can you be positive from the photographs that that

1 was the spot that you were standing?

2 A. I believe, but I can't be exactly positive because
3 it was dark.

4 Q. Can you put your initials on whichever one of those
5 photographs is the appropriate -- "KC", approximately where you
6 think you were standing.

7 A. I believe I was standing somewhere in this area
8 right here. I'm not exactly sure.

9 Q. If you can't do that, don't do it then.
10 Did -- what did you do then when you -- after you
11 found out which way Mexico was?

12 A. Started hitchhiking.

13 Q. And how did you do that?

14 A. Well, at first a guy came by in a convertible. I
15 asked him which direction was it to Mexico. He said, "Straight
16 on down."

17 I asked of him, "Are you going that way?"

18 He said, "No, I'm turning."

19 Essentially I knew which way to go and I just
20 started hitchhiking.

21 Q. Do you know how long you were out there
22 hitchhiking?

23 A. No, not really.

24 Q. Eventually did you get a ride?

25 A. Yes.

26 Q. And from whom did you get a ride?

27 A. From a white couple.

28 Q. Do you know their name?

1 A. No.

2 Q. Do you even know their first names?

3 A. No, I don't remember right now.

4 Q. What kind of vehicle did they have?

5 A. A van.

6 Q. What kind? Do you remember what color it was?

7 A. I believe it was yellow.

8 Q. In the van do you remember anything about the
9 interior of the van?

10 A. Yes. The interior and exterior were customized.

11 Q. In what way?

12 A. Well, wide tires on the outside. Side pipes,
13 customized paint. The interior was like -- a refrigerator. You
14 know, just customized interior and a bed in the back and things
15 like that.

16 Q. Did -- where did you sit when you were given the
17 ride in the van?

18 A. All right. Well, when they pulled up at the
19 intersection I stopped them and I asked them, "Are you going to
20 towards Mexico?"

21 They said, "Yes. Come on, get in."

22 The woman, she was sitting on the passenger side.
23 She reached around the back and opened the door. I slid it open
24 and I hopped in the back and she closed the door. They had a
25 little ottoman that was kind of in between the two seats and I
26 sat right there.

27 Q. Did you then travel a certain distance with them in
28 that vehicle?

1 A. Yes.

2 Q. Did they take you all the way to Mexico?

3 A. No.

4 Q. Do you know the location where they let you off?

5 A. No.

6 Q. From your vantage point were you able to see
7 precisely where you were going?

8 A. No.

9 Q. Were you familiar with how to orient yourself to
10 San Diego or to Mexico from your past experience?

11 A. No.

12 Q. Do you know how long you rode with these people?

13 A. I could only speculate.

14 Q. Um, was it like more than a half an hour?

15 A. Yes.

16 Q. Was it less than five hours?

17 A. Yes.

18 Q. Can you -- could you be any more precise than that?

19 A. Hour, hour and a half. You know, varying in that
20 area somewhere.

21 Q. Were you traveling on freeways exclusively or were
22 there other kinds roads involved?

23 A. I believe other kinds of roads.

24 Q. Do you remember how many -- what part of the time
25 were other kinds of roads?

26 A. No. The way where I was sitting, the ottoman was
27 kind of like forward. You know, where I was sitting in the
28 ottoman in the van, I couldn't see the road. I had to look

1 over, up over the dashboard, and therefore I could not see the
2 road itself. I could see lights and cars coming towards me in a
3 distance, but I couldn't see them once they got up close.

4 Q. Did you still have both bags that you had taken
5 from 2991 with you at that point in time?

6 A. Yes.

7 Q. What happened when you were let out of the van?

8 A. Well, I was let off at the offramp, I believe, and
9 I started hitchhiking some more but I didn't get picked up right
10 away.

11 Q. Do you know what offramp you were let off at?

12 A. Nope.

13 Q. Do you know, was it on a freeway?

14 A. I believe so.

15 Q. Did you know which direction Mexico was in from
16 there?

17 A. Yes.

18 Q. Did the people tell you where you had to go to
19 cross over to Mexico?

20 A. Yes.

21 Q. Where did they tell you to go?

22 A. Stay straight on this road.

23 Q. After -- well, did there come a time when you
24 stopped trying to hitchhike?

25 A. Yes.

26 Q. What did you do then?

27 A. Walked.

28 Q. Which direction?

1 A. I believe south to where they indicated.
2 Q. Did you walk along the freeway or where did you
3 walk?
4 A. Yes. In the shoulder on the freeway.
5 Q. Were you trying to catch a ride as you were going?
6 A. Yes.
7 Q. Was it still dark out?
8 A. Yes.
9 Q. Do you know what time it was?
10 A. No.
11 Q. While you were hitchhiking, did you see any police
12 vehicles?
13 A. No.
14 Q. Did there come a time when you eventually were
15 given a ride?
16 A. Yes.
17 Q. Do you know the name of the person that gave you a
18 ride?
19 A. No.
20 Q. Can you describe that person?
21 A. Well, as far as height and weight, no, because they
22 were sitting down driving, but I know it was a white male;
23 middle aged, I believe.
24 Q. Do you remember that individual's name?
25 A. No.
26 Q. Do you know what kind of vehicle he was driving?
27 A. Yes.
28 Q. What what his that?

1 A. I believe it was a four-door -- it was a Plymouth,
2 a four-door. I don't know if it was a Valient or something
3 along that line, a K-Car, Aries. One of them small four-door
4 Plymouths.

5 Q. And how far did that individual take you?

6 A. San Ysidro.

7 Q. Where in San Ysidro did he let you out?

8 A. At the bus station.

9 Q. Where is that with respect to the border?

10 A. Across the ramp. Not too far.

11 Q. Have you ever been to Mexico before?

12 A. No, sir.

13 Q. Did you have any identification with you at that
14 point in time?

15 A. No, sir.

16 Q. Did you have any money?

17 A. No, sir.

18 Q. What did you do after you were, after you were let
19 out?

20 A. Tried to orient myself with the area I was at.

21 Q. And how did you do that?

22 A. Looked around, walked around.

23 Q. Was it still dark out at that point in time?

24 A. Yes.

25 Q. Did you do anything?

26 A. At that particular time?

27 Q. Yes.

28 A. Yes.

1 Q. What was that?

2 A. Basically just walked around. I was hesitant about
3 going across the border because I had never been in California
4 or Mexico before. I didn't know if I needed a passport to go
5 across the border, so I walked around and thought about what I
6 was going to do.

7 Q. Were there any other people out and around at that
8 point in time?

9 A. A few, but not many.

10 Q. Were you ever approached by any police officers?

11 A. No.

12 Q. Did -- well, did you know how long it was you spent
13 walking around?

14 A. Not really. I was kind of tired from my long
15 trip -- I considered it a long trip -- so, what I did, I went
16 back to the bus station, stayed around the bus station, since I
17 had those two bags, and I stayed there because if any police did
18 question me, it would look like I was there to catch a bus.

19 Q. Did you -- do you know how long you stayed by the
20 bus station?

21 A. Until light.

22 Q. Then what did you do?

23 A. In the morning?

24 Q. Right. In the morning.

25 A. Just walked back around.

26 Q. Do you know how long you did that?

27 A. Basically, I don't know as far as exact times, but
28 I just walked around again trying to decide on what to do about

1 going across the border. It never dawned on me back at the
2 Lease house when I decided to go to Mexico that I needed a
3 passport to cross the border.

4 Q. Did you also want to get some money?

5 A. Yes.

6 Q. While you were walking around thinking about it,
7 did you see any opportunities in order to get some money?

8 A. Yes.

9 Q. What was that?

10 A. All right. Before I got the money, I had seen some
11 Americans going across the border.

12 I asked them, I said, "You need a passport to go
13 across into Mexico." They told me, "No."

14 And since I knew that I didn't want to go across
15 the border with any money, I snatched a purse.

16 Q. You didn't want to go across the border with any
17 money?

18 A. With no money. Right.

19 Q. How did you snatch a purse?

20 A. Just snatched it.

21 Q. Did you still have both the bags in your hands when
22 did so?

23 A. Yes.

24 Q. What did you do with them?

25 A. I put them in my right hand. I had one up under my
26 arm and the other one by the handle.

27 Q. The purse that you snatched, was that from a woman?

28 A. Yes.

1 Q. Do you know whether that was a black woman?

2 A. No.

3 Q. Do you know whether the woman was Anglo or Mexican?

4 A. No.

5 Q. When you snatched the purse, what did you do then?

6 A. Just took off across the border.

7 Q. How did you do that?

8 A. Well, she was standing to my left with her back to
9 me on an angle. I believe her purse was over her -- she had a
10 shoulder bag-type purse. It was over her right shoulder. So,
11 the angle I was on, it was sticking out the back. I put both
12 bags under my arm and just ran and snatched the part of the bag
13 down here, and just snatched it. And the shoulder bag, the
14 shoulder part broke and I just kept going.

15 Q. And did you cross into Mexico?

16 A. Yes.

17 Q. Did anybody chase you?

18 A. No.

19 Q. Did you hear any hollering or anything like that
20 behind you?

21 A. No.

22 Q. What happened when you got into Mexico?

23 A. Well, before, when I got to the part where the
24 police officers were, I stopped running and started walking.
25 And I just crossed right over into Mexico. And after I crossed
26 through the gates, I opened the purse to see if there was any
27 money in it.

28 Q. Was there any money?

1 A. Yes.

2 Q. In what form was that money?

3 A. The majority of it was in coins.

4 Q. What kind of coins?

5 A. Quarters.

6 Q. What was the rest?

7 A. There was about \$10, \$15 in paper.

8 Q. What did you do then?

9 A. Caught a taxi.

10 Q. Where did you do that?

11 A. Where the taxi stand is, a bunch of taxis get

12 together in one empty lot not too far from the entrance to

13 Mexco.

14 Q. Where did you ask the taxi to take you?

15 A. Tijuana.

16 Q. And did they take you there?

17 A. Yes.

18 Q. Once you got to Tijuana, did you do anything with

19 the purse?

20 A. Yes.

21 Q. What was that?

22 A. Went through it, took all the money and threw the

23 purse in the garbage.

24 Q. How much money was there?

25 A. Somewhere in the area -- I counted the quarters. I

26 got all the way up to a hundred and five dollars in quarters,

27 pluse \$10 or 15 dollars. I got tired of counting quarters so I

28 really can't do it. But there was a great deal of quarters

1 left.

2 Q. What did you do with the quarters after you got
3 them out of the purse?

4 A. Well, they were in the bag, so I just put the bag
5 in one of my bags.

6 Q. Then what did you do?

7 A. Walked around Tijuana.

8 Q. Do you know how long you walked around Tijuana?

9 A. It wasn't long exactly, because I was hungry, and
10 so what I did is I went to Woolworth's and bought me breakfast.

11 Q. Then, eventually, while you were in Tijuana, did
12 you acquire a watch?

13 A. Yes.

14 Q. How did you do that?

15 A. Stole it.

16 Q. From where did you steal it?

17 A. Off a cart. I believe it was a cart or a suitcase
18 or something. A guy was selling watches.

19 Q. Was that the first day?

20 A. Yes.

21 Q. Did you also buy some items?

22 A. Yes.

23 Q. What did you buy?

24 A. Toothpaste, toothbrush, hair grease, soap, lotion,
25 washrag. Just hygiene items that I didn't take with me from the
26 Lease house.

27 Q. Did you find or buy any clothing items?

28 A. Yes.

1 Q. What was that?

2 A. An orange Chevy blazer, type baseball cap.

3 Q. Showing you Exhibit 629, a color photograph of a
4 portion of the Illa Tika. Is that the blazer you bought in
5 Mexico?

6 A. Yes.

7 Q. Did you buy any shoes?

8 A. Yes.

9 Q. Showing you a pair of black shoes that I'm taking
10 out of Exhibit 167. Are those the black shoes that you bought?

11 A. Yes. Can I indicate to you something?

12 Q. Sure.

13 A. If you notice these shoes have soft soles on them,
14 because my feet was still kind of bad.

15 Q. Did you -- on the first day you were there, did you
16 try and find a hotel?

17 A. I did find a hotel.

18 Q. Before -- okay. You found a hotel.

19 A. Yes.

20 Q. Did you have any trouble getting a hotel room?

21 A. Yes. At first I did, yes.

22 Q. Why was that?

23 A. Some were filled up, some wouldn't accept me
24 because I didn't have any I.D., and some of them spoke Spanish
25 and I didn't speak Spanish so we didn't communicate.

26 Q. Are you familiar with Avenida de la Revolucion, the
27 main sort of street that goes through Tijuana?

28 A. I am not familiar with the -- maybe the street but

1 not by that name.

2 Q. You are familiar with the streets that Woolworth's
3 is on.

4 A. Yes.

5 Q. The hotel that you found, do you remember its name?

6 A. No.

7 Q. Where was it with respect to the main street that
8 had Woolworth's on it?

9 A. Well, say this is the main street going down this
10 way. Woolworth's is over here. The hotel that I was at was on
11 the left-hand side of the street on another off street.

12 Q. Was it relatively close to the main street?

13 A. Yes.

14 Q. When you checked into that hotel, did you have to
15 fill out any paperwork?

16 A. Yes.

17 Q. What did you have to fill out?

18 A. A piece of paper saying who I was with my address
19 on it.

20 Q. Did you -- what kind of money did you use to pay
21 for the room?

22 A. Quarters.

23 Q. What name did you put on that piece of paper?

24 A. Angel Jackson.

25 Q. And did you write that out in your handwriting?

26 A. Yes.

27 Q. Did you attempt to disguise your handwriting in any
28 way?

1 A. No.

2 Q. Did you use an address?

3 A. Yes.

4 Q. And what address did you use?

5 A. Yolanda Jackson's on Kingston Avenue, Los Angeles,
6 California.

7 Q. Do you remember that exact address now?

8 A. No. But I did at that particular time.

9 Q. How many different people did you deal with in
10 renting the rooms at the hotel?

11 A. Two.

12 Q. Were they male or female?

13 A. Female.

14 Q. Did you have the same room that -- how long were
15 you -- how many nights did you stay in that hotel?

16 A. I stayed there June 5th, June 6th, June 7th and
17 left the morning of June 8th.

18 Q. Did you have to fill out a slip each night you were
19 there?

20 A. Yes. How that worked was, you checked out at 11:00
21 in the morning or 12:00 o'clock, and what I did was I had to get
22 up early and go out and sign and fill out another form and pay
23 for the next day.

24 Q. When the -- during the time that you were in
25 Mexico, did you make any collect phone calls?

26 A. Yes.

27 Q. Did you make one to Diane Williams?

28 A. Yes.

1 Q. Do you remember what day that was on?

2 A. Yes.

3 Q. Which day?

4 A. I believe it was Monday.

5 Q. Was that in the daytime or at night?

6 A. I believe in the -- it was, I kind of think in the
7 daytime out here, in the nighttime back in Pennsylvania.

8 Q. Where did you make that phone call from?

9 A. A phone booth outside Woolworth's.

10 Q. Was that a collect phone on the street?

11 A. It was a phone, I had to put a coin in there, but I
12 got the operator then I made the collect call.

13 Q. Did you -- did you ask anybody how to do that?

14 A. Yes.

15 Q. And was the operator English speaking?

16 A. No.

17 Q. Did you get an English speaking operator?

18 A. Yes.

19 Q. When you called Diane was her mood different than
20 it had been your last two calls?

21 A. Yes.

22 Q. Did she tell you anything about any crimes?

23 A. Yes.

24 Q. What did she tell you about that?

25 A. She told me that I was being accused of killing a
26 family in a funny part of California.

27 Q. Did she use the word "Chino"?

28 A. No.

1 Q. Do you know what words she did use?

2 A. Chialo (phonetic), or something -- something -- I
3 don't remember exactly.

4 Q. Was she angry with you?

5 A. I don't think more angry, no.

6 Q. What was her attitude towards you?

7 A. She was excited, yes.

8 Q. When -- when you heard that, did you -- did you
9 believe her?

10 A. No.

11 Q. Did you have -- the next day did you do anything to
12 try and find out if what she said was true?

13 A. Yes.

14 Q. What was that?

15 A. Called Yolanda Jackson.

16 Q. When you called Yolanda Jackson what name did you
17 give?

18 A. Kevin Williams.

19 Q. Were you successful in getting through to her?

20 A. No. I mean, I got through but I didn't talk to
21 her.

22 Q. After that did you then do something else to try
23 and see if what she said was true?

24 A. Yes.

25 Q. What was that?

26 A. Bought a newspaper.

27 Q. Which newspaper was that?

28 A. June 7th Los Angeles Times, San Diego Edition.

1 Q. Did that -- you bought that in Tijuana?

2 A. Yes.

3 Q. Did -- did that newspaper have a story about the
4 Ryen killing in it?

5 A. Yes.

6 Q. Did it mention the name Kevin Cooper?

7 A. No.

8 Q. Did it mention the name David Trautman?

9 A. Yes.

10 Q. Did it indicate that you were a suspect according
11 to that article?

12 A. Not really a suspect, no.

13 Q. What did it indicate about you?

14 A. It mentioned my name, the fact that I had escaped
15 from prison. That was basically it.

16 Q. On June the 8th did you buy another newspaper?

17 A. Yes.

18 Q. Was that again the Los Angeles Times?

19 A. Yes.

20 Q. And was there another article in that paper
21 about -- about the Chino killings?

22 A. Yes.

23 Q. Did that mention the name Kevin Cooper?

24 A. Yes, and David Trautman.

25 Q. In that article had you been named as a suspect?

26 A. Yes, I believe so.

27 Q. While you were in Tijuana did you do any
28 sightseeing?

1 A. Yes.

2 Q. Did you go to any like bars or anything like that?

3 A. Yes.

4 Q. What -- do you remember the names of any of those?

5 A. I remember the name of one bar I went to.

6 Q. What was that?

7 A. The Chicago Club.

8 Q. And how far from your hotel was the Chicago Club?

9 A. Not far.

10 Q. Was it on the main street or on a different street?

11 A. On a different street.

12 Q. When you -- at some point in time did you decide to
13 leave Tijuana?

14 A. Yes.

15 Q. When was that?

16 A. After I read the newspaper article Wednesday
17 morning.

18 Q. And what steps did you do to leave Tijuana?

19 A. Seek out information.

20 Q. How did you do that?

21 A. Well, on a foreign land you can tell if there's an
22 American, and I did run across Americans down there.

23 And I asked -- first I planned to go to Acapulco or
24 Puerto Vallarta, and I asked the guy that I met down there how
25 much it would cost to get there.

26 He asked me why did I want to go there. I told him
27 to get by the ocean. He told me: "If you want to get by the
28 ocean you go right to Ensenada."

1 Q. So did you decide to do that?

2 A. Yes, but I didn't know how.

3 Q. So, how did you go about finding on you how to get
4 to Ensenada?

5 A. Asked him.

6 Q. What did he tell you?

7 A. He told me to catch a cab to the bus station, ask
8 to go to Ensenada. When I get to Ensanada, I asked him, where
9 was the ocean.

10 As far as that he said, "When you get to Ensenada
11 get another taxi and tell him to take you a restaurant or a bar
12 called Alexander's, and right across the street from Alexander's
13 is the ocean."

14 Q. And did you do that?

15 A. Yes.

16 Q. Did you bring one of the newspapers with you to
17 Ensenada?

18 A. Yes.

19 Q. Which one was that?

20 A. I think it was the Wednesday, June 8th, article.

21 Q. Did you do anything to the newspaper to take the
22 article about yourself out of it?

23 A. Yes.

24 Q. What was that?

25 A. Tore it off.

26 Q. And what did you do with that?

27 A. Threw it away.

28 Q. When you got to Alexander's, what did you do then?

1 A. Looked at the ocean.

2 Q. And then what did you do?

3 A. Started walking.

4 Q. And as you were walking did you meet somebody?

5 A. Yes.

6 Q. And who was that?

7 A. A white American male.

8 Q. Did you later find his name?

9 A. Yes.

10 Q. What was that?

11 A. Owen Handy.

12 Q. Did you have a conversation with Mr. Handy?

13 A. Yes.

14 Q. And what was that conversation?

15 A. I asked him if he was American. He said, "Yes."

16 I asked him did he know where I could find a job
17 at. He said, "What kind of job?" I said, "Doing anything." He
18 said, "Well, you're not allowed. It's illegal to work -- for
19 Americans to work in Mexico," is the way he put it.

20 I said, "Well, you don't know anybody that might be
21 looking for somebody to work on their boat or whatever?" And he
22 said, "I have a boat."

23 Q. Then what happened?

24 A. He said that his boat was out of water and he was
25 doing some repair work on it. He needed to have a starter
26 fixed. He needed it painted varnished. And he said for a
27 couple nights that he would let me stay there if I helped him
28 with his boat.

1 Q. When you first met him then he was just offering
2 you food and a place to stay for two nights in exchange for
3 work?

4 A. Yes, cause they were planning to sail that weekend.

5 Q. Oh, one other thing I neglected to ask you about.
6 When -- when you were in 2991 did you take any
7 gloves?

8 A. Yes.

9 Q. How many pair?

10 A. I believe two.

11 Q. Why did you take gloves?

12 A. On my way up to the Lease house, like I mentioned
13 before, I fell. When I fell I hurt my hand. I kind of bruised
14 it, like brush burn, not enough to bleed but enough to take some
15 skin off the surface of it.

16 So when I came back down -- I knew I was going to
17 come back down, and I want to have some kind of gloves to
18 protect my hands in case I happened to fall again.

19 Q. Where did you find those gloves in the 2991
20 residence?

21 A. In the Lang bedroom.

22 Q. Did you in fact go to work for Owen?

23 A. Yes, right after I met him.

24 Q. Were you wearing gloves when you met him?

25 A. No.

26 Q. Did you wear gloves most of the time when you were
27 on the boat?

28 A. No.

1 Q. Did you wear gloves some of the time?

2 A. Yes.

3 Q. When was that?

4 A. When I worked.

5 Q. When you were arrested how many of those pairs of
6 gloves did you have with you?

7 A. I think one glove, maybe one pair of gloves, I'm
8 not sure. One got destroyed in Ensenada.

9 Q. How was that?

10 A. Well, there was a -- Owen's boat was out of the
11 water. And it's on a big like maybe a crane-type thing that
12 lowers it back into the the water.

13 Well, the chain that controls that thing got caught
14 or got tangled up somehow. We had to pull the chain by hand
15 because the motor quit working, something like that.

16 Anyway pulling that chain, those gloves, they just
17 tore all apart.

18 Q. On Exhibit 120 there's some red paint, --

19 A. Yes.

20 Q. -- is that correct --

21 A. Yes.

22 Q. -- or reddish-brown paint?

23 A. Yes.

24 Q. Do you know how that got there?

25 A. Yes.

26 Q. How?

27 A. That's the water-based paint that I used to paint
28 Owen's boat.

1 Q. Do you know how much money you had left when you
2 met Owen?

3 A. Maybe \$70.

4 Q. When you were working with -- with Owen on the
5 boat, did he give you anything to smoke?

6 A. Yes.

7 Q. What was that?

8 A. Marijuana.

9 Q. Did -- during those two days that you were working
10 for him did he make you any other offers of employment?

11 A. Yes.

12 Q. What was that?

13 A. All right. Well, after my two days were up, I got
14 up that morning and started to get my stuff together to leave
15 because the boat was ready to go back in the water, and Owen
16 asked me if I was interested in working for him in another way.
17 And I asked him how. He told me as far as being a crew hand on
18 his boat and taking a trip with him and his wife.

19 Q. Did you have any particular experience at that?

20 A. No. I never been out in the ocean before in the
21 water.

22 Q. Did you tell him that?

23 A. Yes.

24 Q. And what did he say to that?

25 A. "Don't worry about it. I help you get over your
26 seasickness."

27 Q. Well, was he asking you just to be -- just to be a
28 deckhand on the boat?

1 A. No.

2 Q. What other duties was he asking you about?

3 A. He wanted me to learn how to drive the boat, put
4 the sails up and everything, read the compass, everything
5 about -- he was going to teach me about the boat.

6 Q. What was the -- what was the purpose of -- of --
7 where were you going to go?

8 A. To Costa Rica and to Panama.

9 Q. What was the purpose of going there?

10 A. To get marijuana.

11 Q. And what were you going to do with the marijuana?

12 A. Take it back up to Humbolt County and sell it.

13 Q. And did he offer to give you a portion of the
14 proceeds?

15 A. Yes.

16 Q. Did you agree to do that?

17 A. At first I didn't. I wouldn't -- Well, I wouldn't
18 say I didn't, but I wasn't sure because it just, it sounded like
19 something on television.

20 Q. Eventually did you decide to do it?

21 A. Yes, after we further talked about it.

22 Q. Did he indicate what he wanted you to do while he
23 was in Costa Rica and Panama?

24 A. Yes.

25 Q. What was that?

26 A. He wanted me to stay on the boat while him and his
27 wife -- his wife is from Costa Rica. All right. He was going
28 to go down there and pick up some Marijuana from there. While

1 we were there I was supposed to stay on the boat because he had
2 the rifles, watch the boat, make sure nobody came aboard, make
3 sure nobody, you know, bothered the boat.

4 And then we were going to go to Panama, but before
5 we can get to Costa Rica and Panama we had to go through down
6 there where they were fighting, the San Salvador, whatever. I
7 was concerned about how that war was going on. I asked him how
8 we get through those places. He said what we do, we go out
9 maybe a hundred to a thousand miles out, they shouldn't be out
10 that far. We make a wide circle and stop.

11 Let Angelica and Caryl visit with her parents and
12 stuff. He said, "My father is in Panama, he has a Panamanian
13 wife." After we get to Costa Rica we go to Panama, stay there
14 for awhile, pick up some marijuana, about a ton, take it back up
15 to Humbolt County and sell it.

16 Q. Did Owen know that you had no papers?

17 A. Yes.

18 Q. When you -- before you left Ensenada, did you --
19 did the plans change?

20 A. Yes.

21 Q. How was that?

22 A. The weather.

23 Q. What about the weather changed the plans?

24 A. All right. After we had put the boat in the water
25 we just sat out there to make sure that it was sealed, that it
26 wasn't leaking, and we started getting stuff together.

27 Owen said, "We can't go right now." I said, "Why
28 not?" He said, "I just heard on the radio that there is a

1 hurricane or something going on down south." And so I said,
2 "Well, how long is that going to last?" He said, "That might
3 last for months. We probably can't go now until the fall." He
4 said, "We can do one of two things. Either you can go on your
5 way like you planned originally or you can stay with my wife and
6 I and we can go in training about the boat and different things
7 like that."

8 Q. Did you tell Owen your true identity?

9 A. No.

10 Q. Did you completely trust Owen?

11 A. No.

12 Q. Did being at sea -- how did being at sea look to
13 you as far as the hideout was concerned?

14 A. At first not too good, but after I got out there it
15 was great.

16 Q. Well, let me -- let me back up. Did you -- before
17 you left Ensanada did -- did you buy anything?

18 A. Yes.

19 Q. What was that?

20 A. Food for the boat because Owen and Angelica were
21 running out of supplies. He had used all his money to put in
22 the boat.

23 Q. After you bought those supplies, how much money did
24 you have left when you actually left Ensenada?

25 A. All right. Well, I gave Angelica anywhere from,
26 oh, \$40 to \$45 for food, and mostly in quarters. I went with
27 her while -- we went shopping together while Owen stayed at the
28 boat.

1 Then maybe a day, or the next day, Owen had owed
2 some guy \$5.00 and he came back and to me and I got it so I gave
3 him another \$5.00 for that person that he owed money to. So,
4 therefore, I didn't have too much money left. You know, I'm not
5 sure exactly how much at this time, but it wasn't a lot.

6 Q. When you -- when you left Ensenada do you remember
7 what day that was?

8 A. No.

9 Q. Owen has testified that it was June the 13th; would
10 that be a reasonable possibility?

11 A. I don't know. I mean, I can't -- I really can't
12 say.

13 Q. When you left Ensenada Ensenada where did you go?

14 A. Out in the ocean.

15 Q. When you got in the ocean did anything happen to
16 you?

17 A. Yes.

18 Q. What was that?

19 A. Got seasick.

20 Q. How seasick did you get?

21 A. Real seasick.

22 Q. How long were you seasick?

23 A. Until we got to Cat Harbor.

24 Q. While you were at sea did you lose anything
25 overboard?

26 A. At that particular time?

27 Q. Any point in time.

28 A. Yes.

1 Q. What was that?

2 A. I lost my teeth.

3 Q. How did you do that?

4 A. By vomiting.

5 Q. And right now you have some teeth missing in the
6 upper and lower part of your mouth?

7 A. Yes.

8 Q. And when you got on the boat you had a bridge?

9 A. Yes.

10 Q. Did you, while you were at sea did you throw
11 anything overboard?

12 A. Yes.

13 Q. What was that?

14 A. My prison clothes.

15 Q. Did you throw all your prison clothes overboard?

16 A. Yes.

17 Q. Did you throw the white bag that they were in
18 overboard?

19 A. I don't remember. I might have. I might not have.
20 I don't know.

21 Q. When you did that did you do it in such a way that
22 Owen could see what you were doing?

23 A. Oh, no.

24 Q. How did you do that on the boat?

25 A. All right. Well, where I was sleeping at in what,
26 well, we called it the hold because that's basically what it
27 was. I have like a little hatch or a sunroof. It's something
28 like a sunroof that you lift up and it goes right out up on the

1 deck. So at night whenever Owen and Angelica and everything,
2 they had the door closed, I assume they was asleep, so I open
3 the hatch, went up on deck and just put them overboard. They
4 sunk.

5 Q. Where was the first place that you reached land
6 after you left Ensenada?

7 A. Went on land or was anchored at land?

8 Q. Anchored at land.

9 A. Cat Harbor.

10 Q. How long did you stay there?

11 A. Maybe two days.

12 Q. While you were there did you see any law
13 enforcement personnel?

14 A. Yes.

15 Q. Who was that?

16 A. Harbor Patrol?

17 Q. And what happened there?

18 A. They asked us how long we were staying.

19 Q. And was that all?

20 A. You know, drove by in his little Harbor Patrol boat
21 and just, you know, he presented himself and he said, "Hi, how
22 are you. The weather, is getting kind of funny." You know,
23 just general talk.

24 Then he slid the question though in: "How long are
25 you going to be here? What are your plans, your traveling
26 plans?" Stuff like that, but Owen did most of the talking.

27 Q. How long did that contact last?

28 A. Not more than it take to say it.

1 Q. After you left Cat Harbor, where did you go then?

2 A. To one of the islands.

3 Q. Do you know the name of it?

4 A. No. It's the same island that Pelican Cove was on,
5 but it's like at the other end where the ranch is on.

6 Q. You don't know the name of the island, but one of
7 the places within the island that people go is called Pelican
8 Cove?

9 A. Yes.

10 Q. While you were out there at that -- where the
11 ranches were did you go ashore?

12 A. We started to, but not at that time, no.

13 Q. Do you know what day that was, you know, what
14 time -- what date that was that you were out there at the
15 ranches?

16 A. No. Time didn't matter out there. Owen and them
17 didn't -- I had a watch, but Owen and Angelica, they didn't have
18 no watch. Only thing that Owen was concerned about as far as
19 time was was going and pick up his check.

20 Q. Were you out there at that ranch before --

21 Well, did there come a time when Owen went down to
22 pick up his check?

23 A. He did that in Santa Barbara I believe.

24 Q. Okay. So he went over to -- to Santa Barbara to go
25 pick up his check?

26 A. Yes.

27 Q. Was the -- were you at the ranch before he went to
28 Santa Barbara?

1 A. Well, we didn't go on land. You know, we, uh, I
2 know it was the ranch because people were riding on that part of
3 the island on horses, and there were, you know, Owen told me
4 that the ranch was right up there so we couldn't go on land
5 right here.

6 Q. Did -- Okay. From the time that you left that
7 Anchorage --

8 A. Right.

9 Q. -- where the -- the ranch was --

10 A. Right.

11 Q. -- did you then go directly to Santa Barbara to
12 pick up the check or did you go some place else?

13 A. No. We started to go to San Francisco.

14 Q. Okay. And did you -- did you make it?

15 A. No. We got as far as Cojo, Point Conception.

16 Q. Then what happened?

17 A. The weather got real bad, so we turned back around
18 and came back down to Santa Barbara.

19 Q. Did Owen have to go to any particular place to pick
20 up his checks?

21 A. Yes. I believe a bank.

22 Q. Did it have to be in a particular city?

23 A. I don't know.

24 Q. When you got to Santa Barbara did -- did Owen leave
25 you alone on the boat?

26 A. Yes.

27 Q. And for how long?

28 A. At different times, different lengths of time.

1 Q. After Owen came back from picking up his check was
2 there money on the boat for a time?

3 A. Yes. Sometimes there was money on the boat. Like
4 he leave his check, \$300, or so. He got paid 600. 300 of it
5 was to go to for his boat payment. I don't know if it did or
6 not because when I meet Owen he told me the reason he had to do
7 this marijuana business was they were trying to find him to
8 repossess his boat because he owed money on it, he didn't want
9 them to take his boat back because that boat was their home.
10 That's where he lived at.

11 Q. There was times when money was left on the boat
12 when you were in charge of it?

13 A. Yes.

14 Q. And were the guns also left on the boat when you
15 were in charge of it?

16 A. Yes.

17 Q. Was that in Santa Barbara?

18 A. All over, yes.

19 Q. In order to get to shore from the boat did he
20 normally go up on the wharf itself or did he anchor out in the
21 harbor?

22 A. He anchored out in the -- in the -- I guess -- not
23 in the harbor, but he anchored in the anchorage. There is two
24 different parts up there. The harbor is where everybody has
25 their own docks, their own slips so they can park their own
26 boats, like their own parking spaces; but in anchorage, it's
27 free for all. You just grab a space and claim it.

28 Q. How far was that from shore?

1 A. Not far. You could swim from where we were
2 anchored, you know, to the beach or you just rowed the dinghy.

3 Q. Did you yourself ever go ashore in Santa Barbara?

4 A. Yes. Three times.

5 Q. On some of those occasions did you just go to the
6 beach?

7 A. Two of those occasions, yes.

8 Q. And on another occasion where did you go?

9 A. Up to Diane's house, Dianna, Diane, something like
10 that, with Jim.

11 Q. Do you know her last name?

12 A. No.

13 Q. What did you do up there?

14 A. She let, you know, us use the shower and whatever
15 else. We stayed up there and played. Owen and I played darts
16 and Carol played with some type of toys, or something like that.
17 Just basically stay at their house and relax for a day or so.

18 Q. Did you stay over there overnight?

19 A. No, we didn't stay over there overnight. Owen and
20 them -- I was up there. Previously, Owen and Jim and Caryl,
21 they were up there before.

22 Q. Do you know what Jim's last name is?

23 A. Savage.

24 Q. Does he live in Santa Barbara?

25 A. Yes. He stayed -- Well, he works on one of those
26 big drilling oil rigs out there in the ocean. And him and Diane
27 Farth (phonetic) I believe were friends, so he stayed at Diane's
28 house sometimes as well as on his catamaran.

1 Q. Was there any like shower facilities on Owen's
2 boat?

3 A. No.

4 Q. Did you also go ashore when you were at Pelican
5 Cove?

6 A. Yes.

7 Q. How many different times were you at Pelican Cove?

8 A. Numerous times. I'm not sure, maybe five, six
9 times.

10 Q. On one of those occasions did you find something?

11 A. Yes.

12 Q. And was that Exhibit 167 a blue bag with some shoes
13 in the bag --

14 The black shoes in 167 you did not find on Pelican
15 Cove, right, on that island, right?

16 A. Correct.

17 Q. But did you find the blue bag on the island?

18 A. Yes.

19 Q. When you -- when you left 2991 did you have any
20 weapons with you?

21 A. No.

22 Q. Did you feel the need for any weapons at that pint
23 in time?

24 A. No.

25 Q. While you were at sea did Owen talk to you about
26 using knives?

27 A. Yes.

28 Q. What did he tell you?

1 A. That it was important to always have a knife with
2 you while you were in the ocean.

3 Q. Why is that?

4 A. For the purposes of if you are swimming in the
5 ocean and say some seaweed, for example, grabs your ankle and
6 you don't have anything to cut it with you're in trouble. But
7 he said if you have a knife you can cut it. For fishing
8 purposes, as far as anything, you know, you always need a knife,
9 especially on a boat you might have to cut rope, tie knots and
10 cut rope, just different reasons you should have a knife out
11 there.

12 Q. In that blue bag there was a knife?

13 A. Yes.

14 Q. And did it have a string around it?

15 A. Yes.

16 Q. And from that point on did you wear that knife
17 around your neck?

18 A. Yes.

19 Q. And did you use it for those type of purposes?

20 A. Yes.

21 Q. The when you found the bag was there anybody with
22 you?

23 A. Yes.

24 Q. Who?

25 A. Steve's nephew.

26 Q. Do you know the nephew's name?

27 A. Not offhand, no.

28 Q. Do you know how old he is?

1 A. Yes.

2 Q. How?

3 A. He is about maybe eight years old.

4 Q. What were the circumstances of finding the bag?

5 A. All right. Well, this one particular day I was on
6 Steve's boat. He owned a boat named Scooter. And we were just
7 fishing for mackerel from that boat, because he had a husky dog
8 he used to feed mackerel every day, 20 mackerels in the morning.

9 Steve's nephew wanted to go on the islands to do
10 hiking. Steve didn't want to take him. I said, "I'm going on
11 the islands anyway can I take him?" He said, "Yeah."

12 Me and the little boy we went on the mountains. We
13 started hiking on the mountains there on the islands. Before we
14 got to this one particular watering hole the bag was already
15 hanging there. I thought somebody might be in the area. I
16 didn't pay any attention. When we came back the bag was still
17 there. There was no one around to claim it, so I just took it.

18 Q. Was there -- was there any like cosmetics in the
19 bag?

20 A. Yes.

21 Q. Did you give those to anybody?

22 A. Yes.

23 Q. To whom?

24 A. Angelica.

25 Q. Were there any sunglasses in the bag?

26 A. Yes. There were two pair of sunglasses.

27 Q. Showing you Exhibit 95 and 166, were those the
28 sunglasses that were in the bag?

1 A. Yes.

2 Q. Were either of those sunglasses in a case?

3 A. Yes.

4 Q. Which one?

5 A. These Zeiss from West Germany.

6 Q. Exhibit No. 95?

7 A. Yes.

8 Q. Is Exhibit 96 the case they came in?

9 A. Yes.

10 Q. Could you open up the case and look inside it. Do
11 you recognize that item inside the case?

12 A. Yes.

13 Q. Is that something you made?

14 A. Yes.

15 Q. How did you make that?

16 A. What did you say.

17 Q. How did you make it?

18 A. Oh, it was just a basic razor blade that you put in
19 a razor to shave with. And over the top you will see that it's
20 like this yellow is the cover from the the razor container
21 itself, and it's just some masking tape.

22 Q. What did you do use that for?

23 A. Sharpen pencils. In fact, you can see the pencil
24 marks where I would sharpen the pencils on like this on the boat
25 like this.

26 Q. Were there any pencils on the boat? You can put it
27 back.

28 A. Yes, pencils and markers and crayon.

1 Q. And while you were on the boat did you do any --
2 did you do any art work?

3 A. Yes.

4 Q. Taking from bag 631 a photo album; do you recognize
5 that photo album?

6 A. Yes. I believe that's the photo album that Owen
7 gave me to keep my art work in.

8 Q. Inside the -- inside the album there's a drawing of
9 a -- of an eagle; do you recognize that drawing?

10 A. Yes.

11 Q. Who did it?

12 A. I did.

13 Q. And did you do that from life or did you have
14 something else to do it from?

15 A. A photo.

16 Q. There's a little photo inside the album; is that
17 the thing you used as a model?

18 A. Yeah, that's the one I used. I just draw it the
19 other way.

20 Q. Basically when you were doing drawing, did you for
21 the most part use a model or a picture or something to draw
22 from?

23 A. Yes.

24 Q. There's also a photograph in here of a family; do
25 you recognize who those are?

26 A. No.

27 Q. Was that or your -- was that photograph just in the
28 album when you got it?

1 A. I don't never remember seeing that photograph.

2 Q. Also in there is a series of maxims; that was done
3 by you?

4 A. Yes.

5 Q. That's more art work which you hadn't had a chance
6 to complete?

7 A. Yes.

8 Q. While you were -- while you were at sea did you do
9 other pieces of art?

10 A. Yes.

11 Q. In other mediums besides just pencil?

12 A. Yes.

13 Q. What other mediums?

14 A. Crayons, paint.

15 Q. Where did you get the crayons?

16 A. They were Caryl's, Owen and Angelica's daughter.

17 Q. Where did you get the paint?

18 A. I got the paint from Pam and Peter. They owned a
19 boat called the Bummer Girl, I believe. Pam gave me a box of
20 acrylic paints, paint brushes.

21 Q. That was just as a gift?

22 A. Well, she -- Owen had told her I was an artist, and
23 she was an artist herself, so she had some extra paints she
24 wasn't using so she gave them to me.

25 MR. NEGUS: Perhaps we could take the break while I
26 locate --

27 THE COURT: Morning recess time. Remember the
28 admonition, please

1 (Recess.)

2
3 THE COURT: Proceed.

4
5 DIRECT EXAMINATION (Resumed)

6 BY MR. NEGUS:

7 Q. Taking from Exhibit 103, a box of acrylics.

8 Are those the acrylics that the people from the
9 Burma Girl gave you?

10 A. Yes.

11 Q. And did you also do some -- did you, for example,
12 do some art work that you gave to the Handys?

13 A. Yes.

14 Q. What was that?

15 A. A picture of a boat.

16 Q. And how about to Caryl?

17 A. Yes.

18 Q. What was that?

19 A. She wanted a picture of Tony the Tiger.

20 Q. Did you do that for her, too?

21 A. Yes.

22 Q. While you were on the boat with the Handys, did you
23 listen to radio broadcasts about the the police search for you?

24 A. Yes.

25 Q. Did you hear any particular places that they were
26 looking for you?

27 A. Yes.

28 Q. Where was that?

1 A. Long Beach.

2 Q. Had you ever been to Long Beach in your life?

3 A. No.

4 Q. Did you hear any particular descriptions of how
5 they thought you might be dressed?

6 A. Yes.

7 Q. How was that?

8 A. As a woman.

9 Q. Had you ever dressed like that in your life?

10 A. No.

11 Q. While you were out on the ocean, other than that
12 one brief encounter at Cat Harbor prior to the day that you were
13 arrested, had you had any other encounters with law enforcement?

14 A. Yes.

15 Q. When was that?

16 A. Everytime that we went to get water or gas with the
17 boat we had to go, pull right up at the station right by the
18 harbor police.

19 Q. Did you ever become involved in a conversation with
20 any of the harbor police?

21 A. Yes. "Hi, how are you?"

22 Q. When you were out to sea, were there any law
23 enforcement boats?

24 A. Every once in awhile the Coast Guard would cruise
25 by, but they didn't stop.

26 Q. Compared to being on land, were there more or fewer
27 law enforcement people out in the ocean?

28 A. Fewer.

1 Q. While you were at sea, did you get seasick all the
2 time that you were at sea or just part of the time?

3 A. Part of the time.

4 Q. Can you -- did you learn, you know, what was it,
5 what it was about being at sea that made you seasick?

6 A. Yes.

7 Q. What was that?

8 A. All right. Well, the way Owen made it sound was
9 like I was seasick constantly for two weeks. At first when he
10 told me we were going to go to Costa Rica and Panama, we were
11 going down current, going down with the water, so, therefore,
12 the rocking of the boat would be at a minimum.

13 Since we had changed directions we had to fight
14 against the current, so therefore the waves were coming up and
15 down and it is like real rough. So, the boat was real narrow
16 and besides going up and down it rolled a lot, therefore, I got
17 seasick because of that.

18 Q. Well, were you going against the current?

19 A. Yes. When we got to anchorage at Cat Harbor the
20 sickness went away.

21 Q. Did you learn to basically steer and operate the
22 boat?

23 A. Yes.

24 Q. Did Owen teach you?

25 A. Yes. So did Angelica.

26 Q. I'm sorry, I didn't hear.

27 A. So did Angelica.

28 Q. While you were at Pelican's Cove Island, did you

1 ever become injured?

2 A. Yes.

3 Q. How did that happen?

4 A. When I was jogging on the island.

5 Q. And what did you do?

6 A. Well, basically I went on the island to get in
7 shape for the trip down to Costa Rica. I had been seasick and I
8 had lost a lot of weight, so I had to build my strength back.

9 So, what I did, I was running on the island, and
10 the island is kind of rough, and while I was running I slipped
11 on a rock and injured the palm of my right right here.

12 Q. How long before your arrest was that?

13 A. Not long.

14 Q. Yesterday you reminded me, I neglected to ask you.
15 Did you attack Josh Ryen?

16 A. No, sir.

17 Q. And just to reiterate, did you kill Doug Ryen?

18 A. No, sir.

19 Q. Did you kill Peggy Ryen?

20 A. No, sir.

21 Q. Did you kill Jessica Ryen?

22 A. No, sir.

23 Q. Did you kill Christopher Hughes?

24 A. No, sir.

25 MR. NEGUS: Thank you. I have nothing further.

26 THE COURT: Cross-examine.

27

28

CROSS EXAMINATION

1 BY MR. KOTTMEIER:

2 Q. Mr. Cooper, there is no doubt in your mind that the
3 hatchet, Exhibit 42, was used to kill the Ryen family, is there?

4 A. I don't know.

5 MR. NEGUS: Objection, that is irrelevant, Mr. Cooper's
6 state of mind as to what the hatchet is.

7 THE COURT: The answer is in. It may remain.

8 MR. KOTTMEIER: Do you -- how do you explain to the jury,
9 Mr. Cooper, that this hatchet, Exhibit 42, that has the blood on
10 it, came from the home that you used as a hideout?

11 MR. NEGUS: Objection, that's argumentative, and
12 irrelevant. It is not the subject of his testimony to try and
13 explain things, merely he has no way of knowing how it came
14 about.

15 THE COURT: Mr. Kottmeier.

16 MR. KOTTMEIER: Your Honor, it is offered because this
17 particular defendant had access to the hatchet as illustrated by
18 the testimony, giving Mr. Cooper a chance to explain various
19 aspects.

20 THE COURT: No, I think the objection is good, sir.
21 Sustained.

22 BY MR. KOTTMEIER:

23 Q. Mr. Cooper, as far as the hideout itself goes, you
24 are aware of certain items that were found within the hideout
25 that had been testified to here in this trial, aren't you?

26 A. Yes.

27 Q. And in your testimony you have taken extreme care
28 to avoid seeing or mentioning any items that have any blood on

1 it that were found within the hideout.

2 A. Because I didn't have.

3 Q. It didn't happen?

4 A. I didn't have anything with blood on them.

5 Q. When you left the Chino Institution for Men, what
6 was your plan?

7 A. To escape.

8 Q. Where.

9 A. I did. Just escape.

10 Q. Where were you going?

11 A. L.A..

12 Q. Were there places you wanted to avoid?

13 A. Yes.

14 Q. What places were those?

15 MR. NEGUS: Objection, your Honor. Could we be heard on
16 this? There was material that the answer may call for, material
17 which is irrelevant, according to previous ruling.

18 THE COURT: I can't do that without interrupting or going
19 into chambers.

20 MR. NEGUS: I'm sorry, but I think that is probably
21 necessary.

22 THE COURT: All right. Remain seated. Stand, stretch,
23 chat if you wish, but not about the case.

24 Mr. Cooper, do you want him back -- well, Mr.
25 Cooper, counsel step back in.

26

27 (Chambers conference reported.)

28 THE COURT: We are now in chambers out of the presence of

1 the jury, the defendant and all counsel.

2 The objection was made to a question what places
3 did you want to avoid.

4 MR. NEGUS: The answer, the obvious answer that I would
5 expect Mr. Cooper to come up with and to answer that question is
6 he's wanted in Pennsylvania for escape, burglaries and rape, all
7 of which you've held to be inadmissible. So, I don't think that
8 the question is designed to illicit admissible evidence.

9 MR. KOTTMEIER: Yes. It is designed specifically to
10 illustrate that there are certain areas or choices of various
11 areas within the country that were not within Mr. Cooper's
12 thought process at that time, and I think that all Mr. Negus
13 wanted was to come back here and make sure that Mr. Cooper is
14 aware of the limitations as far as --

15 THE COURT: This will do you no good at all, Mr.
16 Kottmeier.

17 MR. KOTTMEIER: Well, I'm trying.

18 THE COURT: How can we avoid the Pennsylvania matter now,
19 sir? Is there some way?

20 MR. KOTTMEIER: Well, the area I want to avoid, and there
21 may be other irrelevant areas he didn't want to go to. I didn't
22 ask him where were you wanted within the U.S., I'm interested in
23 his thought process.

24 He says he escaped from the Chino Institution for
25 Men, he's got no real direction except maybe L.A., but there are
26 other factors that enter into the thought process during his
27 escape.

28 MR. NEGUS: The reason that he said only that he was

1 thinking about -- the reason he answered the question was I have
2 been instructed not to mention anything about Pennsylvania. In
3 fact, getting away from Pennsylvania is the main part of his
4 thought process. I'm not sure that his thought process on the
5 escape are relevant.

6 THE COURT: I think that's right. You are going to have
7 to -- I will sustain the objection. You are going to have to
8 reframe it to eliminate "Pennsylvania". I don't know how you
9 can do it without being too obvious, unless you said west of the
10 Mississippi, something like that.

11 MR. KOTTMEIER: The difficulty is the defense had the
12 opportunity to limit the area of concern. As far as
13 Pennsylvania is concerned, they have opened it up. They are not
14 talking in terms of phone calls to Diane Williams for assistance
15 in help, and so on. I don't think that Pennsylvania is an area
16 that as far as orienting we should be limited about, as long as
17 it doesn't relate to any criminal activity in Pennsylvania.

18 THE COURT: Well, I just want to avoid his home state.
19 The implications are clear.

20 Mr. Kottmeier, I will sustain the objection. You
21 are going to have to try and reframe.

22 MR. KOTTMEIER: Oh, yes.

23 THE COURT: Do you want to run it by me so I can get an
24 idea before we go out.

25 MR. KOTTMEIER: Are there any areas in California that
26 you wish to avoid. I even limited it down further than west of
27 the Mississippi.

28 THE COURT: All right.

1 (Chambers conference concluded.)

2
3 THE COURT: All right, you can go modify your question.
4

5 CROSS EXAMINATION (Resumed)

6 BY MR. KOTTMEIER:

7 Q. Mr. Cooper, were there any areas in California that
8 you wished to avoid when you escaped from the Chino Institution
9 for Men?

10 A. No.

11 Q. How do you explain Doug Ryen's hair in the drain of
12 the shower where your footprint is?

13 MR. NEGUS: I have the same objection as before.

14 THE COURT: Sustained, counsel.

15 MR. KOTTMEIER: Mr. Cooper, how do you explain the prison
16 tennis shoe footprint at the hideout?

17 MR. NEGUS: Objection. Same objection. And it also
18 assumes facts not in evidence.

19 MR. KOTTMEIER: Your Honor, he wore the prison tennis
20 shoes to the hideout, he tells us that he leaves them in the
21 garage.

22 THE COURT: That's enough, Mr. Kottmeier. I will sustain
23 the objection, sir.

24 You may argue to the jury, Mr. Negus may argue to
25 the jury, and they can draw their own inference. But this
26 witness does not have to explain.

27 MR. KOTTMEIER: Mr. Cooper, are you suggesting that the
28 prison issued tennis shoes that you wore to the hideout house

1 were never worn inside the house?

2 MR. NEGUS: Objection, withdraw the objection.

3 THE WITNESS: Yes.

4 BY MR. KOTTMEIER:

5 Q. You took them off in the garage.

6 A. Yes.

7 Q. And put them back on in the garage?

8 A. No.

9 Q. Where did you put them back on?

10 A. I made a mistake. I put them on in the Bilbia
11 bedroom before I left.

12 Q. So you did wear them in the hideout.

13 A. Yes. From the Bilbia door to the front door.

14 Q. Yesterday, you told this jury that you didn't put
15 them on until you were ready to leave the hideout; isn't that
16 correct?

17 A. Correct.

18 Q. Now that wasn't true?

19 A. That is true.

20 Q. Did you put them on in the garage?

21 A. Nope. I took them off in the garage.

22 Q. When did you go out and get them and bring them
23 back into the Bilbia bedroom?

24 A. When I first entered the house.

25 Q. So, you carried those tennis shoes in as you went
26 through every room and searched for possible occupants?

27 A. Yep.

28 Q. Did you have anything else in your hands at that

1 time?

2 A. No. In fact, I didn't even have the tennis shoes
3 in my hands.

4 Q. Where were the tennis shoes?

5 A. Stuck inside my jacket pocket. One shoe in each
6 pocket like that.

7 Q. How do you explain to the jury your blood being in
8 the Ryen home?

9 MR. NEGUS: Objection, argumentative. Repeatedly.

10 THE COURT: Sustained.

11 BY MR. KOTTMEIER:

12 Q. Your true name is Kevin Cooper?

13 A. Yes.

14 Q. What other names have you used to hide your
15 identity?

16 A. David Trautman.

17 Q. And?

18 A. Angel Jackson.

19 Q. And?

20 A. Chico something or other.

21 Q. And?

22 A. That is it.

23 Q. Kevin Williams?

24 A. Yes.

25 Q. Any other names?

26 A. No.

27 Q. Chico Gaines?

28 A. I said Chico something or other.

1 Q. Chico Mann?

2 A. No.

3 Q. How many packages of Role Rite tobacco have you
4 used?

5 A. Since when?

6 Q. Well, I guess throughout your life?

7 A. Throughout my life?

8 Q. Yes.

9 A. The only time I used it was when I was in the
10 institution for men.

11 Q. All right. And when you say "institution for men",
12 that includes your entire prison stay in Chino; is that correct?

13 A. Yes.

14 Q. So, that approximate month plus maybe a couple days
15 or so, how much Role Rite tobacco did you use?

16 A. Maybe two boxes.

17 Q. Had you ever rolled cigarettes before that?

18 A. What kind of cigarettes is that?

19 Q. Any kind of cigarettes. Have you ever rolled them
20 yourself?

21 A. Marijuana cigarettes, yes.

22 Q. Had you had experience rolling a number of
23 cigarettes before you went to prison?

24 A. I don't understand your question.

25 Q. All I'm interested in, Mr. Cooper, is you knew how
26 to roll hand-rolled cigarettes with some degree of expertise by
27 the time you got to prison.

28 A. Yep.

1 Q. Can you give us some idea of approximately how many
2 roll-your-own cigarettes you've made?

3 THE COURT: In his whole life?

4 MR. KOTTMEIER: Yes. An approximation.

5 THE WITNESS: I can't give you an approximation.

6 BY MR. KOTTMEIER:

7 Q. They didn't have that roll-your-own type of
8 tobacco, the free issued tobacco at the L.A. County Jail, did
9 they?

10 A. No.

11 Q. You smoked ready-made cigarettes in jail.

12 A. Yes.

13 Q. Mr. Cooper, using Exhibit 624, would you
14 demonstrate for the jury how you rolled a cigarette from Role
15 Rite tobacco.

16 A. (Witness complied). Something like that.

17 MR. KOTTMEIER: Your Honor, may I approach the witness?

18 THE COURT: At all times.

19 BY MR. KOTTMEIER:

20 Q. We have had marked two envelopes, one being 685.

21 Now, in rolling this particular cigarette you have
22 left both ends open; is that correct?

23 A. No, I didn't leave it open, that is the way the
24 tobacco fell out.

25 Q. What I mean is, would you normally twist those
26 ends?

27 A. Nope.

28 Q. One end or the other?

1 A. No.

2 Q. In rolling this particular cigarette you used two
3 pieces of cigarette paper.

4 A. Yes.

5 Q. Is that normal for you?

6 A. Yes.

7 Q. I have placed that particular cigarette in 685 in a
8 normal letter size envelope.

9 On the witness stand in front of you you have some
10 tobacco debri; is that correct?

11 A. Right.

12 Q. I'm showing you Exhibit 686, a white envelope.
13 Would you brush that into that envelope please.

14 A. (Witness complied).

15 Q. Now, normally in prison, when you were rolling your
16 cigarettes you would have some kind of lid or something to catch
17 that debri that would fall down as you were rolling; is that
18 correct?

19 A. No.

20 Q. You wouldn't?

21 A. No.

22 Q. Then what made you decide to have such a lid when
23 you were rolling the cigarettes at the hideout?

24 A. For the simple fact that I didn't see any
25 cigarettes or tobacco in that house and I didn't want to make a
26 tobacco mess on some furniture or on the floor and somebody
27 could come in and see tobacco.

28 Q. Even though you were rolling your hand-rolled

1 cigarettes in the closet?

2 A. I didn't roll it in the closet.

3 Q. Where did you roll it?

4 A. All over the house, but not in the closet.

5 Q. You kept the lid in the closet?

6 A. I took it in there, yes.

7 Q. Approximately how many hand-rolled cigarettes did
8 you roll while you were at the hideout house?

9 A. Not many because I didn't have much tobacco.

10 Q. You took some tobacco away from the hideout house?

11 A. No, I didn't.

12 Q. You used up all your tobacco?

13 A. Yes.

14 Q. And you threw away your tobacco pouch from the Role
15 Rite?

16 A. I believe so.

17 Q. Where did you throw it?

18 A. I don't remember where.

19 Q. Did you empty that boxtop out at all?

20 A. Nope.

21 Q. So, the results that you have in that boxtop are
22 the results of all the hand-rolled cigarettes you rolled while
23 you were at the hideout house?

24 A. Yes.

25 Q. As you were rolling those cigarettes, you have to
26 kind of get it packed in as you roll them; is that correct?

27 A. I can't pack that particular kind in.

28 Q. You kind of squeeze it as you smoke it?

1 A. You mean your lips by compressing on it?

2 Q. Either your lips or your fingers.

3 A. Well, my lips, yes, but not my fingers.

4 Q. How do you hold those kinds of cigarettes to smoke
5 them?

6 A. Just like you hold a regular cigarette.

7 Q. No difference, two fingers?

8 A. No difference.

9 Q. You use your left-hand thumb and forefinger?

10 A. No. I smoke a cigarette like this.

11 Q. You use your forefinger and the middle finger?

12 A. Yes.

13 Q. That particular box that I had you roll the
14 cigarette from, that is the Role Rite tobacco, you know, from
15 the prison?

16 A. Yep.

17 Q. And, for example, Exhibit 624-A, that looks like
18 Role Rite tobacco from CIM, does it not?

19 A. I don't know. I am not a cigarette expert.

20 Q. Exhibit 582-A, does that look like the Role Rite
21 tobacco that came out of the box that you used to catch the
22 tobacco from at the hideout?

23 A. It could be, but then again I am not a tobacco
24 expert. I don't know.

25 Q. In conjunction with 582-A, 584-A and 583-A, 583-A
26 being from the Ryen car, 584-A also from the Ryen car, the
27 cigarette butt, that all looks like free prison issue Role Rite
28 tobacco, doesn't it?

1 A. It is consistent with it. But, again, I am not
2 sure, I am not a tobacco expert.

3 Q. Any difference that you can see there?

4 A. Not by my eye, no.

5 Q. Where did you normally carry your free prison
6 issue, your Role Rite tobacco?

7 A. In my pocket.

8 Q. Which pocket?

9 A. Any pocket.

10 Q. Right front pants pocket, back pocket, left front
11 pants pocket?

12 A. Shirt pocket.

13 Q. Shirt pocket?

14 A. Any pocket.

15 Q. Coat pocket?

16 A. Any pocket.

17 Q. Now, to get Role Rite tobacco, what did you have do
18 to while you were in prison?

19 A. Nothing.

20 Q. Where would you get it from?

21 A. Just from the office.

22 Q. Which office?

23 A. Where the guards lived at, or stayed, or worked at.

24 Q. Is that the same as the watch commander's office?

25 A. No.

26 Q. All you had to do is walk up to the guard's office
27 and say you'd like a pack of Role Rite tobacco?

28 A. You don't even say that. It is sitting out in the

1 open. You just go in and get it.

2 Q. What about matches to light them with?

3 A. They were there, the matches.

4 Q. In the same place?

5 A. Yep.

6 Q. Just go up and pick up a box?

7 A. Yes.

8 Q. What kind of matches?

9 A. Just matches, plain white, just like the tobacco.

10 Q. While you were in prison approximately how many
11 packs did you smoke?

12 A. Less than one.

13 Q. Less than one?

14 A. Yes.

15 Q. Is that your normal amount of smoking, less than
16 one?

17 A. Yes.

18 Q. About how many packs would you go through in a
19 week?

20 A. I don't know.

21 Q. Well, the Role Rite free prison tobacco was
22 stronger than Kool's, isn't it?

23 A. Yes. It is also nonmenthol.

24 Q. In fact, if you smoked more than one or two Role
25 Rite's in a row it can have a strong effect on you?

26 A. I don't know. I never smoked like that.

27 Q. You would normally alternate between the Kool's
28 that you had and maybe a Role Rite so that you could stretch the

1 Kool's out?

2 A. Yes.

3 Q. When you left the prison you wanted to make sure
4 you had enough cigarettes while you were gone, at least until
5 you made L.A., didn't you?

6 A. Not necessarily.

7 Q. That wasn't a concern of yours?

8 A. No.

9 Q. You had the 17 Kool's as you walked out the front
10 of Cedar Hall?

11 A. I didn't have 17 Kool's.

12 Q. How many Kool's did you have?

13 A. I believe 15.

14 Q. 15 Kool's as you walked out?

15 A. Yes.

16 Q. And about half a pouch of Role Rite tobacco?

17 A. I just estimated half a pack. I don't know for
18 sure because I didn't measure it.

19 Q. Right. But how many cigarettes would you normally
20 get out of a half pouch of Role Rite free issued prison tobacco?

21 A. It depends on how big you made them.

22 Q. Yes.

23 A. If you made skinny ones you could get a lot; if you
24 made bigs one you wouldn't get as many.

25 Q. When you say a lot, 15, 20?

26 A. I don't know.

27 Q. Well, the kind that you would normally make, about
28 how many could you get from half a pouch of Role Rite?

1 A. First of all, I don't know. I really never smoked
2 that Role Rite that consistently to tell you that.

3 Q. You knew, though, when you were getting down, as
4 far as the available cigarettes that you had, didn't you, you
5 knew when it was time to start looking for more?

6 A. I look for more when I get back down to about five
7 packs.

8 Q. Five packs?

9 A. Yes.

10 Q. Let's talk about that for that a moment, Mr.
11 Cooper.

12 You would do the kind of art work you've displayed
13 here in court for fellow prisoners to get tobacco, correct?

14 A. Yes.

15 Q. But on the other hand, when you were transferred
16 from one facility to another, whether it was Reception Center,
17 or West, to Minimum, they would take those cigarettes away,
18 wouldn't they?

19 A. No.

20 Q. Cigarettes are a form of money in the prison,
21 aren't they?

22 A. Yes.

23 Q. So, in addition to what you have told us you took
24 from one institution to the next, as far as clothes, you are
25 suggesting that you took cigarettes packs with you as well; is
26 that correct?

27 A. Yes.

28 Q. How many packs did you take from West when you went

1 to Minimum?

2 A. I believe a pack and a half.

3 Q. So you were getting down at that time, that point?

4 A. Yes.

5 Q. How many pictures did you do for fellow inmates
6 while at prison to get tobacco?

7 A. Numerous.

8 Q. How many, approximately?

9 A. I can't say offhand.

10 Q. More than twenty?

11 A. It could be possible.

12 Q. Less than 50?

13 A. Yep.

14 Q. About how many cigarette packs would you say you
15 earned during that one month that you were in prison?

16 A. I don't know.

17 Q. Hundreds?

18 A. No.

19 Q. Under a hundred?

20 A. Yes.

21 Q. Under 50?

22 A. Yes.

23 Q. Under 25?

24 A. I doubt it.

25 Q. Somewhere between 25 and 50?

26 A. Somewhere there. The exact numbers I, am not sure.

27 Q. How many did you smoke yourself?

28 A. Some. Majority of them.

1 Q. Approximately --

2 A. The majority.

3 Q. Majority?

4 A. Yes.

5 Q. So that story you told us yesterday about opening
6 up a store, that wasn't much of a store.

7 A. Yes, it was.

8 Q. Well, how many did you give out in that store as
9 far as exchange for future credit?

10 A. Oh, you have to look at it this way. You need more
11 to survive than just cigarettes. I also needed soap, shampoo,
12 deodorant. I needed lotion. If somebody owed me five packs and
13 I had five dollars worth of cigarettes, sometimes instead of him
14 giving me the cigarettes I would make out a list, a store list
15 for five dollars worth of stuff.

16 Q. Was that lotion for your body?

17 A. Yes.

18 Q. What kind of lotion?

19 A. Just lotion.

20 Q. Where would you put the lotion?

21 A. On my body.

22 Q. Where?

23 A. All over my body.

24 Q. Everywhere?

25 A. Yes. After I took a bath or shower I would put
26 some lotion on.

27 Q. Would you put it all over from the toes all the way
28 up to the neck and face?

1 A. Yes.

2 Q. About how many dollars worth of store items do you
3 think you got as a result of trading cigarettes for store items?

4 A. As far as dollars, I can't tell you. I didn't
5 really keep count.

6 Q. Well, but on the other hand if you smoked most of
7 your cigarettes you didn't have that many available to loan out
8 to get store items, did you?

9 A. Yes.

10 Q. And you have no idea how much?

11 A. You don't understand. I didn't all the time loan
12 out cigarettes. Sometimes when I did somebody's art work they
13 wouldn't even give me the cigarettes. I would give them a store
14 list to give me stuff in exchange of the cigarettes. So lots of
15 times cigarettes didn't even touch my hands.

16 Q. So in addition to cigarettes you are now telling us
17 that you were able to take from each institution as you were
18 transferred these various items from the store, whether it was
19 shampoo, body lotion, soap, whatever?

20 A. Yes. That's your personal property, yes, you can
21 take it with you.

22 Q. How do you explain the Role Rite tobacco being in
23 the Ryen car?

24 MR. NEGUS: Objection. Argumentative again.

25 THE COURT: Sustained.

26 MR. NEGUS: Could Mr. Kottmeier be admonished to not
27 keeping doing that?

28 BY MR. KOTTMEIER:

1 Q. Mr. Cooper, are you familiar with fingerprints?

2 MR. NEGUS: Objection.

3 THE COURT: I don't know where you're going, Mr.

4 Kottmeier. I fail to see how it could be relevant.

5 MR. KOTTMEIER: Well, your Honor, we're dealing with a
6 crime scene basically, a scene that this man has testified --

7 THE COURT: Save it for after lunch perhaps. I will
8 sustain the objection at this point.

9 BY MR. KOTTMEIER:

10 Q. What efforts did you take at the hideout to avoid
11 leaving any fingerprints?

12 A. None.

13 Q. Didn't wear any gloves?

14 A. No.

15 Q. Didn't wipe anything off?

16 A. No.

17 Q. How do you explain no fingerprints being on the
18 glass that you had coffee in as pictured in Exhibit 124?

19 MR. NEGUS: Objection. That's argumentative. Mr. Cooper
20 is not a fingerprint expert. He doesn't have to explain things.

21 THE COURT: Well, this one, sir, where he has testified
22 he used a cup, from common knowledge --

23 MR. NEGUS: How is he --

24 THE COURT: Overruled, Mr. Negus. That one he may
25 answer.

26 THE DEFENDANT: Now what was the question again?

27 BY MR. KOTTMEIER:

28 Q. How do you explain no fingerprints being on the

1 glass in Exhibit 124, the glass that you made the coffee in, put
2 the Coffee Mate in and drank from?

3 A. I don't explain.

4 Q. How many times did you use that glass?

5 A. Numerous times.

6 Q. What was your purpose in taking the gloves from the
7 Lang bedroom?

8 A. Because I told you, when I came up that hill, also
9 when I was in that creek, I fell. Coming up that hill I fell.
10 I hurt my hand. I didn't want to do it going back down.

11 Q. And to make sure that you had a pair when you
12 crossed the creek you took both pair from the Lang bedroom; is
13 that correct?

14 A. Well, they were flimsy little gloves. Yes.

15 Q. Did you anticipate having some use for those
16 gloves?

17 A. Other than protecting my hands going down the hill,
18 no.

19 Q. Yet you took both pair?

20 A. Yes.

21 Q. The only time that you wore those gloves were on
22 the trip down across the creek and then when you got to Mexico?

23 A. Yes.

24 Q. Didn't wear them on the boat?

25 A. When I fixed the boat.

26 Q. After you got out into the water after the boat was
27 fixed?

28 A. Sometimes, yes.

1 Excuse me. Not both gloves, just the one.

2 Q. Only one glove?

3 A. I believe so.

4 Q. What happened to the other glove?

5 A. I don't know. I used it pulling the anchor.

6 Q. The fence that you followed up to -- up to the Ryen
7 house -- excuse me, up to the hideout house is pictured here in
8 Exhibit 3, isn't it?

9 A. Yes.

10 Q. I am indicating the fence that you can see to the
11 extreme left in this particular photograph.

12 A. Yes.

13 Q. We've had marked on here in black and blue. I
14 don't think we have had any red.

15 If you would step to 3-B, Mr. Cooper, and write
16 "Cooper" in the position along this fence that you stationed
17 yourself as you watched the garage door of the hideout.

18 A. I believe I was -- All right. I wasn't on this
19 side of the fence. I had climbed in this side and I was about
20 right here (indicating).

21 Q. You've written in effect right over the No. 4 in
22 that area?

23 A. Yes.

24 Q. Did you see a light on in that particular hideout
25 house?

26 A. Not in the house, no.

27 Q. Did you see one outside?

28 A. Yes. About right over here (indicating).

1 Q. Indicating the corner that is closest to the
2 position that you were in?

3 A. Yes.

4 Q. In effect, by the garage?

5 A. Yes.

6 Q. Were there any lights on up at the Ryen house?

7 A. I don't know.

8 Q. Did you see any?

9 A. I don't know.

10 Q. How long did you stay along the fence there
11 watching that garage door before you went up to it?

12 A. Not long.

13 Q. Can you approximate for us in minutes?

14 A. Maybe two or three, five, I don't know.

15 Q. What were you doing during that period of time?

16 A. Just looking.

17 Q. Looking at what?

18 A. That house, that garage door.

19 Q. You weren't at all concerned with the Ryen house
20 just up the hill?

21 A. I didn't know there was a Ryen house just up the
22 hill.

23 Q. Never saw it?

24 A. No.

25 Q. Never saw any lights at the Ryen house?

26 A. I don't know if I saw them or not.

27 Q. Well, while you were right there looking at that
28 garage, this is the first time that you have really thought

1 about going inside the building; is that correct?

2 A. Which building are you talking about?

3 Q. Going in the hideout or in the garage.

4 A. Yes.

5 Q. So, you're being particularly careful at that point
6 in time to make sure that no one can see what you're doing?

7 A. In that house, yes.

8 Q. In that house or any house.

9 A. Yes.

10 Excuse me. There was no houses over there so,
11 therefore, I could only see one house, so that was the only
12 house I was worried about.

13 Q. As you came up towards that particular house
14 though, you could see the Ryen house as you approached the
15 place?

16 A. I don't know. I don't know.

17 Q. You're able to see at distances with no trouble
18 without wearing any glasses, correct?

19 A. No. That's what my glasses are for to make stuff
20 bigger.

21 Q. You need your glasses to look at things from a
22 distance?

23 A. Yes.

24 Q. Why aren't you wearing them right now?

25 A. Because I can see big things from a distance. I
26 can't -- for example, I can't see the words written on that door
27 right there behind you. With my glasses on it brings them
28 closer to me and I can read it.

1 Q. Well, those are reading glasses, aren't they?

2 A. Not necessarily.

3 Q. But yet you felt confident enough in looking at
4 that door from where you were at that you could tell that it was
5 not locked?

6 A. Yes.

7 Q. In fact, it was at a slight angle?

8 A. Yes.

9 Q. About the angle that is pictured in, and I'm
10 showing you a photograph, 681, that has just been marked. It's
11 about a three by five color photograph.

12 Do you recognize the garage in that picture?

13 A. Yes.

14 Q. Light behind the sheriff's car?

15 A. Yes.

16 Q. If you look towards the right corner, upper corner
17 of that particular garage, can you see a gap in the garage door?

18 A. Yes.

19 Q. Is that about the angle that the garage door was on
20 when you were looking at it?

21 A. More or less, yes.

22 Q. When you went up to that particular garage door,
23 can you describe the way in which you went up to it?

24 A. Just went up to it.

25 Q. You walked down the hill?

26 A. Down what hill?

27 Q. The hill right there next to the fence.

28 A. Wasn't no hill. I wasn't --

1 Q. You weren't far enough up the fence line to be on
2 the hill.

3 A. No. I just walked right across like that. Wasn't
4 no -- coming down no hill to cut across. I just got up -- see
5 there is bushes along there -- and just went over to the garage.
6 Simple as that.

7 Q. Right over to where the light was?

8 A. More or less, yes.

9 Q. Stood in the light?

10 A. No, I didn't stand in the light.

11 Q. Well, how did you avoid the light? It's right
12 there on the garage.

13 A. I mean, it doesn't take but that long (indicating)
14 to go from one place to another.

15 Q. You go from one place to another; you get there,
16 first thing you do is?

17 A. Get in the shadow.

18 Q. Then what did you do?

19 A. Go to the garage door.

20 Q. And then what?

21 A. Look in.

22 Q. When you say, "look in," you had to pull the door
23 up a little bit to see, didn't you?

24 A. Yes.

25 Q. Which side did you pull up?

26 A. I don't remember.

27 Q. How hard did you pull?

28 A. As hard as it took to pull the garage door open.

1 Q. That particular garage is attached to the house,
2 isn't it?

3 A. Yes.

4 Q. And as you pulled on the garage door it swung open
5 and you were able to go inside?

6 A. Not right away.

7 Q. Well, you let it swing open and then you stood in
8 the shadows again and looked at it?

9 A. No.

10 Q. What did you do?

11 A. I was on the side of the garage, not in the front
12 of the garage door where I had to backup like that. Somewhere
13 on the side where I could ease it up and look in there and see
14 if there was a car in the garage.

15 Q. Saw no car?

16 A. No.

17 Q. What did you do next?

18 A. Went in. I didn't have to open it but so much to
19 go in.

20 Q. So, you pulled it up about what, three feet, from
21 the ground?

22 A. I'm not sure how far I pulled it up. I mean, I had
23 to bend over. I didn't pull it all the way up where I could
24 walk in straight standing up.

25 Q. Did you hold on to it as you went in?

26 A. No, I don't believe so.

27 Q. When you got inside you pulled it back down to the
28 same position it was in when you got in?

1 A. Yes.

2 Q. How many times did you open and shut that garage
3 door before you went inside the hideout house?

4 A. Twice.

5 Q. The second time was after you had made the circle
6 around the house?

7 A. Yes. No, I came back out. So that would be three
8 times.

9 Q. So, there were three times?

10 A. Yes.

11 Q. Each time you would raise it up just a bit, go
12 under it, and then bring it back down in the same position?

13 A. Yes.

14 Q. Showing you Exhibit 682, a three by five color
15 photograph, do you recognize that?

16 A. Yes.

17 Q. Inside of the hideout house garage?

18 A. Yes.

19 Q. What's this in the upper portion of the photograph?

20 A. Disconnected garage door opener.

21 Q. That garage door opener was connected at that time,
22 wasn't it?

23 A. No, sir.

24 Q. In fact, the garage had a broken right spring on
25 it, didn't it?

26 A. No, sir.

27 Q. You couldn't open that garage door, could you?

28 A. Yes, sir.

1 Q. While you were at the hideout house you woke up
2 Friday morning and found yourself laid out across the Lang bed?

3 A. Yes, sir.

4 Q. On top of the bedspread?

5 A. Yes, sir.

6 Q. And you had felt vulnerable?

7 A. Yes, sir.

8 Q. And you didn't want that to happen again?

9 A. No, sir.

10 Q. You wanted to protect against that vulnerability to
11 being captured at virtually any cost?

12 A. Not any cost.

13 Q. You closed the closet in the Bilbia bedroom. You
14 didn't know it was Bilbia's bedroom at that time?

15 A. Yes, that's correct.

16 Q. And made preparations to use that as kind of your
17 hideout headquarters for the rest of the time you stayed in the
18 house?

19 A. Place to sleep, yes.

20 Q. Did you make your preparations that morning by
21 bringing the linen in to the closet or was that made later on?

22 A. I don't remember exactly when.

23 Q. Well, was it before or after you called Diane
24 Williams?

25 A. Possibly after.

26 Q. When you were checking out that room you were
27 particularly interested in the sliding glass door that was in
28 the room?

1 A. Yes.

2 Q. Exit?

3 A. Yes.

4 Q. Escape?

5 A. Yes.

6 Q. Made sure it was you can unlocked?

7 A. Yes.

8 Q. In fact, that was the only door in the hideout
9 house that you allowed to remain unlocked?

10 A. Yes.

11 Q. In fact, your plan was if you went to sleep you
12 could always, if someone came in, run out that door?

13 A. Possibility, yes.

14 Q. That was an avenue of escape that was important to
15 you?

16 A. Possibility, yes.

17 Q. Yet you're suggesting Friday night you went into
18 the clothes closet and went to sleep naked?

19 A. Yes.

20 Q. What were you going to do if somebody came in?

21 A. Hopefully they weren't.

22 Q. Were you going to run out the sliding glass door
23 naked?

24 A. No.

25 Q. Feel vulnerable?

26 A. No.

27 Q. Are you telling us that you didn't even wear shoes
28 when you went to sleep that night?

1 A. No.

2 Q. Did you wear shoes?

3 A. No.

4 Q. Nothing at all?

5 A. No.

6 Q. The only reason you've come up with this particular
7 story is to explain the masturbation on the green blanket; isn't
8 that correct?

9 A. I don't masturbate.

10 Q. Not at all?

11 A. No.

12 Q. Friday after talking to Diane Williams you washed
13 your clothes?

14 A. It wasn't exactly after.

15 Q. When was it? Before?

16 A. I talked to Diane in the morning. I washed my
17 clothes at night.

18 Q. All right. Was that Friday night?

19 A. Yes.

20 Q. Late Friday night?

21 A. What do you mean by late?

22 Q. After the evening news.

23 A. Which evenings news?

24 Q. 11:30.

25 A. Before that.

26 Q. When you washed your clothes, which clothes did you
27 wash?

28 A. Undershorts, socks and undershirts.

1 Q. Didn't bother washing the CIM jeans or shirt?

2 A. No.

3 Q. Did your shirt need to be washed?

4 A. Yes.

5 Q. It also got muddy?

6 A. Yes.

7 Q. Can you describe for us just how muddy those pants
8 and that shirt were?

9 A. Well, they were wet and muddy. I mean, they
10 weren't extremely, I mean, downright like I had been rolling
11 around in the mud like in a mud wrestling test like that, no.
12 But from falling in the Creek they were muddy and wet.

13 Q. Well, when you fell in the creek did you fall on
14 your front or your back?

15 A. When I fell I fell frontwards, going down
16 frontwards.

17 Q. And at least at the time you were washing your
18 clothes those were even still wet?

19 A. What?

20 Q. The outside garments, the pants and the shirt.

21 A. And the jacket, yes.

22 Q. And mud on them?

23 A. Yes.

24 Q. As far as the pants were, you had mud all the way
25 up to mid-thigh?

26 A. I don't know if mud was all the way up that high,
27 but I know it was wet up that high.

28 Q. How far up would you say the mud went?

1 A. I don't know.

2 Q. Where did you have mud on those clothes?

3 A. The majority of it was concentrated down at the
4 bottom, but I didn't analyze them to tell you exactly where it
5 was.

6 Q. The tennis shoes were muddy?

7 A. Yes.

8 Q. The ones that you had stuffed into the camp jacket
9 pockets?

10 A. Yes.

11 Q. And you washed those clothes that Friday night
12 using what light?

13 A. What do you mean what light?

14 Q. What kind of light did you use when you washed the
15 clothes?

16 A. Light in the bathroom.

17 Q. Turned it on?

18 A. Yes.

19 Q. So, you didn't care if anybody saw the light in the
20 bathroom now?

21 A. There was two bathroom doors. You can block off
22 the bathroom door. The one that leads to the bathtub in the
23 back, you can pull that one closed and pull the front one closed
24 and you are just like in a little room and can't no light
25 escape.

26 Q. So, you made sure that you closed both those doors?

27 A. Yes.

28 Q. Did you lock both of them?

1 A. I don't even know if there was a lock on them.

2 Q. But you pulled the one that went to the bathtub
3 shut?

4 A. Yes.

5 Q. Did that open in to the bathtub or in to the
6 washroom, the area that had the basins?

7 A. I believe it -- you push -- when you were in the
8 part where the sink was you pushed it open. I don't remember
9 for sure. Could have been the other way. I don't know. The
10 direction of the door was not my concern.

11 Q. But it would either swing into the bathtub area or
12 into the sink area?

13 A. Yes.

14 Q. Same with the other door the one to the hallway?

15 A. Yes.

16 Q. So, you partitioned off that particular room,
17 turned on the light and washed your clothes?

18 A. Yes.

19 Q. And you did that standing there naked?

20 A. I had a towel wrapped around me.

21 Q. Vulnerable?

22 A. Yes.

23 Q. No shoes on?

24 A. Correct.

25 Q. And although naked, muddy and sticky, you didn't
26 wash yourself at that time?

27 A. No.

28 Q. You took those clothes in, hung them over the bar

1 inside the nest that you had made in the Bilbia bedroom?

2 MR. NEGUS: Objection. Argumentative, the word "nest."

3 THE COURT: No. Overruled.

4 BY MR. KOTTMEIER:

5 Q. Is that correct?

6 A. Repeat the question.

7 Q. You took the underclothes, the socks, into the
8 closet where you had the nest in the Bilbia bedroom and hung
9 them over the closet bar?

10 A. Correct.

11 Q. And waited until after spending the whole night
12 naked in the closet, dressing the next morning, until Saturday
13 to strip down and wash yourself off?

14 A. No, that's not correct.

15 Q. When did you wash yourself off?

16 A. Saturday morning.

17 Q. Right after you got up?

18 A. Well, not exactly, but not long after.

19 Q. Did you get dressed before you washed yourself off?

20 A. No.

21 Q. How long did you walk around the hideout house
22 naked?

23 A. I didn't walk around naked. I had a towel wrapped
24 around me.

25 Q. How long did you walk around the hideout house with
26 a towel wrapped around you?

27 A. Not long.

28 Q. Feel vulnerable?

1 A. That particular time, no.

2 Q. What would you do if somebody confronted you inside
3 the house at that point?

4 A. I don't know.

5 Q. No plans?

6 A. No.

7 Q. No weapons?

8 A. No.

9 Q. No concern?

10 A. Oh, I had concern, yes.

11 Q. What were you going to do?

12 A. I don't know.

13 Q. You had been very careful up to that point, hadn't
14 you?

15 A. Correct.

16 Q. And you intended to follow a series of plans of
17 being careful all the way through?

18 A. Correct.

19 MR. KOTTMEIER: This would be a convenient time, your
20 Honor.

21 THE COURT: We will take the noon recess. I remind you
22 you are not to read anything about the case nor watch it on
23 television nor listen on the radio, if any.

24 And remember the admonition at all times. And
25 let's return at 1:30 this afternoon.

26 (Noon recess taken.)

27

28

1 SAN DIEGO, CALIFORNIA, THURSDAY, JANUARY 3, 1985 1:30 P.M..

2 --oo0oo--

3
4 (Chambers conference reported.)

5 THE COURT: We're in chambers out of the presence of the
6 jury.

7 MR. NEGUS: My fault we're here.

8 The television cameras are sitting in the hall
9 taking pictures through the windows. Whenever the door opens
10 they start taking pictures. I would request that you ask them
11 to get out of the hallway. They apparently won't be trusted.

12 The record should reflect that pictures -- they
13 were taking pictures through the door yesterday at Mr. Cooper
14 with a telephoto lense, the same as the television. They are
15 not paying attention to the Court's order.

16 THE COURT: No, no, that's consistent with my order.

17 MR. NEGUS: They were told by the bailiffs yesterday, the
18 guy that took the picture that appeared in the paper this
19 morning, he was not supposed to take pictures of proceedings
20 inside the courtroom.

21 THE COURT: I am not going to tell them anything. Just
22 step to the door, block it out. I hate to do that because the
23 people outside, they don't know whether there is empty seats or
24 not. Then later on take it down if they are no longer standing
25 there, and then leave it open until you see them start to shoot
26 pictures through it. If it becomes disruptive then they can
27 just block it out. You don't need to say anything, just block
28 it out.

1 MR. KOTTMEIER: My only concern would be obvious. That
2 would be secondary to whatever security measures are necessary
3 to Mr. Cooper. I don't -- that is the only concern I have.

4 In other words, I wouldn't want the Marshall's
5 office or the bailiffs so concerned with what's going on at the
6 door that Mr. Cooper is --

7 THE COURT: Do you have somebody outside?

8 THE BAILIFF: I can advise the other bailiff. I can tell
9 the other guy to block the window out and try to keep control of
10 that area. They will get the message soon enough.

11 THE COURT: That's fine. Just -- let's just try it that
12 way. I don't want to get into a feud with the papers. Just put
13 your little insert into the two windows.

14 All right, let's go.

15 (Chambers conference concluded.)

16

17 THE COURT: Everybody is here.

18 Mr. Kottmeier.

19 MR. KOTTMEIER: Good afternoon, your Honor. Good
20 afternoon, ladies and gentlemen.

21

22 KEVIN COOPER,
23 called as a witness on behalf of the Defendant, having been
24 previously duly sworn, resumed the stand and testified further
25 as follows:

26

27 CROSS EXAMINATION (Resumed)

28 BY MR. KOTTMEIER:

1 Q. Mr. Cooper, have you read all of the police reports
2 in this case?

3 A. No.

4 Q. You have read quite a few of them?

5 A. I read some, yes.

6 Q. Approximately how many pages?

7 A. I don't know.

8 Q. Thousands?

9 A. No.

10 Q. Hundreds?

11 A. No.

12 Q. You have studied all the pictures, haven't you, in
13 this case?

14 A. No.

15 Q. Have you studied the pictures of the Ryen murder
16 scene?

17 A. I looked at them, I didn't study them.

18 Q. Did you look at the autopsy photos?

19 A. Some.

20 Q. Did you look at all the pictures of the hideout
21 house?

22 A. Yes.

23 Q. Studied the diagrams?

24 A. Yes.

25 Q. Listened to everyone testify here in court?

26 A. Yes.

27 Q. You have read the reports from your investigator?

28 A. Not all.

1 Q. You have studied the defense photos.

2 A. Not all. Some, yes.

3 Q. Many of them?

4 A. Many, yes.

5 Q. You are about almost 27 years old.

6 A. Yes.

7 Q. And in June of 1983, how much did you weigh?

8 A. About 165, 170.

9 Q. And your waist size in June of 83?

10 A. About a 32 inch waist.

11 Q. You have gained a little bit of weight over the
12 last year?

13 A. Yes.

14 Q. Your shirt size in June of '83?

15 A. I wore a large shirt or medium.

16 Q. And as far as the coat size, like a suit coat, did
17 you wear about a, oh, what, 38?

18 A. No.

19 Q. What?

20 A. About a 42.

21 Q. 42?

22 A. Or 40, 42, yes. Long.

23 Q. 42 long?

24 A. Yes.

25 Q. Your height was --

26 A. Same as it is now.

27 Q. Six feet?

28 A. Yes.

1 Q. Your shoe size?

2 A. Between 9 and 10.

3 Q. Normally you'd buy a 9, 9 or 10?

4 A. No. There is no normal procedure, no.

5 Q. If you went to a shoe store, would you look for
6 10's or would you look for 9's?

7 A. Depending on the style, depending on the size.

8 Q. Well, did you ever split the difference and get a
9 nine-and-a-half?

10 A. I did before, yes.

11 Q. In June of 1983, other than the wart on the bottom
12 of your foot, did you have any physical disability?

13 A. What do you mean by "disability"?

14 Q. Anything that limited you physically as far as what
15 you could do?

16 A. No.

17 Q. What particular sports did you enjoy while you were
18 at prison?

19 A. Enjoy or play?

20 Q. Well, let's start with play.

21 A. I played softball, basketball, handball.

22 Q. Did you enjoy any of those three sports?

23 A. Yes.

24 Q. Which ones?

25 A. All of them.

26 Q. While you were at the Los Angeles County Jail, what
27 sports did you participate in?

28 A. Basketball.

1 Q. Any others?

2 A. No.

3 Q. You consider yourself an athletic type?

4 A. Not necessarily.

5 Q. How about as far as your abilities, could you play
6 potentially on a prison basketball team?

7 A. Yes.

8 Q. Do you consider yourself streetwise?

9 MR. NEGUS: Objection, that's irrelevant.

10 THE COURT: Counsel, you are going to have to get more
11 specific. That is a vague term, requires definition, and
12 various definitions. Sustained.

13 BY MR. KOTTMEIER:

14 Q. Well, basically Mr. Cooper, you told Mr. Negus that
15 you are a city boy.

16 A. Yes, I am from the city.

17 Q. And some of the thought processes that you used as
18 you escaped from Chino Institution for Men, were those thought
19 processes that you had developed while you lived in the city?

20 A. No, not necessarily.

21 Q. Are you able to make people believe something is
22 true when it really isn't?

23 A. No.

24 Q. Well, for example, in dealing with the Handys you
25 were Angel Jackson, art student.

26 A. Yes.

27 Q. Correct. And with other people you have engaged in
28 similar kinds of activities trying to make them believe certain

1 untrue things about you.

2 A. No.

3 Q. Do you consider yourself tough?

4 A. No.

5 Q. Are you able to withstand pain?

6 A. No more than the next person.

7 Q. Have you had any experience or training in using a
8 knife?

9 A. No.

10 Q. You are left-handed?

11 A. Yes.

12 Q. Do you use a fork in your left hand?

13 A. Yes.

14 Q. When you use a knife, do you use it in your right
15 hand?

16 A. Yep.

17 Q. When you pour water here in court, for example, do
18 you use your left hand to pour the water?

19 A. Sometimes. Sometimes I used my right hand to pour
20 the water.

21 Q. When you write on the diagram sometimes you would
22 use your left hand?

23 A. Yes. I always use my left hand to write.

24 Q. Or draw?

25 A. Or draw, yes.

26 Q. However, you do have the ability to use your right
27 hand more than say a normal left-handed person.

28 A. No.

1 Q. What education have you had, Mr. Cooper?

2 MR. NEGUS: Objection, irrelevant.

3 THE COURT: Foundation.

4 MR. NEGUS: Your Honor, I think it calls for other
5 irrelevant information.

6 THE COURT: I don't know, Mr. Negus. Normal education.
7 The school system?

8 MR. NEGUS: I think that is what I am objecting to.

9 THE COURT: Overruled. Go ahead.

10 THE WITNESS: A GED.

11 BY MR. KOTTMEIER:

12 Q. Excuse me?

13 A. I have a GED.

14 Q. Equivalent of college -- excuse me -- a high school
15 education?

16 A. Yes.

17 Q. What work experience have you had?

18 MR. NEGUS: Objection, that's irrelevant. Mr. Cooper's
19 background is not on trial.

20 THE COURT: Overruled.

21 THE WITNESS: Would you repeat the question.

22 BY MR. KOTTMEIER:

23 Q. Yes. What work experience have you had? Are there
24 any trades that you are particularly trained in?

25 A. Yes.

26 Q. What are those?

27 A. Art work, painting.

28 Q. Painting as in painting a house or painting

1 pictures?

2 A. No. Both.

3 Q. Before the spring of 1982 you had spent all of your
4 life in Pennsylvania.

5 A. Yes.

6 Q. And you arrived in California, I believe you
7 testified yesterday, in November of 1982.

8 A. Yes.

9 Q. Had you spent sometime in other parts of the
10 country during the spring of '82 when you left Pennsylvania and
11 your arrival in Los Angeles?

12 MR. NEGUS: Objection, that assumes a fact not evidence.

13 THE COURT: The question was --

14 MR. NEGUS: It assumes a fact not in evidence that he
15 left in the spring of '82.

16 THE COURT: All right, sustained.

17 BY MR. KOTTMEIER:

18 Q. Did you leave in the spring of 1982 from
19 Pennsylvania?

20 A. No.

21 Q. When did you leave Pennsylvania?

22 A. Late fall or early winter.

23 Q. Of what, '82?

24 A. Yes.

25 Q. How long was it from your leaving Pennsylvania?

26 A. No, no. I'm mistaken. No, I am not mistaken, I'm
27 right.

28 Q. Did you come right from Pennsylvania to California?

1 A. No.

2 Q. Where did you go first?

3 MR. NEGUS: Objection, irrelevant.

4 Could we be heard on that?

5 THE COURT: Let's try to avoid it, Mr. Kottmeier. You
6 could be heard later on.

7 MR. KOTTMEIER: Fine, your Honor.

8 Q. After arriving in California in November of 1982,
9 what jobs did you hold?

10 MR. NEGUS: Objection, irrelevant.

11 THE COURT: Overruled.

12 THE WITNESS: I had a job at this one place making phone
13 calls and selling ink pens.

14 BY MR. KOTTMEIER:

15 Q. Anything else?

16 A. No.

17 Q. How long did the job making phone calls, selling
18 ink pens last?

19 A. Long enough until I got my car.

20 Q. Excuse me?

21 A. Long enough until I got a car.

22 Q. A week?

23 A. I don't know.

24 Q. How many hours did you put into that job?

25 A. Eight hours a day.

26 Q. Did you have that job for more than a week?

27 A. Yes.

28 Q. More than a month?

1 A. I don't remember.

2 Q. Now, what kind of a car was it that you got?

3 MR. NEGUS: Objection, all this is irrelevant.

4 THE COURT: I agree with you as to the last one as far as
5 I can tell.

6 MR. KOTTMEIER: Can we reserve that to be heard in
7 chambers, your Honor?

8 THE COURT: Certainly.

9 BY MR. KOTTMEIER:

10 Q. You have a small scar under your right eye, don't
11 you?

12 A. Some people call it a scar.

13 Q. Showing you Exhibit 64. Is that the area that you
14 are referring to circled in red?

15 A. Yes. I have one in my left eye, too.

16 Q. When was this picture, Exhibit 64, taken?

17 A. I don't know.

18 Q. Do you know the year?

19 A. No.

20 Q. Was it in 1982?

21 A. I don't know. I doubt it.

22 Q. Was it in 1983?

23 A. No. I doubt it.

24 Q. So it was before 1982.

25 A. By the length of my hair in that picture I would
26 have to say yes.

27 Q. You said that some people call those scars. What
28 do you refer to it as?

1 A. Like bags. Little bags under my eyes.

2 Q. Have you changed your facial hair at various times?
3 For example, in this picture Exhibit 64 you have a mustache and
4 a small goatee under your lower lip.

5 A. Like I do right now, yes.

6 Q. You have worn your facial hair, for example, with
7 the mustache, the small goatee and a full beard.

8 A. Sometimes, yes.

9 Q. What other ways have you worn facial hair?

10 A. Depending on my face.

11 Q. Such as?

12 A. What I mean is, if I keep shaving, I am sensitive
13 to a razor, so if I keep shaving a lot, I get these razor bumps.
14 I mean, it irritates it and so I have to let my beard grow in
15 order to let my face heal from those razor marks and stuff.

16 Like I said, depending basically if I'm just clean
17 shaven or with a mustache and like this.

18 Q. You have changed, as you have described to your
19 attorney, your hair into various styles to change your
20 appearance; is that correct?

21 A. Not necessarily. I have changed my appearance.
22 But, yes.

23 Q. For example, at the hideout you put your hair into
24 corn rows to change your appearance.

25 A. At that time, yes.

26 Q. For example, you told us when you escaped June the
27 2nd of 1983 you had your hair in braids; is that correct?

28 A. Yes.

1 Q. You have marked an eight by ten photograph, Exhibit
2 683. Does this appear similar to you as far as the wearing of
3 your hair in braids when you escaped from the Chino Institution
4 for Men?

5 A. More or less, yes.

6 Q. And also, for example, you had your hair in an Afro
7 when you were visited by Yolanda Jackson on May the 30th, 1983.

8 MR. NEGUS: Objection, that assumes facts not in
9 evidence.

10 THE COURT: Lay a foundation.

11 BY MR. KOTTMEIER:

12 Q. Well, how did you wear your hair when Yolanda
13 Jackson visited you?

14 A. When I came to the visiting room I had my hair in
15 braids. But like in the visiting room you are not allowed to
16 wear your hair in braids, therefore I had to take my braids out.

17 Q. How did you wear your hair?

18 A. Just took the braids out. It wasn't big and puffed
19 up looking.

20 Q. Well, you have worn your hair big and puffed up.

21 A. Yes.

22 Q. When?

23 A. At various times in my life?

24 Q. Yes.

25 A. Yes.

26 Q. In fact, when you were arrested in Santa Barbara
27 you had your hair puffed up?

28 A. No, it wasn't puffed up, it wasn't combed.

1 Q. Showing you, for the record, Exhibit 684, an eight
2 by ten color photograph. Is that how your hair appeared when
3 you were arrested in Santa Barbara?

4 A. Yes. You notice, it is not combed.

5 Q. But that's the way your hair was at that time.

6 A. Yes.

7 Q. During the time that you were in Chino Institution
8 for Men, did you wear your hair in this hair style?

9 A. Nope.

10 Q. While you were on the boat with the Handys, did you
11 wear your hair in the hair style pictured in this photograph?

12 A. I wore my hair in different styles.

13 Q. Did you ever wear it in the same hair style as
14 pictured in the photograph?

15 A. It is possible, yes.

16 Q. When you applied for welfare in California, what
17 name did you give?

18 MR. NEGUS: Objection, irrelevant.

19 THE COURT: Sustained.

20 MR. KOTTMEIER: When you registered your car in Los
21 Angeles --

22 THE COURT: Again, ladies and gentlemen, I will admonish
23 you that a question is not evidence. So, when I sustain an
24 objection to that you disregard the question as one of the
25 facts, since there was no answer.

26 MR. NEGUS: Same objection to this next question.

27 THE COURT: You want to withdraw it or did you want to
28 ask it again.

1 MR. KOTTMEIER: Whatever the Court's preference.

2 THE COURT: I don't know what it was, so go ahead.

3 MR. KOTTMEIER: When you registered your car in Los
4 Angeles, what name did you give?

5 MR. NEGUS: Objection, irrelevant.

6 THE COURT: Just one second.

7 Counsel, at one time you had gone into various
8 other names and that has already come out. You may do that
9 without going into the various ways or to whom the name was
10 given.

11 I will sustain the objection in its present form.

12 MR. KOTTMEIER: Well, it is even offered, your Honor,
13 when those particular names were used under penalty of perjury
14 and sworn as illustrations of prior statements of
15 untruthfulness.

16 THE COURT: With reference to the automobile?

17 MR. KOTTMEIER: Yes, your Honor, as far as the
18 application.

19 THE COURT: I'm inclined to overrule you in that regard,
20 Mr. Negus. Yes. It makes sense, perhaps.

21 BY MR. KOTTMEIER:

22 Q. Mr. Cooper, when you registered your car in Los
23 Angeles, what name did you give?

24 A. David Trautman.

25 Q. Even though the form called for your true name
26 under penalty of perjury?

27 A. No, it -- I don't believe it had that.

28 Q. Did it ask for your true name or names?

1 A. It asked for a name.

2 Q. Well, during your proceedings in Los Angeles
3 regarding the burglary cases, you were asked by the judge what
4 your true name was, weren't you?

5 A. Yes.

6 MR. NEGUS: Objection, again.

7 THE COURT: No, overruled.

8 BY MR. KOTTMEIER:

9 Q. What name did you give to the judge?

10 A. Both names.

11 Q. Which names?

12 A. David Trautman and Kevin Cooper.

13 Q. Both, sometimes?

14 MR. NEGUS: Objection, that's vague as to what he means
15 by that.

16 THE COURT: Yes. Sustained.

17 BY MR. KOTTMEIER:

18 Q. When you were first brought in did you give the
19 name David Trautman-Kevin Cooper when the judge asked you?

20 A. No.

21 Q. When you pled guilty, did you give the name David
22 Anthony Trautman and Kevin Cooper?

23 A. I don't believe so. Maybe not, I don't know.

24 Q. You had told Yolanda Jackson that your true name
25 was Kevin Cooper.

26 A. Yes.

27 Q. When did you first think seriously about escaping
28 from custody either in Los Angeles or in prison?

1 MR. NEGUS: Objection, irrelevant. He's not on trial
2 anymore for escape.

3 THE COURT: Counsel, I --

4 MR. KOTTMEIER: It goes to the planning and preparation.

5 THE COURT: I won't regard -- I will overrule your
6 objection.

7 BY MR. KOTTMEIER:

8 Q. Do you recall the question, sir?

9 A. Yes. When I got to the institution for men.

10 Q. When you first arrived?

11 A. No.

12 Q. When?

13 A. When I got to Minimum.

14 Q. While you were in Los Angeles, you owned a car.

15 A. Yes.

16 Q. You drove in Los Angeles.

17 A. Yes.

18 Q. Where was it you were going in Los Angeles when you
19 escaped from prison?

20 MR. NEGUS: Objection, assumes facts not in evidence.

21 THE COURT: I believe he so testified, did he not, Mr.
22 Negus?

23 MR. NEGUS: Maybe I misremembered, but I thought he said
24 he had nowhere particularly where he was going to go.

25 THE COURT: Overruled.

26 MR. KOTTMEIER: Your Honor, that's correct. That
27 question was asked.

28 THE COURT: Go ahead.

1 BY MR. KOTTMEIER:

2 Q. Where were you going in Los Angeles when you
3 escaped from prison?

4 A. Friend's house.

5 Q. Whose?

6 A. I don't want to tell.

7 Q. Excuse me?

8 A. I don't -- do not wish to get them involved in my
9 problems. But it is not Yolanda Jackson and it is not LaWanda
10 Macky, and it is not Wanda in Compton. It is other friends
11 which you people do not know about which I do not wish you to
12 know about.

13 Q. Did you have any contact with those friends before
14 you left the prison?

15 MR. NEGUS: Objection. Can we are heard on this whole
16 issue about where he was going to be after he escaped?

17 THE COURT: No, not now.

18 THE WITNESS: It is possible, yes.

19 BY MR. KOTTMEIER:

20 Q. In what form?

21 A. Over the phone.

22 Q. Did you call them directly?

23 A. No. You are not allowed to call direct in prison.

24 Q. What city are the friends in?

25 A. Los Angeles.

26 Q. What part of Los Angeles?

27 A. Watts.

28 Q. How did you meet these friends?

1 A. Same way I met Yolanda, LaWanda and different
2 friends.

3 Q. How many are we talking about?

4 A. I have numerous friends in L.A..

5 Q. How many friends were involved in possibly helping
6 you if you could get to their house?

7 A. A few.

8 Q. More than one?

9 A. Yes.

10 Q. Less than five?

11 A. Yes.

12 Q. Are they part of any organization?

13 A. No.

14 Q. Just friends?

15 A. Basically, yes.

16 Q. Did you contact them through Yolanda Jackson?

17 A. No.

18 Q. How many times did you contact --

19 THE COURT: Counsel, don't belabor it.

20 BY MR. KOTTMEIER:

21 Q. You have driven around Los Angeles for what -- how
22 long had you had your car?

23 A. I don't remember how long I had it.

24 Q. Where did you travel in your car?

25 A. Mostly to the beach.

26 Q. Which beach?

27 A. Venice beach.

28 Q. Where else?

1 A. Mostly that's it.

2 Q. Go to Long Beach?

3 A. No.

4 Q. Go anywhere to the east?

5 A. No. Not that I know of.

6 Q. By "the east", for example, West Covina?

7 A. Nope.

8 Q. San Bernardino?

9 A. No.

10 Q. Did you go north at all in your car?

11 A. No.

12 Q. San Gabriel Valley?

13 A. No.

14 Q. Hollywood?

15 A. I lived in Hollywood.

16 Q. Who do you know in Long Beach?

17 A. No one.

18 Q. Do you know a Christine Nunez?

19 MR. NEGUS: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: No.

22 BY MR. KOTTMEIER:

23 Q. Herbert Gordon Mimms.

24 A. No.

25 Q. Johnny Duran?

26 A. No.

27 Q. Well, now, you met them in the L.A. County Jail,
28 didn't you?

1 A. Not under those names.

2 Q. Did you know them by different names?

3 A. It is possible.

4 Q. Did you know Herbert Gordon Mimms by the name of
5 "Pepper"?

6 A. Yes.

7 Q. In fact, "Pepper" lives within walking distance
8 from where the Ryen car was found.

9 A. Is that a question?

10 Q. Yes.

11 A. I don't know.

12 Q. "Pepper" stayed in the same cell with you in Los
13 Angeles.

14 A. No.

15 Q. Did you have conversations with "Pepper"?

16 A. No.

17 Q. Never talked to "Pepper"?

18 A. Yes.

19 Q. Was "Pepper" a friend of yours?

20 A. No.

21 Q. During the time that you were in the Los Angeles
22 County Jail, did you have contact with anyone who offered to
23 assist you in escape?

24 A. No.

25 Q. Now, you arrived at the prison in Chino in April,
26 actually April 29th, 1983?

27 A. It's possible.

28 Q. End of April?

1 A. I believe so, yes.

2 Q. How did you get there?

3 A. How did I get where?

4 Q. To prison?

5 A. On a bus.

6 Q. From Los Angeles County Jail?

7 A. Yes.

8 Q. And you had at that time the jail clothes and your

9 personal possessions from Los Angeles County Jail?

10 A. No.

11 Q. What did you have?

12 A. My personal clothes.

13 Q. Any other personal items with you at that time?

14 A. Yes.

15 Q. What?

16 A. Picture of Yolanda, letter from Yolanda,

17 miscellaneous other stuff, legal papers, few other items of that

18 nature, some property that I bought in the County Jail.

19 Q. But no picture from LaWanda Macky?

20 A. No.

21 Q. No letters from LaWanda Macky?

22 A. No.

23 Q. Now, you've told us that you don't like hard-soled

24 shoes, and you're very emphatic about that; correct?

25 A. No.

26 Q. By "no", you don't like hard-soled shoes?

27 A. Yes, I like them.

28 Q. They hurt your feet?

1 A. Yes, sometimes.

2 Q. Do you prefer to wear soft-soled shoes?

3 A. It depends on what I'm doing, yes.

4 Q. In what way does it depend?

5 A. Well, for example, if I was to -- if I was on the
6 street and I was dressed like I am now, in a suit, I would have
7 on hard-soled shoes. The only difference it would be, I would
8 go to get one of those Dr. Scholls callous things that you can
9 put on your foot after I had shaved my callous down.

10 All it is is exposed skin that grows thick and gets
11 hard. I would shave that thick skin and put a pad up under and
12 I would be able to wear hard-soled shoes. But because I'm in
13 jail, they don't allow to you do that.

14 Q. While you were at prison a month before you escaped
15 approximately, you had no job assignment, did you?

16 A. While I was in West, yes.

17 Q. What was your assignment?

18 A. I was dorm maintenance. I worked in Sequoia.

19 Q. How much of your time did that take each day?

20 A. Maybe a hour, two hours in the morning, three
21 hours, depends on what all I had to do that day.

22 Q. And the remainder of that time in prison was yours
23 to do with virtually what you wanted, correct?

24 A. Yes.

25 Q. Do sports?

26 A. Yes, I played sports.

27 Q. Draw?

28 A. Sir?

1 Q. Draw?

2 A. Yes.

3 Q. Now, did you have the same problem in prison as far
4 as being able to shave down that callous that you've talked
5 about here as far as jail is concerned?

6 A. Yes.

7 Q. So, that to be able to play sports your shoes
8 became extremely important to you?

9 A. Yes.

10 Q. And that's why it was so significant to get the
11 prescription filled as far as the tennis shoes?

12 A. Yes.

13 Q. And you described to us how one of the guards went
14 over to Palm Hall and came out with a package of this
15 appearance, and I'm showing you now Exhibit 51, Pro Keds blue
16 box?

17 A. Yes.

18 Q. Now, within the blue box you said that you got a
19 pair of tennis shoes?

20 A. Yes.

21 Q. Were they hi-top tennis shoes?

22 A. Yes.

23 Q. They had laces of course in them?

24 A. Yes.

25 Q. And these were the normal free, available prison
26 issued Pro Keds type tennis shoes?

27 A. I assume, yes.

28 Q. Well, there wasn't anything distinctive from any of

1 of the other Pro Keds tennis shoes you saw inmates wearing in
2 prison?

3 A. I saw inmates wearing a lot of different kind of
4 tennis shoes in prison.

5 Q. Did you see them also wearing the Pro Keds tennis
6 shoes?

7 A. Yes.

8 Q. In fact, as far as tennis shoes were concerned, the
9 Pro Keds kind were the kind that was most normally present
10 around there; is that correct?

11 A. At that particular time I can't say that for sure.
12 Now I can say that, yes. But at that time I didn't know.

13 Q. You weren't paying attention to the shoes at that
14 time?

15 A. Excuse me. I can't hear you. What did you say?

16 Q. I said, you were not paying attention to the shoes
17 at that particular time?

18 A. Yes, safe to say that, yes.

19 Q. Well, are shoes, particularly for people who are
20 involved in athletics, something of a status symbol in prison?

21 A. I don't understand your question.

22 Q. If you are a good athlete you had the best shoes,
23 the newest shoes?

24 A. Not necessarily. Shoes don't make the player.

25 Q. But didn't the inmates go out of their way to make
26 sure that the good players had the best shoes?

27 A. That depends on how you want to look at it.

28 Q. Did you try out for the basketball team at West?

1 A. Yes.

2 Q. Did you practice basketball at West?

3 A. Yes.

4 Q. How many hours a day did you practice?

5 A. Mostly after the gym closed to the regular people
6 who weren't on the team.

7 Q. With those that were trying to get on the
8 basketball team?

9 A. Yes, and there were quite a few.

10 Q. And how many hours after the gym closed would you
11 practice?

12 A. Maybe one or two hours. Not long.

13 Q. Every day?

14 A. No, not every day.

15 Q. Most of the days during the week?

16 A. Yes, you can say that.

17 Q. And during your time at West you got to know
18 Shorty?

19 A. I didn't get to know Shorty. I knew Shorty as
20 Shorty.

21 Q. The man that testified here identified as James
22 Taylor?

23 A. Yes, I knew him when I saw him as Shorty.

24 Q. Showing you Exhibit 687, a three by five color
25 photograph we've had marked; do you recognize the area in this
26 picture?

27 A. No.

28 Q. Is that what appears to be the area where

1 basketballs and so on were issued at CIM West from the inside
2 looking out towards the gym, the gym being out here on the other
3 side of the door?

4 A. I can't say that because I was never inside the
5 office to look out to say that this is how it would look from
6 the inside looking out. I was never in the office.

7 Q. Do you remember coming up to get a basketball from
8 someplace within the gym?

9 A. No.

10 Q. Never had to do that?

11 A. No.

12 Q. Never got anything at all from the equipment room
13 at CIM West?

14 A. No.

15 Q. During the time that you were practicing with your
16 fellow inmates, did you get a new pair of tennis shoes?

17 A. No.

18 Q. Didn't the size nine cramp your feet?

19 A. No.

20 Q. You don't even know necessarily what size they
21 were?

22 A. Yes.

23 Q. Did you check the inside of the shoes to see what
24 size they were?

25 A. Yes.

26 Q. And your reason in doing that?

27 A. Because he had asked me if they didn't have a ten
28 what other size to get, and I said between a nine and a ten.

1 So, therefore, I was interested in what size this guy was going
2 to come out with. I didn't want to take them back to my cell
3 and they would be too big or too small and then I would be in
4 trouble, so I want to, you know, make sure they exactly be a
5 fit, what size they were.

6 Q. So, once you put those tennis shoes on you never
7 had a problem after that with your feet?

8 A. As far as what?

9 Q. As far as playing basketball or anything else.

10 A. I mean, it still bothered me, all that extra skin
11 being up under there, it bothered me, yes.

12 Q. But there was no reason for you to go back and try
13 and get a different pair of tennis shoes?

14 A. Oh, as far as the shoes went, no.

15 Q. You made the statement to Mr. Negus in regard to
16 Mr. Taylor's privileges that he had access to TV and radio?

17 A. Yes.

18 Q. You had access to TV?

19 A. Yes.

20 Q. And radio?

21 A. No.

22 Q. Weren't there radios in the prison?

23 A. To some people, yes, but not to -- how it is is
24 over in West some people are permanent workers there and they
25 have their own dormitories. Inside their own dormitories they
26 are allowed to have such luxuries that you are allowed to have
27 in CIM Minimun. They can have their own radios, their own
28 personal TV's, or whatever, because they are assigned there as

1 worker. But me, me just be going to be there a week or so,
2 however long it took me to get transferred, two or three weeks,
3 I was not allowed to have that type of property.

4 Q. When you made the statement: "Lord knows what else
5 he did," what do you mean by that statement?

6 A. I mean, he smoked marijuana, Lord knows what else
7 he did in there. I meant, I didn't get no marijuana.

8 Q. How do you know he smoked marijuana?

9 A. Because I heard him testify to it.

10 Q. During your contact with Mr. Taylor you found out
11 that he had newspapers and magazines available, right?

12 A. Not exactly through my contact with Mr. Taylor.
13 There were other gym people worked there.

14 Q. So, it was only through them that you found out
15 that there were newspapers and magazines?

16 A. No.

17 Q. What other source did you have to find that out?

18 A. Well, I'm doing some, what you my might call
19 speculating or assuming, but if one gym worker can listen to the
20 radio and watch TV, read the newspapers, and listened (sic) to
21 magazines, why can't the rest of them do it? I mean, they are
22 all in the same position. They are all working the gym.

23 Q. So you really don't know what was available to Mr.
24 Taylor individually?

25 A. Like I said, no, because I didn't know him as an
26 individual person.

27 Q. Did he ever talk to you?

28 A. As far as conversation?

1 Q. Yes.

2 A. No.

3 Q. Did he ever have any reason to cause you any
4 problem?

5 A. No.

6 Q. Never got mad at you?

7 A. I can't say that.

8 Q. Did Mr. Taylor get mad at you?

9 A. I can't say he did; I can't say he didn't.

10 Q. Well, did you ever have an argument with Mr.
11 Taylor?

12 A. No.

13 Q. Any reason why he would come here and testify
14 untruthfully?

15 MR. NEGUS: Objection. That calls for speculation.

16 THE COURT: That you know of.

17 BY MR. KOTTMEIER:

18 Q. Yes.

19 A. Oh, no, sir, not that I know of, no.

20 Q. Where did you get the art supplies to work on
21 pictures for fellow inmates?

22 A. Well, pencils are available in the jail.

23 Q. And the material as far as the paper with which to
24 draw?

25 A. They got the paper; all I did was the work.

26 Q. And all of these then were just pencil sketches?

27 A. Not all, some were in pen.

28 Q. Did you accumulate a supply of pencils and pens?

1 A. No, cause it doesn't take a supply of pencils and
2 pens to do whatever.

3 Q. Accumulate any colors?

4 A. Excuse me?

5 Q. Did you accumulate any colors?

6 A. No. Everything was just pencil.

7 Q. Well, now, art work in prison is something of a
8 unique art, isn't it?

9 A. No.

10 Q. Well, I mean there are certain people in prison who
11 are extremely good artists?

12 A. Yes.

13 Q. And inmates demand a high level of artistic ability
14 before they will have you do something?

15 A. Not necessarily, no.

16 Q. So, any drawing will suffice?

17 A. No, not any drawing.

18 Q. Approximately how many pictures did you trade for
19 cigarettes or store items?

20 A. I can't give a definite number.

21 Q. Name one inmate that you gave a picture to?

22 A. I can't.

23 Q. Did you have any friends at any of the institutions
24 you stayed at?

25 A. No.

26 Q. Anybody that you talked to?

27 A. Yes.

28 Q. Who?

1 A. Inmate named Mitchell.

2 Q. First name?

3 A. I don't know. That's why I can't tell you as far
4 as who I gave a card to, because in jail you go by nicknames or
5 last names, and basically that's it.

6 Q. Did you talk to any fellow inmates about escaping?

7 A. No.

8 Q. Did you talk to any of the guards about escaping?

9 A. No.

10 Q. Then how is it you know that after 24 to 48 hours
11 nobody is going to look for an escaped prisoner?

12 A. I didn't say they weren't going to look. I said
13 they were possibly considering me out of the area. I mean,
14 that's common sense. They got more things to do than look for
15 one escaped inmate. They got a whole institution to run.

16 Q. So that is just a guess on your part?

17 A. A guess as far as what?

18 Q. As far as they only look for 24 to 48 hours?

19 A. I just gave that example. That's an example,
20 that's all.

21 Q. Nothing more?

22 A. Nothing more, no.

23 Q. While you were at the prison nobody escaped?

24 A. I don't know if they did or if they didn't.

25 Q. Well, you didn't hear about it?

26 A. I don't know if I did or if I didn't.

27 Q. Well, no discussion about how the prison
28 authorities would try and catch the guy, how long they'd spend?

1 A. No.

2 Q. When you escaped what did you leave in your locker?

3 A. I left hygiene stuff, my extra clothes. Let me
4 see, I left extra socks, my extra underwear, my extra T-shirts,
5 some extra blue denim, brush, my toothbrush, because my locker
6 was locked. I locked my locker. Basically that's it.

7 Q. No art supplies?

8 A. I didn't have any art supplies. I don't need art
9 supplies to do art.

10 Q. Well, June 1st, you were transferred to Minimum?

11 A. I believe that's the date.

12 Q. You were notified the night before?

13 A. Yes.

14 Q. Was this the first time you had been notified of a
15 transfer from West to some other location or institution?

16 A. Yes.

17 Q. Weren't you notified at some point before going to
18 Minimum that you would be going to Susanville?

19 A. No.

20 Q. Once you had completed all of the activities that
21 you previously described and got over to Minimum, the clothes
22 that were issued to you were done during the receiving and
23 release process?

24 A. Which clothes are you speaking of, the ones I put
25 on to wear?

26 Q. Right at that time, yes.

27 A. Yes, just one set, right.

28 Q. One set?

1 A. Right, that I put on.

2 Q. Then you are called back later on in the evening to
3 go to the clothing store or clothing area?

4 A. I wasn't exactly called back, but there is a
5 certain time you have to go there to get your clothes. They
6 tell you.

7 Q. That was during the evening of June the 1st?

8 A. Yes.

9 Q. Do you know about what time?

10 A. No.

11 Q. As you described it, that particular trip to the
12 clothing distribution point you received a number of items?

13 A. Yes.

14 Q. Underwear, socks, shirts, and pants?

15 A. Yes.

16 Q. Lock?

17 A. No.

18 Q. No lock?

19 A. I received my lock when I first got over there in R
20 & R.

21 Q. During the issuing of the various items, were they
22 new or were they used?

23 A. I don't know. They were washed and pressed, so I
24 really -- I don't know.

25 Q. Well, let's talk first of all about the pants. The
26 pants were jeans?

27 A. Yes.

28 Q. And what size?

1 A. 32 in the waist, 32 length.

2 Q. And how many pairs of pants were you issued?

3 A. Maybe three. I'm not sure on the number.

4 Q. And they are just normal blue denim, similar to
5 what we saw James Taylor wear?

6 A. Yes.

7 Q. In fact, about the same style?

8 A. More or less, yes.

9 Q. And the shirt that you were issued was what size?

10 A. Either medium or a large.

11 Q. And how many shirts?

12 A. I don't remember the exact number, exact number.

13 Q. More than two?

14 A. It's possible, yes.

15 Q. And the color again, was that kind of faded-blue
16 color?

17 A. Yeah, like a sky blue, powder blue, yes.

18 Q. Denim?

19 A. Yes.

20 Q. The socks that you were issued where what color?

21 A. Jail socks, like a dark blue. I really can't
22 describe the color.

23 Q. Were the jail socks a knit type of socks like an
24 athletic sock?

25 A. No.

26 Q. Were they darker in color than the jeans?

27 A. I believe so, yes.

28 Q. Were they elastic socks?

1 A. You mean on the top?

2 Q. Yes.

3 A. No. They only came up to my ankles. I mean, they
4 were -- you know basic socks.

5 Q. And the underwear?

6 A. Boxer.

7 Q. Boxer type?

8 A. Yes.

9 Q. Any color?

10 A. Could have been either a white or a light, real
11 light blue. I'm not sure on color.

12 Q. How many pairs of underwear?

13 A. I don't remember exact number. I know it was more
14 than one and two. I believe it was more than two.

15 Q. And T-shirts, plain ordinary white knit T-shirts?

16 A. Plain ordinary white T-shirts. I don't know if
17 they were knit. They could have been cotton. I mean, I don't
18 know.

19 Q. Cotton T-shirt?

20 A. I'm not saying what material they were. I just
21 know they were white short-sleeved T-shirts.

22 Q. And the size you got was medium?

23 A. Medium or large.

24 Q. Now, in all of these items of clothing that you've
25 mentioned to us, none of them were marked with CIM?

26 A. I don't know if they were or not. I didn't examine
27 them.

28 Q. Didn't pay any attention to it?

1 A. No.

2 Q. Even after you escaped you didn't pay any attention
3 to it?

4 A. The ones I had on I checked, but the other ones,
5 no.

6 Q. Well, the ones you had on, did they have any marks?

7 A. No, but I didn't get those from that particular
8 area.

9 Q. Where did you get those?

10 A. From R & R.

11 Q. Those are the ones you first came in with?

12 A. Didn't come in with them; I received them when I
13 got over there.

14 Q. You go through R & R, you get the clothes, you step
15 out into the yard?

16 A. No. This is what happened. When you come from
17 West you go into R & R, take off all your clothes that you get
18 from West. And they send those back to West. They issued you
19 new clothes. You put those new clothes on. Then you get your
20 lock and your other materials, and then you go. So you don't
21 carry no clothes in your hand.

22 Q. True. Now those clothes that you received from the
23 clothing store you took over and put in your locker?

24 A. Yes.

25 Q. The clothes that you received when you came in to
26 Minimum that you've just described you kept on the whole time
27 including the time when you escaped?

28 A. Yes.

1 Q. And none of those had any markings, the clothes
2 that you wore when you escaped?

3 A. I don't believe so, no.

4 Q. Now, when you got over to Minimum you were given a
5 set of rules, right?

6 A. Yes.

7 Q. Explained to you, weren't they?

8 A. Explained to me by who?

9 Q. Anybody.

10 A. No.

11 Q. Anybody tell you where the boundaries were?

12 A. No.

13 Q. Did you read the rules?

14 A. No.

15 Q. Basically at Minimum you were free to do whatever
16 you wanted?

17 A. Basically, yes.

18 Q. Did you have any job assignment?

19 A. No.

20 Q. When was it that you stole the camp jacket?

21 A. The morning before I left.

22 Q. The morning of Tuesday, June 2nd -- excuse me, that
23 would be Wednesday, June 2nd?

24 A. Whenever June 2nd was. I don't know what day it
25 was on.

26 Q. Well, we've got a calendar. I'm not trying to
27 trick you. Maybe Thursday, the 2nd of June?

28 A. I don't trust you. I'm not being funny.

1 Q. The jacket that you got was basically the same as
2 any of the other jackets that you'd seen around the prison?

3 A. Not necessarily, no.

4 Q. What was different about it?

5 A. Didn't have any fur around the collar and it was a
6 different color.

7 Q. Fur worn off?

8 A. No. There wasn't not any fur period.

9 Q. In regard to that particular jacket, where was it
10 located when you stole it?

11 A. In the TV day room in Cedar Hall.

12 Q. That's the hall you stayed in?

13 A. Yes.

14 Q. Any identifying marks on it?

15 A. As far as what?

16 Q. CIM.

17 A. No.

18 Q. Names?

19 A. No.

20 Q. Drawings?

21 A. No.

22 Q. A guy could get killed for stealing somebody else's
23 jacket in prison, couldn't he?

24 A. If someone sees you do it, yeah.

25 Q. Well, you've seen this group of jackets we've had
26 marked as Exhibit 54, 53, and 56. Did the jacket that you stole
27 look anything like any of these three?

28 A. As far as -- as far as the lining goes, no, it

1 didn't have this type of lining. It had pockets on the side
2 like this. It didn't have buttons here, or if they were there
3 they were fallen off, because when I fastened it all I did was
4 had to skip zip it up. And there were no buttons and the collar
5 was different.

6 Q. What about buttons under the collar?

7 A. I don't know. I don't believe I checked for that.

8 Q. Is the color closest to Exhibit 54?

9 A. No.

10 Q. Any of these where the color is close?

11 A. No.

12 Q. Did the sleeve have a button on it?

13 A. Not that I recall, no. I couldn't be certain. I
14 don't know.

15 Q. Are you suggesting that that coat was so
16 distinctive from all the other camp jackets similar to these
17 that we've just looked at, 54, 55 and 56, that anybody that saw
18 it would recognize it?

19 A. First of all, I don't even know if it was a camp
20 jacket. I mean, some, you know, when you're in jail you can get
21 your people to send you clothing from the store if they go to
22 the store and buy it and have the store send it to you. So I
23 don't know if that jacket was somebody's personal property other
24 than the institution property.

25 Q. Yet soon as you stole it you put the thing on and
26 started wearing it?

27 A. Cause I was leaving the institution.

28 Q. So, are you saying you picked it up on your way out

1 the door?

2 A. Yes.

3 Q. After you had called Yolanda Jackson?

4 A. No.

5 Q. Before you called her?

6 A. I was going to leave that morning when I saw Gary
7 Fletcher.

8 Q. When did you first plan to leave Chino Institution
9 for Men?

10 MR. NEGUS: Objection. I think that's been asked and
11 answered a couple times.

12 THE COURT: If so I will permit it again.

13 THE DEFENDANT: When I got over to CIM?

14 BY MR. KOTTMEIER:

15 Q. Well, did you plan it before you got your clothes?

16 A. No.

17 Q. When was it you first thought of it?

18 A. Probably that night I was laying in the bed.

19 Q. In your bunk?

20 A. Yes.

21 Q. And how long did you spend thinking about it?

22 A. I don't know.

23 Q. What did you think in regard to escaping?

24 A. Just about escaping.

25 Q. That night that you laid in your bunk was after you
26 had talked to Yolanda Jackson?

27 A. No.

28 Q. By that I mean she had visited you Monday, May

1 30th?

2 A. At a different institution, yes.

3 Q. And that particular visit lasted for six hours?

4 A. Yes.

5 Q. From about 8:30 in the morning to 2:30 in the
6 afternoon?

7 A. Yes.

8 Q. Yolanda Jackson was someone that you really
9 trusted?

10 A. I wouldn't say really trusted, no, I don't really
11 trust anybody.

12 Q. Well, you sent all the items to her that were your
13 personal property from Los Angeles?

14 A. I had reason to do that, yes.

15 Q. What were the contents of the items you sent to
16 her?

17 A. Picture. She had sent me a picture, I sent it back
18 to her because I couldn't have it in Central. A letter,
19 miscellaneous papers like that.

20 Q. What else?

21 A. I don't remember what all.

22 Q. Legal papers?

23 A. It's possible, yes.

24 Q. Paper that had the name Kevin Cooper on them?

25 A. Yes.

26 Q. You didn't want the prison authorities to know that
27 you were Kevin Cooper?

28 A. I believe they already new.

1 Q. Well, that's why you sent the papers out to Yolanda
2 Jackson?

3 A. Well, it's my understanding that when you send
4 stuff out through the jail they read it and they go through it
5 anyway, so they knew because when legal stuff comes in sometimes
6 they get a copy of their own.

7 Q. As far as Yolanda Jackson is concerned, you knew
8 that she would not turn you in?

9 A. Excuse me?

10 Q. You knew that she would not turn you in if you
11 escaped?

12 A. Not necessarily, no.

13 Q. What was your relationship with Yolanda Jackson?

14 A. She was my friend.

15 Q. Girl friend?

16 A. No.

17 Q. Did she send you letters pressing love for you?

18 A. The kind of God -- the kind of love that one can
19 experience dealing with God, yes.

20 Q. Did you send letters to her saying that you loved
21 her?

22 A. Yes.

23 Q. She brought you money and cigarettes in the Los
24 Angeles County jail?

25 A. No.

26 Q. Did not?

27 A. She left me my own money. She never brought me no
28 candy and cigarettes, no.

1 Q. How many times did she visit you there?

2 A. A number of times.

3 Q. 12?

4 A. Yeah, that's a fair estimate.

5 Q. How many times did you call her collect?

6 A. Numerous times.

7 Q. More than 20?

8 A. It's possible, yes.

9 Q. How many times did you call LaWanda Macky?

10 A. Then again I had reasons not to call, but a couple.

11 Q. How many visits from LaWanda Macky?

12 A. A few.

13 Q. Did you have any reason to expect the visit Monday,

14 May 30th, from Yolanda Jackson and LaWanda Macky?

15 A. Excuse me?

16 Q. Did you have any reason to expect the visit Monday,

17 May the 30th, from Yolanda Jackson and LaWanda Macky?

18 A. Yes.

19 Q. Why was that?

20 A. Because they told me they were going to come and

21 see me.

22 Q. Did you call them on the phone?

23 A. No. You're not allowed phone calls in West or

24 Central.

25 Q. Somehow did you know they were coming?

26 A. I didn't know they were coming that exact date, but

27 I knew sooner or later they were coming because they told me

28 before I left L.A. County Jail, "We will be up to see you,"

1 because sometimes they come down together.

2 Q. But that was the first time they visited you in
3 prison?

4 A. Yes and no. What I mean by that is the previous
5 weekend before, LaWanda had came up, and I believe I was in my
6 dorm asleep and they called me over the intercom and I didn't
7 hear them. So, therefore, I didn't get a chance to visit with
8 her because they couldn't find me. I didn't hear the intercom.
9 You know, nobody comes and get you. She had to leave, but she
10 came back the following week and she brought LaWanda the
11 following time.

12 Q. Did LaWanda Macky have a car?

13 A. Yes.

14 Q. Of her own?

15 A. Yes.

16 Q. Did Yolanda Jackson have a car?

17 A. Yes.

18 Q. Of her own?

19 A. Yes.

20 Q. Your car was impounded by Los Angeles County
21 authorities?

22 A. Yes.

23 Q. During that six hours, what did you talk with
24 Yolanda Jackson and LaWanda Macky about?

25 MR. NEGUS: Objection. That's I think clearly
26 irrelevant, beyond the scope, and doesn't go to any relevant
27 issues in this particular case.

28 THE COURT: You are permitted to lead, Mr. Kottmeier.

1 Can you be more specific? I'm sure an awful lot of it is
2 certainly irrelevant, if not all of it. Sustained.

3 BY MR. KOTTMEIER:

4 Q. Maybe we can do it in general topics.

5 Did the topic of escape come up?

6 A. No.

7 Q. Any discussion about your activities in prison come
8 up?

9 A. Basically, yes.

10 Q. What kind of activities were discussed?

11 A. Well, they asked me how I was doing, what did I do,
12 you know, if I knew where I was being transferred to, things
13 along that line.

14 LaWanda and I also talked about what name we were
15 going to give my baby. I didn't know if it was going to be a
16 boy or girl, but, you know, we debated that for a while.

17 Q. LaWanda Macky's baby?

18 A. My baby, our baby.

19 Q. Yolanda Jackson's parents didn't approve of you,
20 did they?

21 A. I don't know. I never met them.

22 Oh, excuse me. While I was in Los Angeles County
23 Jail I did talk to Yolanda's mother on the phone.

24 Q. And did she indicate that she didn't want to you
25 see Yolanda?

26 A. No.

27 Q. How many packs of cigarettes were bought by LaWanda
28 Macky?

1 A. Six, unopened packs of cigarette that I did not
2 open in the visiting room.

3 Q. So, it's after this visit and after your transfer
4 that you lay on your bunk and you decide to yourself that you're
5 going to escape?

6 A. Yes.

7 Q. And you've had no contact?

8 A. In a different institution, yes.

9 Q. Yes?

10 A. Okay.

11 Q. We know you are in CIM Minimun now laying on your
12 bunk, and you've had no contact with anyone on the outside
13 except for Lawanda Macky and Yolanda Jackson?

14 A. Yes.

15 Q. Yes you had no contact? Bad question.

16 A. I had no contact.

17 Q. Now, that particular institution, Minimum, CIM
18 Minimum, had a golf course, swimming pool?

19 A. Yes.

20 Q. You learned that as soon as you arrived?

21 A. Even before so, yes, sir.

22 Q. Even a soccer field?

23 A. I don't know about that.

24 Q. Various trades that you could learn while you were
25 there?

26 A. Yes.

27 Q. Including deep sea diving?

28 A. Yes.

1 Q. You hadn't received any assigned jobs at Minimum?

2 A. No.

3 Q. Nothing had occurred during the time that you had
4 stayed in prison that threatened you in any way, did it?

5 A. As far as what?

6 Q. Anybody after you?

7 THE COURT: Counsel, whether or not he escaped is not an
8 issue. I don't know where your questions are going.

9 MR. NEGUS: Could we not argue it in speaking objections
10 if we do have to argue it?

11 THE COURT: Proceed, Mr. Kottmeier.

12 BY MR. KOTTMEIER:

13 Q. As far as your time at Minimum, there were no
14 problems that you were concerned about?

15 A. No.

16 Q. The next morning you got up at what time?

17 A. I don't know, didn't have a watch.

18 Q. Well, was it before dawn?

19 A. Um, I don't know. I believe I got up in time to go
20 to breakfast. They call your -- they tell you it is time for
21 breakfast.

22 Q. So, you had breakfast.

23 A. Yes.

24 Q. That's where you got the orange.

25 A. Yes.

26 Q. And where were you going when Officer Fletcher saw
27 you?

28 A. I was leaving the institution.

1 Q. You were already on your way out, escaping?

2 A. Exactly.

3 Q. And when Officer Fletcher saw you you had a T-shirt
4 on.

5 A. Yes.

6 Q. That was knotted.

7 A. No.

8 Q. Did you wear one on your head?

9 A. Yes.

10 Q. How did you wear it?

11 A. Just, you know, the opening around your neck, just
12 put that over my head like that.

13 Q. So --

14 A. You know, behind the ears.

15 Q. So, the neck hole is on your forehead.

16 A. Excuse me. You know, the basic part of your head,
17 yes.

18 Q. The rest of the shirt, the body of the shirt and
19 the sleeves are where, back up and over your head?

20 A. Yes. And tucked down in my jacket.

21 Q. You also had on a T-shirt under your denim shirt.

22 A. Yes.

23 Q. Officer Fletcher stops you and says, "You are out
24 of bounds."

25 A. Yes.

26 Q. You are in trouble.

27 A. No.

28 Q. You identified yourself as David Anthony Trautman?

1 A. Yes.

2 Q. And the card, bunk and number and so on.

3 A. Yes.

4 Q. And he sends you back to Cedar Hall.

5 A. No.

6 Q. Where does he send you?

7 A. Back in bounds.

8 Q. Once you get back in bounds, what did you do?

9 A. Um, I believe I went back out of bounds in another
10 direction after awhile.

11 Q. Where did you go then?

12 A. Planning my escape route.

13 Q. Planning it?

14 A. Yes.

15 Q. Which direction from the institution did you go to
16 plan your escape route?

17 A. Which direction? I was still in the institution
18 while I was planning my escape route.

19 Q. But you are now walking around and trying to pick
20 the direction you most want to travel?

21 A. More or less, yes.

22 Q. And in that particular activity, what plan had you
23 formulated as far as your escape?

24 A. Mostly I was looking for where all the roads did
25 go; what was to the other side of the fence. I mean, like some
26 roads you could take, it would just take you further into the
27 institution. So, you would be really escaping to another part
28 of the jail. I didn't want to do that, I wanted to get my

1 directions straight. Basically that's it.

2 Q. Did you have lunch that day?

3 A. Um, it is possible. I'm not sure.

4 Q. Other than trying to pick the best escape route,
5 what activities associated with the escape did you do before you
6 called Yolanda Jackson?

7 A. Well, I took the T-shirt off my head, put it on my
8 body. Um, as far as activities, nothing.

9 Q. Call Yolanda Jackson?

10 A. Yes.

11 Q. And say that you are at Minimum?

12 A. Yes.

13 Q. She already knew that though, didn't she?

14 A. No.

15 Q. You told her you were going to Minimum?

16 A. No.

17 Q. So when you talked to Yolanda Jackson you didn't
18 know that you were going to Minimum when you talked to her
19 during the visit?

20 A. No. They asked me did I know where I was going. I
21 said, "No."

22 Q. You called Yolanda Jackson at work.

23 A. Yes.

24 Q. Had you ever done that before?

25 A. No.

26 Q. How did you know her work phone number?

27 A. Oh, yes. I called her at work before, yes

28 Q. How many times?

1 A. Numerous times.

2 Q. From the jail?

3 A. Once or twice from the County Jail. But it was for
4 certain reasons, yes.

5 Q. She got upset at you when you called her that day
6 of the escape to talk to her, didn't she?

7 A. Not really upset.

8 Q. How long did the conversation last?

9 A. It wasn't long.

10 Q. Did you tell her that you were planning your
11 escape?

12 A. No.

13 Q. Mention anything about picking you up?

14 A. No.

15 Q. Did you hang up the phone?

16 A. Yeah, I hung up the phone.

17 Q. Walk out of Cedar Hall?

18 A. Not right away, no.

19 Q. What did you do first?

20 A. Probably went -- I think I went to the bathroom.

21 Q. Then what?

22 A. Just messed around. I didn't want to leave too
23 early.

24 Q. How long did you mess around?

25 A. I don't know exact times.

26 Q. What did you do in messing around?

27 A. I mean, you know, just walk around and just do
28 something to kill a little bit of time. I don't know detail for

1 detail what I did.

2 Q. So that earlier description you gave us yesterday
3 about hanging up the phone, walking out and making a right-hand
4 turn and another right, and then you made some lefts, another
5 right, that isn't the way in which that activity took place?

6 A. I mean, as far as the route I traveled, yes. As
7 far as exactly putting the phone down, exactly going out,
8 leaving, I don't know if I did it that way, exact way. I am not
9 sure on detail by detail. It wasn't long after I hung up the
10 phone I did indeed escape.

11 A. The only possessions you had with you as you walked
12 away from the Chino Institution for Men were the camp jacket, a
13 denim shirt, T-shirt, pants, underwear, socks, tennis shoes,
14 Role Rite tobacco, some Kool cigarettes and an orange?

15 A. And a cigarette lighter. I don't know if this
16 jacket, you would say what was a camp jacket. I had a jacket.
17 I am not going to say it was a camp jacket.

18 Q. Nothing else?

19 A. No.

20 MR. KOTTMEIER: This would be a convenient time, your
21 Honor.

22 THE COURT: We will take the afternoon recess.

23 (Recess.)

24

25 (Chambers conference reported.)

26 THE COURT: We're all in chambers out of the presence of
27 the jury. Somebody.

28 MR. KOTTMEIER: Your Honor, I didn't want to raise the

1 issue in front of the jury, but there are two alternatives open
2 to the court. That is, to have the defendant either answer the
3 question as far as the people that he was contacting in Los/
4 Angeles in regards to his escape or else strike his testimony.
5 He can't tell me that the reason is -- he isn't going to tell me
6 the answer to the question is that he doesn't want to get them
7 involved. It is not his choice.

8 THE COURT: What's the relevancy of that?

9 MR. KOTTMEIER: Because those are the individuals that
10 took him potentially from the Long Beach area where the Ryen car
11 was abandoned to San Ysidro.

12 THE COURT: This is pure speculation on your part.

13 MR. KOTTMEIER: Well, if I don't get the answer I
14 certainly can't check it out. He doesn't have the right to sit
15 to the witness stand --

16 THE COURT: Counsel, I am not here as an investigative
17 tool of law enforcement, as much as my heart might desire to
18 answer some question. We're here concerned with the specific
19 charges before the Court. And I'm not here to try and help you
20 to investigate your case.

21 MR. KOTTMEIER: But no other witness has been able to
22 say, I will not tell you the answer because I don't want to get
23 other people involved.

24 THE COURT: That usually happens with defendants, that
25 type of answer. It is not unique and unheard of.

26 MR. KOTTMEIER: My position is that this defendant has
27 said that there are people in Los Angeles that he was contacting
28 in regard to his escape.

1 MR. NEGUS: Not true. What he said was that there were
2 people in Los Angeles whose house he thought he could go to
3 after he escaped. That's the difference.

4 MR. KOTTMEIER: It is not that different.

5 MR. NEGUS: Well, I think it is. And he didn't go there.

6 THE COURT: He also said that he had some telephonic
7 conversations with them.

8 MR. NEGUS: But not about the escape.

9 THE COURT: Well, he doesn't have to take his word for
10 that.

11 MR. NEGUS: Well, but whatever.

12 THE COURT: But the only relevancy it can possibly have
13 is to give you --

14 MR. NEGUS: Investigative leads.

15 THE COURT: To give you investigative leads, that is
16 entirely correct, so that you can go out and perhaps impeach him
17 on other matters.

18 MR. KOCHIS: That's not entirely true, judge.

19 THE COURT: Isn't it?

20 MR. KOCHIS: It's obvious, it is like hiding the
21 witnesses, it is like deep-sixing the clothes at sea. He's
22 hiding witnesses and we should be allowed to bring that up in
23 front of the jury, whether it is to question him on it or let
24 him refuse. But then if he refuses to answer questions on
25 cross, the remedy under the evidence code, under Jefferson, is
26 to strike his entire testimony on direct.

27 MR. NEGUS: First of all, I think the question has
28 dubious relevancy to begin with. And, secondly, the reason that

1 Mr. Kochis has been -- he's got it better than if he were to get
2 the answer. The reason Mr. Cooper is not giving the names is
3 because each and every person that he was in contact with was
4 harrassed, threatened, cajoled.

5 THE COURT: That's also speculation.

6 MR. NEGUS: That's not speculation.

7 THE COURT: Or argumentative.

8 MR. NEGUS: But Yolanda Jackson has testified at previous
9 hearings about what happened to her. And I have tapes of Mr.
10 O'Campo's threats, if you want to listen to them. There is
11 nothing subtle about them.

12 So, I think that their getting the better, their
13 getting the better shake now than trying to force him to answer
14 it. It is not a relevant question, it is not relevant because
15 he never did in fact have any contact with them in connection
16 with his escape, and escape.

17 THE COURT: I can't strike his testimony nor can I force
18 him to divulge that. At no time during his direct examination
19 did he indicate an involvement of any Los Angeles people, and
20 you are purely speculating as to somehow or other other people
21 were involved; that they may have transported him to some place,
22 and you want to, by bringing that out, get them into court to
23 testify.

24 So, in effect you are setting up a straw man to
25 knock him down before the jury, counsel. Had it been something
26 critical brought out on direct examination then I would give you
27 wide latitude in cross-examination. But something that you
28 bring out yourself this way, I don't believe I can.

1 MR. KOCHIS: Your Honor, he's denied the murders, he's
2 going step by step through -- Mr. Negus on direct examination,
3 went step by step, not just through the actions Mr. Cooper took,
4 but also his thought processes; what he's doing with wine
5 bottles; what he's doing in the house, very meticulous how he's
6 avoiding the police in the yard, how he's sneaking out of the
7 prison.

8 He's a very cunning and artful person. He's
9 planned each and every step of the way and it is inconsistent
10 that he just walked out of the hole in that fence and then went
11 step by step through all this planning, the planning starting
12 long before that, and we should be entitled to bring that out in
13 front of the jury.

14 THE COURT: He has indicated a refusal, you have got that
15 before the jury and that is as far as I am going to help you.
16 I'm not going to do it, sir, I don't think I can.

17 MR. KOCHIS: Well, the Court is not going to strike his
18 testimony?

19 THE COURT: No, I am not.

20 MR. KOCHIS: And the Court's not going to order him to
21 answer the question. But like not being able to explain where a
22 murder weapon is, it is not -- the Court is going to preclude us
23 from questioning him about this area and his refusal to answer
24 the question in terms of the identification of the people he had
25 planned to stay with.

26 MR. NEGUS: I would object to that on 352.

27 THE COURT: I am not sure what you are talking about now.

28 MR. NEGUS: They want to go on for hours and hours and

1 ask him about it over and over again.

2 MR. KOTTMEIER: No. We are in a situation of where on
3 direct examination he reevaluates his plan at various steps
4 along the way. He testified to that on direct. As he's
5 reevaluating that plan the subject of those folks in L.A. is
6 going to come up again.

7 MR. NEGUS: But he never called those folks in L.A..

8 MR. KOTTMEIER: Because that's a place he can go, it is a
9 source of assistance. He's running out of locations that he
10 can -- he can turn to; people that he can turn to for
11 assistance.

12 MR. NEGUS: But he didn't go to L.A..

13 MR. KOTTMEIER: That is Mr. Negus' suggestion that he
14 didn't go to L.A.. We have got the car in Long Beach.

15 MR. NEGUS: Well --

16 THE COURT: All right, I have indicated my ruling. I
17 can't anticipate what's going to come up in the future.

18 Anything further?

19 MR. KOTTMEIER: No, your Honor.

20 THE COURT: Let's continue.

21 MR. NEGUS: There was some other things that I objected
22 to you wanted to take up in chambers. Did you get that in
23 another way?

24 MR. KOTTMEIER: Well, there was just one area that wasn't
25 covered and that was the issue of places between Pennsylvania
26 and Los Angeles.

27 THE COURT: Of what between Pennsylvania?

28 MR. KOTTMEIER: Places that he stopped that he was at

1 between Pennsylvania.

2 MR. NEGUS: He's a fugitive. The jurors are -- if they
3 didn't remember when we did the voir dire about the escape,
4 mental patient and the rape charges in Pennsylvania, the
5 prosecution has clearly allowed them to refresh their
6 recollection dozens of times.

7 THE COURT: I don't see them reaching anymore than I saw
8 you reach, Mr. Negus. It is the art of advocacy, I suppose. It
9 should happen.

10 MR. NEGUS: None of that is relevant to the issues of
11 murder. The only reason we went through the escape is because,
12 to show the issues of what did Mr. Cooper have with him at
13 various times, explain that, the physical evidence in the case.
14 I didn't ask him about his friends in prison, I didn't ask him
15 about the things he did in prison. The issue of the drawing
16 only came up because Mr. Kochis made a big issue of it.

17 THE COURT: Let me ask you, what is the relevancy? What
18 do you want ask him?

19 MR. KOTTMEIER: All I was going to cover, and it is
20 wasting too much time on it, was the fact that he was in Las
21 Vegas, Nevada and met LaWanda Macky and Yolanda Jackson in Las
22 Vegas, Nevada. I was just going to clear up that that either
23 occurred before or after he had arrived in Los Angeles.

24 As far as I know the reason he comes to Los Angeles
25 is at the suggestion of these two ladies. That is why he winds
26 up coming down this way.

27 THE COURT: What is the relevancy of all that?

28 MR. KOTTMEIER: To bring that out.

1 MR. NEGUS: I have no objection to him asking him, if the
2 limited scope of the question is, did you meet LaWanda and
3 Yolanda in Las Vegas; after you met them, did you -- was that
4 the first time you came to California? I have got no problems.
5 But everything he did as a fugitive from Pennsylvania getting to
6 Las Vegas is basically irrelevant.

7 THE COURT: Okay.

8 MR. KOTTMEIER: Well, I am not even sure I am going to go
9 back and try and wedge that in now because without that
10 contact --

11 THE COURT: Let's go out and go where we can.

12 (Chambers conference concluded.)

13

14 THE COURT: Everybody is present.

15

16 CROSS EXAMINATION (Resumed)

17 BY MR. KOTTMEIER:

18 Q. Mr. Cooper, this picture marked earlier as Exhibit
19 31, an eight by ten photograph. This is a picture of Cedar
20 Hall?

21 A. It is consistent with being a picture of it. I
22 don't know if that is exactly Cedar Hall.

23 Q. After you had your opportunity to continue to get
24 mentally ready for the escape, did you run or walk away from
25 Minimum?

26 A. Both.

27 Q. At least as far as when you were still on the
28 grounds going up to that dirt road that you previously

1 described, you walked?

2 A. More or less, yes.

3 Q. When you got to the dirt road did you run or walk?

4 A. Little of both. Jogged, walked.

5 Q. Did you continue checking back over your shoulder
6 to make sure no one was following you or coming after you?

7 A. No.

8 Q. When you were going through the hole, and you got
9 onto Edison, you started going down Edison towards Chino Hills?

10 A. Towards where.

11 Q. Chino Hills.

12 A. That particular time I didn't know that, but yes.

13 Q. Now, as you are going down Edison, did you see
14 anyone at all?

15 A. Yes.

16 Q. Where were they?

17 A. Working in a field and different things. I can
18 show you, if you want me.

19 Q. How far away from you was the closest person?

20 A. May I indicate where I saw them at first? Then I
21 can tell you how far away.

22 Q. Go ahead.

23 A. All right. When I crossed this intersection right
24 here, I walked around this way, I seen people working in here,
25 and this, you know, as far as from me to this Marshal right
26 here, I seen -- right over here you will see some like houses or
27 something right here. There was people right out there. One
28 guy out there had a bunch of dogs. He was no further away from

1 me than Mr. Kochis is. You know, I just kept --

2 Q. The first one that you have indicated is a factory
3 to the right side of Edison. As you look at the diagram one
4 looks like a factory, large buildings.

5 A. Yes.

6 Q. In that particular area, what efforts did you take
7 to avoid detention by those people?

8 A. None.

9 Q. Just run by them?

10 A. I don't know if I was running or walking at that
11 time. That particular time, I just kept going.

12 Q. The first car that passed you, was that Officer
13 Shepard's?

14 A. Nope.

15 Q. How many cars passed you on Edison?

16 A. A few, but I don't know how many.

17 Q. Well, when you say a few, are we talking about
18 heavy traffic going back and forth on Edison?

19 A. Not heavy traffic, no.

20 Q. Maybe no more than one or two cars.

21 A. I don't remember exactly how many cars.

22 Q. You were really on the lookout at this point in
23 time to avoid being caught.

24 A. Yes.

25 Q. You were really paying attention as to who was
26 looking at you.

27 A. In some sense of the word, yes.

28 Q. And you were paying such close attention that you

1 were able to recognize the correctional officer's uniform inside
2 a pickup truck as it drove your direction?

3 A. More or less, yes.

4 Q. When you say "more or less", enough to cause you to
5 realize that this is someone that you didn't want to see you.

6 A. Yes.

7 Q. Were you able to do that without wearing your
8 glasses?

9 A. Yep.

10 Q. Same as you are not wearing your glasses right now?

11 A. Yes.

12 Q. In fact, your thought at that point was maybe you
13 could throw him off by waiving at him as he came by.

14 A. The way you make it seem is I planned these things
15 at that time it happened. They were just things that happened.
16 That was just a natural response; a natural thing that was
17 actually happening. I did not think to waive at him and just
18 waive. I mean, I just kept going.

19 Q. You certainly weren't waiving at him to say "Good
20 morning, Officer Shepard."

21 A. No. I might have been saying, "Goodby, Officer
22 Shepard" and kept running.

23 Q. At least you hoped you were saying "Goodby, Officer
24 Shepard."

25 A. I did say "Goodby, Officer Shepard". They didn't
26 catch me.

27 Q. So, you waived at Officer Shepard, and then the
28 next thing you did is turn around to make sure that he keeps on

1 going.

2 A. No.

3 Q. What do you do?

4 A. I turned around and seen what he does.

5 Q. The purpose in that is to make sure that he doesn't
6 turn around and try and catch you.

7 A. Yes and no.

8 Q. Once you see the breaklights, do you stand there
9 still looking at that time at Officer Shepard's pickup truck?

10 A. No.

11 Q. What did you do?

12 A. I keep going.

13 Q. Now, you are running faster?

14 A. Yes.

15 Q. This is no jog.

16 A. No.

17 Q. This, to you, is virtually a life and death
18 situation.

19 A. No.

20 Q. Are you running as fast as you can?

21 A. No.

22 Q. You make the turn on Ramona.

23 A. Yes.

24 Q. And quickly come around the side of the house and
25 duck down alongside of the house.

26 A. Yes.

27 Q. Could you see Officer Shepard immediately after you
28 arrived in that hiding position?

1 A. Not immediately, no.

2 Q. You saw his truck come by?

3 A. Well, from where I was, the way the gate was, I was
4 leaning up against it. I wasn't exactly at the corner, I
5 couldn't see exactly the corner, so I kind of seen the front end
6 when it came around the corner.

7 Q. Let's be realistic. This was no joking matter as
8 you tried to escape from Officer Shepard, was it?

9 A. No. It was no joking matter, no.

10 Q. When you waived at him that wasn't to insult
11 Officer Shepard, was it?

12 A. Nope.

13 Q. It was an effort to throw Officer Shepard off your
14 trail, wasn't it?

15 A. Not necessarily off my trail.

16 Q. But it was a move on your part designed to
17 accomplish something in Officer Shepard's mind.

18 A. Possibility, yes.

19 Q. Now, the area that you gestured to just a moment
20 ago wherein you indicated that there were dogs and a man, that
21 was right over there on the corner of Edison and Ramona; is that
22 correct?

23 A. No.

24 Q. Beyond Edison and Ramona?

25 A. No.

26 Q. Would you indicate again.

27 A. Right up in here. Right, I believe, in this area
28 right here.

1 Q. Do you have a blue pen. If you would just write
2 "Man".?

3 A. Man, dogs. (Witness complied)

4 Q. You indicated on the left side of the diagram just
5 before you get to Ramona.

6 A. Well, it is not -- see, these pictures, man, they
7 don't accurately reflect the way things are. It is not just
8 that far until you get from Ramona from that spot. You know, it
9 is a nice little jaunt down there.

10 Q. How long was it after you passed the man with the
11 dogs before you saw Officer Shepard?

12 A. Not long.

13 Q. Just a matter of a second or two?

14 A. No. I can't say one second or I can't say ninety
15 seconds. But it was, you know --

16 Q. After you had ducked down and hid along the side of
17 the house, did you pause for a moment to try and figure out what
18 to do now?

19 A. No.

20 Q. What did you do after Officer Shepard had driven
21 by?

22 A. Watched and seen what Officer Shepard would do now.

23 Q. Than you saw his truck drive by?

24 A. Yes.

25 Q. Could you continue to see it as it went on down
26 Ramona?

27 A. Yes.

28 Q. How far.

1 A. I don't know how far.

2 Q. Could you see it for more than a block after it
3 left you?

4 A. I didn't wait to see that, no.

5 Q. How far did you give him before you made your next
6 move?

7 A. All right. As I was at the gate, he was coming by.
8 As he increased his distance from me, I eased up, you know, like
9 this, then when I seen where he was far enough down he couldn't
10 immediately turn around and he couldn't see me out his rear-view
11 mirror, that is when I got up, you know.

12 Q. And you ran up towards the lumber yard?

13 A. Up in the lumber yard.

14 Q. Yes?

15 A. Yep.

16 Q. How was it that you saw the lumber yard? Did you
17 see it before you turned around the house?

18 A. Yep.

19 Q. So you had mentally planned that the lumber yard
20 was where you were going to go before you raised up and left the
21 corner of the house?

22 A. Nope.

23 Q. When was the first time you thought you'd run
24 towards the lumber yard?

25 A. As soon as I got in the gate.

26 Q. So, you ran up Ramona to the lumber yard.

27 A. Yep.

28 Q. You described yesterday you walked in the front

1 gate.

2 A. Yes.

3 Q. How many people did you come across as you walked
4 in the front gate?

5 A. There were numerous people working there.

6 Q. But they were occupied, were doing things other
7 than watching you come in.

8 A. Yes.

9 Q. When you got in the front gate you walked over to a
10 stack of lumber and climbed up on top of it.

11 A. Yes.

12 Q. How far was that stack of lumber from the road?

13 A. From Edison?

14 Q. Yes.

15 A. Can I see in the picture because I don't know,
16 remember in my mind. I can show you where they are.

17 Well, this is Edison right here where the red is.
18 You can see these buildings, it looks like one slab, actually it
19 is three separate buildings. So, the building and road, you
20 know, it wasn't too far. I could see the road up this way and
21 down this way and over here. There is nothing in this field
22 that could block my view. Nothing over here.

23 Q. So in effect you have run back down Edison itself
24 to just about the place where you saw Officer Shepard.

25 A. Yes.

26 Q. To across the street from where you saw Officer
27 Shepard.

28 A. Yes.

1 Q. And that particular lumber that you climbed up on
2 top of was taller, for example, than a van?

3 A. Yep.

4 Q. For example, say a good twelve feet high.

5 A. Possibly higher than that.

6 Q. Any idea how high?

7 A. No.

8 Q. How far, physically, were you from Edison when you
9 got up into your hiding place in the lumber?

10 A. Hop, skip and a jump. What I am saying is a short
11 distance basically.

12 Q. And as far as your climbing, you had no difficulty
13 with your hands and moving up to get into that position.

14 A. Well, the way they had the wood stacked they had
15 stacked like steps. You know, like the widest stack of wood was
16 on the bottom, then the next widest, and then the next widest,
17 then it basically just got -- like going up a bunch of steps.

18 Q. You saw Officer Shepard about 3:30 in the
19 afternoon?

20 A. I don't remember the exact time.

21 Q. Well, you were up in that pile of wood for five,
22 six hours.

23 A. Possible, yes.

24 Q. While you were up there, you watched, without
25 glasses on, the travels of various CIM patrol cars.

26 A. Yep.

27 Q. You were able to identify Chino police cars.

28 A. Yes.

1 Q. Able to see the efforts of patrols going back and
2 forth looking for you.

3 A. Yes.

4 Q. During the time that you spent up there,
5 approximately how many different patrol cars did you see go by?

6 A. A van. I think two different CIM cars, I think
7 they only went -- they were different because I think they were
8 different makes, and I believe I seen one or two police cars.
9 White or black, or all white. Something like that.

10 Q. As a got it darker did it get more difficult to
11 make out what kinds of cars were going by?

12 A. Yes.

13 Q. Did you wait for any particular time or sign to
14 come down out of that woodpile?

15 A. Somewhat, yes.

16 Q. What what that?

17 A. Darkness. The fact that there was -- the lumber
18 yard was empty, and the fact that in order for a car to approach
19 unless they were driving around without their headlights, I
20 would have to see headlights.

21 Q. At least at that point in time your major concern
22 was to make sure no car with headlights got you in their beam.

23 A. No. People got me in their eyesight. And, you
24 know, being careful when you came off this pile of wood, being
25 careful. I didn't know if there were dogs in the lumber yard or
26 if there were security guards; being careful. A lot of
27 different things were on my mind. There was a lot of things,
28 yes.

1 Q. While you were up on the wood you were more
2 relaxed?

3 A. No. I could not say I was relaxed.

4 Q. You were on your guard?

5 A. More or less, yep.

6 Q. If someone approached the woodpile, what would you
7 do?

8 A. I don't know.

9 Q. Did you smoke any Role Rite up there?

10 A. No.

11 Q. Smoke any Kool's?

12 A. Yes.

13 Q. Eat an orange?

14 A. Yes.

15 Q. How many Kool's did you smoke?

16 A. In the daytime I believe maybe one or two; maybe
17 more, I am not sure.

18 Q. Then at night?

19 A. At night I tried not to smoke.

20 Q. Why?

21 A. Because I don't want anybody to see the glow of the
22 cigarette. Like I said, I didn't know if there was anybody
23 there. Some people were trained to detect such things.

24 Q. You are concerned enough at night, the glow of the
25 cigarette is something that you took into consideration in your
26 escape efforts?

27 A. Well, basically I am using common sense, yes.

28 Q. You described yesterday how you come down off the

1 wood pile and you went over various fences. Did any of those
2 fences have barbed wire on them?

3 A. No.

4 Q. You talked in terms of going to the train, getting
5 in one of the cars?

6 A. I didn't get in a car.

7 Q. You talked about going to it, though, and thinking
8 about getting into a car?

9 A. Oh, yes.

10 Q. Did you have any idea where that train might be
11 headed?

12 A. No.

13 Q. If anywhere?

14 A. No.

15 Q. After a series of stops you came to an area where
16 there was an office?

17 A. A series of stops where?

18 Q. Series of stops. You looked at the trains, did a
19 number of things?

20 A. There were offices in each yard I went into.

21 Q. Did you consider burglarizing any of those offices?

22 A. It crossed my mind, yes.

23 Q. To what purpose?

24 A. Clothes.

25 Q. Anything else?

26 A. No.

27 Q. What about cars, did you see cars in the area?

28 A. In the lumber yards.

1 Q. Yes?

2 A. When I first went into the lumber yard there were
3 cars in the parking lot, yes.

4 Q. But those left, those were employee cars?

5 A. Yes.

6 Q. And then later the remaining employees left from
7 that particular lumber yard?

8 A. Yes.

9 Q. But you told us yesterday there were two cars in
10 the lot next door?

11 A. Yes.

12 Q. A Mercedes Benz, I believe, and another car?

13 A. Yes.

14 Q. Did you think about stealing those cars?

15 A. No.

16 Q. Why?

17 A. Because I didn't know the area and how to drive
18 around the area. I felt more comfortable on foot.

19 Q. As far as the particular area is concerned, all you
20 wanted to do is get away?

21 A. Yes.

22 Q. Didn't make too much difference whether you wound
23 up in Los Angeles, Mexico, or Las Vegas?

24 A. It made a difference somewhat, yes.

25 Q. In what way?

26 A. Cause I wanted to get where I could get a change of
27 clothes and, you know, get myself looking presentable again.

28 Q. When you say, "presentable", does that mean

1 something other than just getting clean clothes?

2 A. Yes.

3 Q. What does it mean?

4 A. Well, I mean, when you're in prison awhile you have
5 a tendency to deteriorate in my opinion, you know. For example,
6 you know, if you are on the streets and somebody just gets out
7 of jail you will know, you can tell they just got out of jail.
8 There's just something about them that's -- You know, I wanted
9 to get myself back into the real world.

10 Q. Following the time that you spent in those various
11 yards, you then began a cross-country walk towards what?

12 A. Out of the area.

13 Q. Away from the prison?

14 A. Out of the area? I was already away from the
15 prison.

16 Q. So, when you say, "out of the area," you mean away
17 from the area where Shephard had seen you?

18 A. Yes.

19 Q. But you were careful to make sure that you didn't
20 get on any roads?

21 A. Yes. That's common sense.

22 Q. Not to let any cars see you, no people see you?

23 A. Yes. Again, that's common sense.

24 Q. How did you know which direction you were going?

25 A. I didn't. I just knew.

26 Q. What about the North Star?

27 A. Well, at that particular time the North Star didn't
28 enter my mind. I just knew I was parallel to Edison. I knew

1 Edison led away -- led away from the prison and led away from
2 that area.

3 Q. So, you continued on along Edison?

4 A. Right.

5 Q. On the, as you face the diagram, 1, on the right
6 side of Edison or on the left side of Edison?

7 A. Say that again.

8 Q. As you went parallel to Edison, did you continue on
9 the right side of Edison or on the left side of Edison?

10 A. The left side of Edison -- no, the right side of
11 Edison, down where the junk yard is -- I mean, the lumber yard.

12 Q. The same side as the lumber yard?

13 A. Right.

14 Q. That would be, for the record, the north side
15 generally of Edison.

16 So once you had gone through these various areas,
17 you kept following Edison through these fields, correct?

18 A. Yes.

19 Q. And you described how you went over this drainage
20 canal here?

21 A. Yes.

22 Q. Then up and over by Boys Republic?

23 A. Yes.

24 Q. And along towards the area of English Road and the
25 Ryen residence?

26 A. No.

27 Q. Where did you go after you crossed 71 and the
28 drainage canal?

1 A. After I went across here, I didn't know what
2 English Road was or Peyton Road or Ryen residence or the Lease
3 residence, I didn't know none of that. I just basically came
4 across here, came on an angle, I believe, this way, because I
5 had to go up and around -- well, not up, but around what I
6 learned later on was Boys Republic. I was on an angle more or
7 less like this here (indicating) picking my way through.

8 Q. Let me have you in blue write "lumber yard", first
9 of all, next to the lumber yard that you hid in, or you can just
10 write "lumber"?

11 A. "L.Y."?

12 Q. That's fine. And then trace if you would your path
13 from the lumber yard over to the hideout house.

14 A. All right. I can do that, but I can't draw my
15 exact route.

16 Q. As best you can.

17 A. Somehow or another I ended up going this way and
18 going across Ramona, went across this way. I believe either
19 this one or this one was the place I talked about where they had
20 the cars at, you know, that some of them were tore apart, one of
21 these two places right along here, wasn't very far from the
22 lumber yard. Anyway, I crossed that street, went across this
23 field. In fact, I might have even been further over in --

24 THE REPORTER: I didn't hear the last.

25 THE DEFENDANT: I said I might have been further over in
26 the field, but I'm not certain. Kept coming across, coming
27 across, coming across. And here's the expressway. I'm not sure
28 how far up or down on the expressway I was. I do know that I

1 ended up crossing it and the drainage thing, and I just kept
2 walking. I seen a light right here.

3 BY MR. KOTTMEIER:

4 Q. You are pointing at Boys Republic?

5 A. Yes. All right. And so I angled over this way
6 because I started to go up to it, but some reason or another,
7 I'm not exactly sure why, I didn't. So I ended up straightening
8 my trail back up and going up behind it, more or less like that,
9 walking through this, walking through this, you know, just
10 basically walking through fields.

11 I believe right here is the creek right here. And
12 I -- it's like a little -- you will see bushes, then maybe you
13 will see a little space between the bushes. That's where I was
14 walking when I fell. And got out of the creek and just went
15 over.

16 And I believe the Lease house is right here. I
17 went up this right here. And probably about right there went
18 back, you know, in there to the garage right there.

19 Q. Now, you have you described that you stepped in
20 some cow or horse manure somewhere along the way?

21 A. Yes.

22 Q. Where generally was it that that occurred?

23 A. I really don't remember.

24 Q. Well, those are all plowed, cultivated fields,
25 aren't they?

26 A. I don't know. It was at night. I mean, looking
27 here, I don't know what they are. I mean, I'm not a farmer. I
28 don't know.

1 Q. Well, as you walked you crossed over furrows, you
2 felt the dirt under your feet, didn't you?

3 A. I also felt horse manure. I felt a lot of stuff
4 under my feet, rocks, you know.

5 Q. Well, did you see any horses in that area?

6 A. Because I didn't see any horses doesn't mean people
7 don't ride their horses through the field, and the horse, you
8 know -- I mean, I don't know.

9 Q. Did you see any cows?

10 A. No.

11 Q. Did you hear any cows?

12 A. Yes.

13 Q. Where?

14 A. In the fields.

15 Q. Whereabouts in the fields?

16 A. Just in the fields. I heard mooing or however what
17 noise a cow makes, you know. I know cows. They had cows at
18 CIM, so I know what cows sound like.

19 Q. Well, you're afraid of horses, aren't you?

20 A. No.

21 Q. Well, you got up to the Lease house and you
22 described yesterday to us the fact that you didn't want to go in
23 there because there were horses in there, you could hear their
24 breathing and so on?

25 A. That doesn't mean I'm afraid of them.

26 Q. So, as you continue on up your way towards the
27 hideout house, what is it that is drawing you that direction?

28 A. Nothing in particular.

1 Q. Well, when you got past Boys Republic there's no
2 road to parallel?

3 A. No.

4 Q. There are no landmarks around?

5 A. True.

6 Q. You're walking across open field?

7 A. True.

8 Q. And there was nothing at all that directed your
9 attention to that particular location as opposed to any other in
10 that whole area?

11 A. None.

12 Q. As you're walking across the field, after you went
13 around Boys Republic, what thoughts are going through your mind
14 as far as your plan of action to complete this escape that
15 you've started?

16 A. While I was walking through those fields, man,
17 basically I was singing, you know. You know, I was happy. I
18 had made fools out of people at the institution, so, you know, I
19 was in a good mood.

20 Q. Making fools out of people is important to you,
21 isn't it?

22 A. No.

23 Q. You like attention?

24 A. No.

25 Q. In fact, you like to feel more important than other
26 individuals?

27 A. No.

28 Q. But more than escaping, it was the making of fools

1 out of people that caused you to sing?

2 A. No. That, along with being out, being free again,
3 you know, after being locked up and listening to people who tell
4 you what to do, what you got to do, what time to go to bed, what
5 you got to eat; being out and being free, that's all right with
6 me, you know.

7 Q. So, you just casually singing make your way across
8 the fields with no general direction until you come to the white
9 fences of the Lease ranch?

10 A. Yes.

11 Q. And it's those white fences that in effect direct
12 your attention to follow around the horse corral and up to the
13 area next to the garage?

14 A. I'm not going to say it in that terms, but, you
15 know, somewhere around there, yes.

16 Q. Well, was there something else that caused you to
17 follow that particular series of fences?

18 A. No. That's what I'm trying to tell you, it was
19 nothing in particular, no, I was just you know walking.

20 Q. No lights?

21 A. No.

22 Q. Did you see any lights up on the hill?

23 A. Not at that time, no. And if I did, I don't
24 remember.

25 Q. When was the first time that you saw a light as you
26 walked up towards the hideout house?

27 A. From the side of the where the horses were. That's
28 why I didn't want to be by where the horses were, because I

1 figured this way, somebody has horses and the horses are quiet
2 at night, not make nothing noise or, you know, just like they
3 weren't making no noise when I first went up there, and, you
4 know, and everything is cool and calm. But then all of sudden
5 the horses start blowing real hard, running back and forth, I
6 figure the people inside the house is going to know something's
7 disturbed the horses and they might be concerned enough to come
8 out an find out what's disturbing the horses. So, therefore, I
9 felt I should get away from the horses.

10 Q. During the particular trip you've covered about two
11 miles from Chino Institution for Men?

12 A. I didn't know how many miles at that time, but I
13 figured at least was over a mile, yes.

14 Q. You don't particularly like to walk, do you, Mr.
15 Cooper?

16 A. Yes. Ain't nothing wrong with walking.

17 Q. You followed the fences up to a point directly
18 opposite the garage at the hideout house?

19 A. I'm not going to say directly opposite, but it was
20 across from it, yes.

21 Q. Well, do you see the area, assuming the fence, you
22 can see the shadow along here, assuming the fence runs along the
23 side of those trees, do you see an area in here generally where
24 you were at?

25 A. Yes.

26 Q. Would you mark on the diagram by writing "Cooper"
27 in that location?

28 We are now pointing to diagram 4-A, -- excuse me

1 overlay 4-A of diagram 4. Let me adjust it.

2 A. All right. I was in this area about right in here
3 (indicating).

4 Q. You've written in black?

5 A. Yes, sir.

6 Q. Now, yesterday you told us how it was so hard going
7 up that hill that you fell down repeatedly; is that correct?

8 A. Not repeatedly, but I did fall, yes.

9 Q. You told us you had to hang on to the fence to keep
10 your feet because you're a city boy?

11 A. No, I'm not going to say it like that. You say
12 things not the way they are.

13 But going up that hill, the terrain was rough.
14 These pictures do not depict how rough that terrain is, not
15 really. I mean, the only way you would know is to be there.

16 By that terrain being rough, by it being nighttime,
17 I mean, not knowing where I was going as far as the area itself,
18 yes, I did fall a couple times; and, yes, I did have to hold the
19 rail a couple times so that I could get it up that hill.

20 Q. Directing your attention to Exhibit 680, do you see
21 the rough terrain in that picture?

22 A. I wasn't on this side of the fence.

23 Q. Which side was fence was it on?

24 A. This side over here, coming down and coming back
25 this way.

26 For example, you can see it. All this open field
27 is on this side of the fence. Right here it all comes down.
28 It's all in a line. It comes up and go up this way.

1 So I was on this side of the fence right here. And
2 I said I had to step through in the driveway to go to the
3 garage.

4 Q. That particular area is full of grass, isn't it?

5 A. Amongst other things, yes.

6 Q. During the time that you're walking up toward the
7 Lease house, you could see the lights of the Ryen house,
8 couldn't you?

9 A. I don't know.

10 Q. You were particularly concerned, though, about what
11 houses or people might be nearby, weren't you?

12 A. In a way, yes; but I had things on my side.

13 Q. Like?

14 A. Darkness.

15 Q. What else?

16 A. Basically that's it.

17 Q. You described in your trip on Exhibit 1 that there
18 was an opening where the creek ran through and you fell into it?

19 A. Yes.

20 Q. Didn't you see as you walked along all of the
21 bushes along the creek?

22 A. Are you saying did I see what?

23 Q. Did you see the bushes along the creek as you
24 walked toward it?

25 A. No. Man, at nighttime them fields are pitch black.
26 I mean, there's no street lights or nothing in them fields.

27 Q. So, you're able to walk by just the feel of your
28 feet?

1 A. No. When you walk at night, man, your eyes get
2 accustomed to the dark. I mean, you can see somewhat, maybe two
3 or three feet ahead of you, but you cannot see, you know, the
4 entire terrain or the entire -- the land.

5 Q. But where you wrote "Cooper" though is right next
6 to the area where there is a light on the garage of the hideout
7 house, isn't there?

8 A. Yes.

9 Q. In fact, I'm pointing to the corner that would be
10 closest to the front of the garage as well as your position next
11 to the fence?

12 A. Well, that's not my exact position. I do not know
13 my exact position. I don't know if I was four rails, three
14 rails, two rails. But that's the general area of my position.

15 Q. During the entire trip from the lumber pile, did
16 you see one car with headlights?

17 A. Seen numerous cars with headlights.

18 Q. Well, you talked yesterday about how you waited
19 until you saw no cars whatsoever coming down Highway 71 before
20 you went and crossed over, --

21 A. Yes.

22 Q. -- correct?

23 A. Yes.

24 Q. As far as you were concerned, though, once you got
25 over 71 you didn't see any more car headlights?

26 A. No, that's not true.

27 Q. Where did you see car headlights?

28 A. On another road.

1 Q. Which other road?

2 A. I don't know cause I don't know the area.

3 Q. Was that a road that you crossed just before you
4 fell into the creek?

5 A. I don't remember.

6 Q. Did you make sure you avoided those headlights at
7 the time that you crossed that road?

8 A. Probably did, yes.

9 Q. Earlier this morning you described your activities
10 in getting inside the garage. Once inside the garage the first
11 thing you told us you did was to take off your tennis shoes and
12 get some rags and clean off your legs?

13 A. That's not the first thing I did.

14 Q. What was the first thing you did?

15 A. First thing I did was put on my lighter to see what
16 exactly was all in the garage.

17 Q. And once you saw generally that there was just all
18 kinds of stuff in that garage, you took the rags and cleaned off
19 your legs?

20 A. No.

21 Q. What did you do first?

22 A. Went and had me a beer.

23 Q. So, in taking the survey of the garage you started
24 opening things?

25 A. Yes.

26 Q. Did you open the tool chest that was in there?

27 A. No.

28 Q. Did you take out any screw drivers to use as

1 weapons?

2 A. No.

3 Q. Screw drivers to open any doors or windows in the
4 house?

5 A. No.

6 Q. Opened the refrigerator?

7 A. Yes.

8 Q. Light comes on?

9 A. Yes.

10 Q. Take out a beer?

11 A. Yes.

12 Q. Shut the refrigerator?

13 A. I didn't open the refrigerator all the way up. I
14 did open it.

15 Q. Take out a beer?

16 A. Yes.

17 Q. Shut the refrigerator?

18 A. Yes.

19 Q. How did you open the beer?

20 A. There was a top opener back there.

21 Q. So, you opened it from the top?

22 A. Yes.

23 Q. Sat down, drank a beer?

24 A. Yes.

25 Q. Then what did you do?

26 A. Probably smoked a cigarette.

27 Q. Kool's or Role Rite?

28 A. Probably Kool's because it was dark.

1 Q. After you smoked your cigarette what did you do?

2 A. Got up, went back in the garage again.

3 Q. Were you outside the garage when you had your beer
4 and cigarette?

5 A. In the workshop.

6 Q. In the workshop area?

7 A. Uh-huh.

8 Q. Went back in the garage. What did you do after you
9 went back in the garage?

10 A. Finished looking around on the shelves and stuff.

11 Q. Moved things around to try and make sure you
12 covered everything?

13 A. Well, not necessarily moved them around, but now I
14 had my lighter and I got up to see what I could see.

15 Q. Then what did you do?

16 A. I think I went back and had another beer.

17 Q. Opened up the refrigerator with the light?

18 A. Uh-huh.

19 Q. Does that back door to the shop area have a window
20 in it?

21 A. Yes.

22 Q. You weren't concerned about somebody seeing the
23 refrigerator light come on inside that garage shop area?

24 A. Yes. And I did something about that.

25 Q. What was that?

26 A. I didn't open the refrigerator all the way, first
27 of all, and I had my body in front of the part that I opened,
28 so, therefore, the light could not come past anybody. I, you

1 know, open it, peek in. My body is blocking the light that
2 comes out.

3 Q. So did you do that both times?

4 A. Yes.

5 Q. Had another beer. Then what did you do?

6 A. I believe that's when I first saw that flashlight,
7 because it was sitting on the counter, I believe, right next to
8 the refrigerator.

9 Q. Flashlight?

10 A. Yeah, I believe.

11 Q. And after you saw the flashlight, what did you do
12 next?

13 A. I believe I went around and looked on the shelves
14 and stuff, and that's when I found the tennis shoes.

15 Q. Move things around?

16 A. Climbed up on some, yes.

17 Q. Yeah. Picked up the tennis shoes?

18 A. Yeah.

19 Q. Got down off the shelves?

20 A. Yes.

21 Q. Did you use a ladder to get up there?

22 A. I don't remember what I used.

23 Q. Well, did you search basically everything in the
24 garage?

25 A. No.

26 Q. How long did you spend in that garage?

27 A. I don't know.

28 Q. Two beers, a Kool cigarette, enough to look around,

1 take the tennis shoes down?

2 A. Yes, enough to catch my breath.

3 Q. Take rags to wipe off your legs?

4 A. Yes.

5 Q. You've got your shoes off; your vulnerable, aren't
6 you?

7 A. Yes.

8 Q. Put another pair of tennis shoes on?

9 A. Yes.

10 Q. What else was done in that garage at that time?

11 A. Um, went back in the workshop area.

12 Q. What did you do back in the workshop area?

13 A. Put the flashlight back where I found it.

14 Q. The purpose for doing that?

15 A. Just because that's where it was.

16 Q. Didn't want anything to look out of place?

17 A. Um, I don't know if that was the reason or not.

18 Q. After putting the flashlight back, what did you do?

19 A. Um, looked out that window that was in the workshop
20 area.

21 Q. Then what?

22 A. Opened the back door.

23 Q. Meaning the back door to the workshop?

24 A. Yes.

25 Q. Was the door locked or unlocked?

26 A. Unlocked from the inside.

27 Q. In other words, you had to unlock it?

28 A. No.

1 Q. It was unlocked?

2 A. No. You just turn the knob and the door opened.

3 Q. Okay. After you turned the knob and opened the
4 door, what did you do?

5 A. Um, looked out.

6 Q. Then what?

7 A. I believe that's when I started going around
8 looking through the windows in the Lease house.

9 Q. A careful person such as yourself who is trying to
10 make his escape, for the first time starts looking in the
11 windows of the house that you've just had two beers, a cigarette
12 and stolen a pair of tennis shoes out of?

13 A. Yeah.

14 Q. Weren't you concerned that maybe somebody was at
15 home asleep in that house?

16 A. That's why I was looking.

17 Q. But you had the beer and the cigarette first?

18 A. Yes.

19 Q. You sat in that particular garage for a period of
20 time?

21 A. Yes. If that's a question.

22 Q. And you did all of that with only a couple of
23 minutes standing off to the side of the fence looking over at
24 that particular garage door?

25 A. Um, yes.

26 Q. Cigarette smoke can travel, won't it? You can
27 smell cigarette smoke?

28 A. I don't believe you can smell it through a cement

1 wall.

2 Q. As far as you knew, as you started searching that
3 house it was occupied?

4 A. I was under that assumption, yes.

5 Q. You weren't too concerned if there was anybody in
6 that house at all as you sat in that garage and had your beer
7 and cigarettes because you were armed at that time, isn't that
8 true?

9 A. No.

10 Q. You were ready for anyone that came into that
11 garage and discovered you?

12 A. No.

13 Q. You didn't care if there was anyone in that house
14 as you sat in the garage and drank your beer and smoked your
15 cigarette, did you?

16 A. Yes, I cared.

17 Q. You were ready?

18 A. No.

19 Q. And as you walked around the house, what weapons
20 did you carry with you?

21 A. None.

22 Q. You left the flashlight inside the garage?

23 A. Yes, the first time I went in.

24 Q. We're talking now about your trip around the house.

25 A. Oh, yes.

26 Q. Didn't want to shine a flashlight inside the house
27 and maybe wake somebody up, did you?

28 A. Um, no.

1 Q. You were so careful that you went around, you
2 checked each and every window in the hideout house?

3 A. Um, yes.

4 Q. And once you have completely gone around the house
5 itself, you went back in the garage?

6 A. No.

7 Q. Where did you go?

8 A. After I looked in every window of the house and was
9 certain in my mind that that house was empty, I tried that front
10 door.

11 Q. And it was unlocked?

12 A. Yes.

13 Q. Surprised?

14 A. Very much.

15 Q. You thought you were going to have to break in,
16 didn't you?

17 A. Yeah. That was a possibility, yes.

18 Q. So, as soon as you opened it up you shut it again,
19 didn't you?

20 A. Yes.

21 Q. Because to you that indicated that somebody was
22 probably inside the house?

23 A. No.

24 Q. Well, you come back after the garage and knock on
25 the front door, don't you?

26 A. Yes.

27 Q. What did you do when you went back inside the
28 garage?

1 A. Nothing.

2 Q. Arm yourself?

3 A. No.

4 Q. Nothing at all?

5 A. Mostly just thought about, you know, what just
6 happened.

7 Q. Sat down and thought?

8 A. I'm not going to say I sat down. I might have
9 stood up and leaned on the wall and just, you know, thought.

10 Q. Have a cigarette?

11 A. Um, it's a possibility.

12 Q. Have a beer?

13 A. No. I don't believe there was any more.

14 Q. How long did you stand inside the garage figuring
15 out what an open front door meant?

16 A. Um, only five, ten minutes.

17 Q. Inside that garage were all kinds of tools?

18 A. Oh, yes, it had tools in it.

19 Q. Knives?

20 A. I don't know.

21 Q. Didn't concern you?

22 A. No.

23 Q. Thought it out and went right back to the front
24 door?

25 A. Yes.

26 Q. And once you got to the front door you knocked on
27 it?

28 A. Yes.

1 Q. You're standing there in prison clothes, in a house
2 no more than two miles away from the prison, that are all muddy;
3 is that correct?

4 A. More or less, yes.

5 Q. And if somebody answered that door, what were you
6 going to say to them?

7 A. Probably ask does Joe Blow live here. I don't
8 know. I would have asked them anything. Is this the so and
9 so's residence, or is there -- you know, I don't know.

10 Q. You armed yourself as you stood at the front door
11 and you would have killed anybody that answered the door,
12 wouldn't you?

13 A. No, sir.

14 MR. KOTTMEIER: This would be a fine place, your Honor.

15 THE COURT: Thank you. All right.

16 We will take the evening adjournment. Please,
17 remember the admonition and avoid watching or listening to the
18 media and reading about it in any way. Enjoy your evening. See
19 you tomorrow morning at 9:30 everybody.

20 (Adjournment.)

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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
January 4, 1985

APPEARANCES:

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DONNA D. BEARD, CSR #1874
Official Reporters

INDEX OF WITNESSESFOR THE DEFENDANT:Direct Cross Redirect RecrossCOOPER, Kevin
(Mr. Kottmeier)

5623

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1 SAN DIEGO, CALIFORNIA, FRIDAY, JANUARY 4, 1985, 9:44 A.M.

2 --ooOoo--

3
4 THE COURT: Good morning everybody.

5 Mr. Cooper is still on the stand subject to
6 continued cross-examination.

7 Mr. Kottmeier.

8 MR. KOTTMEIER: Morning, your Honor.

9 Morning, ladies and gentlemen.

10
11 KEVIN COOPER,

12 the Defendant herein, called as a witness on his own behalf,
13 having been previously duly sworn, resumed the stand and
14 testified further as follows:

15
16 CROSS-EXAMINATION (Continued)

17 BY MR. KOTTMEIER:

18 Q. Mr. Cooper, do you have any brothers or sisters?

19 A. No, sir.

20 Q. Helen Mitchell, also known as Alma Cooper, is no
21 relation to you?

22 A. No, sir.

23 Q. And a Kenneth Cooper is not any relation to you?

24 A. No, sir.

25 Q. When you talked to the probation office --

26 MR. NEGUS: Objection. Could we -- I thought we had an
27 order with respect to --

28 THE COURT: I don't remember that subject ever coming up.

1 MR. NEGUS: Well, --

2 THE COURT: Have you discussed this with Mr. Negus, Mr?
3 Kottmeier.

4 MR. KOTTMEIER: Just briefly, earlier this morning.

5 MR. NEGUS: I didn't know that --

6 THE COURT: Apparently you know what's coming and I
7 don't.

8 MR. KOTTMEIER: I can show him this. We will move on.

9 THE COURT: Let's move on and take it up during the
10 recess then.

11 BY MR. KOTTMEIER:

12 Q. Mr. Cooper, showing you an exhibit we've marked as
13 Exhibit 688, for the record a Certified Copy of Vehicle
14 Registration, and directing your attention to the paper
15 marked -- not paper marked, paper clipped marked location within
16 those documents; do you see your name signed on the document as
17 far as the true name of the owner?

18 A. I see "David Trautman", yes.

19 Q. And did you sign that name?

20 A. Yes.

21 Q. And also below the certification that you were
22 making that statement under penalty of perjury?

23 A. I don't see where you're talking about.

24 Q. (Indicating.)

25 A. Yes, I see it.

26 Q. Did you also sign "David Trautman" to that line?

27 A. Yes.

28 Q. That was a lie?

1 A. Yes.

2 Q. Which hand did you injure when you fell into the
3 creek?

4 A. My left hand.

5 Q. And do you have any scar left as a result of that
6 particular injury?

7 A. No.

8 Q. Could I see your left hand, please.

9 A. (Witness complied.)

10 Q. Can you illustrate for the jury where it was that
11 the skin was taken off as you fell at the creek?

12 A. In this area hear (indicating).

13 Q. You are indicating right at the base of the thumb,
14 the larger muscle right at the bottom of the thumb?

15 A. Yes.

16 Q. How much of that particular portion of your hand
17 had all the skin taken off?

18 A. Just in this area here, just like little scrapes,
19 scratches.

20 Q. Scrapes and scratches?

21 A. Just -- Yes.

22 Q. Do you know whether that was caused from falling on
23 a rock, a tree?

24 A. No.

25 Q. Was it painful?

26 A. It stung.

27 Q. Was it something that continued to sting during the
28 next couple days that you were at the hideout.

1 A. Well, when I washed my hands, if soap got in it it
2 stung, yes.

3 Q. You told the defense attorney yesterday, or maybe
4 even the day before, that the kitchen door that you went in and
5 out of at the hideout house had curtains when you looked through
6 it in your first trip around the house.

7 MR. NEGUS: Objection, your Honor. I think he said -- I
8 don't think he definitely made a definite statement. Assumes
9 facts not in evidence.

10 THE COURT: Lay a foundation, Mr. Kottmeier, or refer to
11 page and line.

12 MR. KOTTMEIER: Yes, your Honor. Referring to transcript
13 January 2, 1985, Page 5392 Lines 23 and 24.

14 THE COURT: Go ahead.

15 MR. NEGUS: I believe it wasn't a definite statement.

16 THE COURT: State your question, Mr. Kottmeier.

17 BY MR. KOTTMEIER:

18 Q. Mr. Cooper, did you state -- answer to the
19 question:

20 "Were there any drapes on that kitchen door?"

21 Did you state:

22 "I believe so, but the real thin kind."?

23 A. Yes, I said that.

24 Q. Showing you Exhibit 137, do you recognize that
25 picture?

26 A. Yes.

27 Q. A picture of the kitchen door, isn't it?

28 A. Yes.

1 Q. No drapes on the door?

2 A. No.

3 Q. If you recall, yesterday we had talked about
4 activities within the garage and the small workshop or
5 maintenance room just behind the garage.

6 A. Yes.

7 Q. We've had placed on the board Exhibit No. 5 and
8 some plastic overlays that have been previously marked. The
9 first one that we will be working with has been marked as 5-J.

10 Mr. Cooper, using the black marker, would you come
11 to the first tag up here, write your name?

12 A. (Witness complied.)

13 Q. And then on the second tag Thursday night, June
14 2nd.

15 A. (Witness complied.)

16 Q. You can resume the seat for just a moment, please.
17 Now you told us when you arrived at that particular
18 garage area you saw a light?

19 A. Yes.

20 Q. Showing you Exhibit 681, do you see in that picture
21 the light that was on when you arrived?

22 A. It was either this one or the one on the other
23 side. I'm not positive.

24 Q. When you say, "on the other side," you're pointing
25 to which one?

26 A. I believe the side -- on this side over here
27 (indicating). I believe there's a light over there also.

28 Q. You're talking now about the end of the house?

1 A. Yes.

2 Q. Within this particular picture there is a light
3 that is right here at the corner of the garage, and I'm
4 indicating the far side of the hideout house?

5 A. Yes.

6 Q. And there's a light that is right on the other side
7 of the garage door towards the front door?

8 A. Yes.

9 Q. There is a light almost midway between that light
10 and the front door, at least in that picture?

11 A. Yes.

12 Q. Were any of those three lights on?

13 A. I don't know.

14 Q. When you were up at that hideout, were there more
15 than one light that you had to contend with as you made your
16 trip into the garage and around the house?

17 A. I don't remember at this present time.

18 Q. Was it bright? By "bright" I mean was there a
19 light that covered the entire front of the house from the front
20 door all the way down to the garage door?

21 A. I don't believe so, no.

22 Q. Which areas were there shadows? From this corner
23 to the front door, where were the shadows, if any?

24 A. Well, the way I looked at it, at that particular
25 time I know they was shadows on the side of the house. As far
26 as in front of the house, I don't remember.

27 Q. Well, you told us yesterday that you went and hid
28 in the shadows for just a moment?

1 A. Yes.

2 Q. When you were describing that, are you referring to
3 going to the side of the house or to the front of the house?

4 A. The side of the house.

5 Q. So, when you came to attempt to open the garage
6 door, the side that you were trying to attempt was which side?

7 A. This side right, down here in this corner
8 (indicating).

9 Q. Indicating the side that is furthest away from the
10 front door?

11 A. Yes.

12 Q. The first room or part of that building that you
13 went into was the garage?

14 A. Yes.

15 Q. Would you take the black pen and put a "No. 1"
16 within the garage?

17 A. Any particular area?

18 Q. No. It's -- and put a circle around it if you
19 would.

20 A. (Witness complied.)

21 Q. The next room that you you went into was the
22 maintenance room behind the garage?

23 A. Yes.

24 Q. Would you put a "No. 2" in that room.

25 A. (Witness complied.)

26 Q. As you told us yesterday, you came back out of that
27 into the garage?

28 A. Yes.

1 Q. Put a "No. 3" back in the garage.

2 A. (Witness complied.)

3 Q. Went back into the maintenance room for another
4 beer?

5 A. Yes.

6 Q. "No. 4" in the maintenance room.

7 A. (Witness complied.)

8 Q. Came back out into the garage?

9 A. Yes.

10 Q. "No. 5" in the garage.

11 A. What -- (Witness complied.)

12 Q. And then went back out through the maintenance room
13 to make your tour around the house?

14 A. Yes.

15 Q. "6" in the maintenance room.

16 A. (Witness complied.)

17 Q. Went around the house, opened the front door; did
18 not go in; correct?

19 A. Correct.

20 Q. Went back into the garage?

21 A. Yes.

22 Q. "No. 7" in the garage.

23 A. (Witness complied.)

24 Q. When you went in at point No. 7, did you go in the
25 right side or the left side?

26 A. Probably this side right here, since I was closer
27 to it.

28 Q. When you say, "this side," you are referring to the

1 side that is closest to the front door?

2 A. Yes, where I wrote "No. 7".

3 Q. The side that is opposite to where you first went
4 in?

5 A. Yes.

6 Q. Now, yesterday you told us after thinking for a
7 little bit you went back up to the front door, knocked, no
8 answer and went in?

9 A. Right.

10 Q. Now, Mr. Cooper, on that Thursday night when you
11 looked in that garage for the first time you hoped that there
12 would be a car in it, didn't you?

13 A. Not necessarily, no.

14 Q. Well, was a car something you were interested in
15 getting at that point in time?

16 A. No.

17 Q. You went into the house after knocking and
18 receiving no answer?

19 A. Right.

20 Q. No pauses or stopping to see if you got an answer?

21 A. I knocked on the door and waited.

22 Q. Right. But nothing guilty particularly unusual
23 about the time you spent at the front door?

24 A. No.

25 Q. When you went inside, which way did you turn?

26 A. This way.

27 Q. You are indicating to the right?

28 A. Yes.

1 Q. Which room did you go to after making that turn?

2 A. Went down, looked in here, up in this way. I don't
3 know if I went in this room first or this first, you know.

4 Q. Would you trace your path from the front door?

5 A. (Witness complied.)

6 Q. Did you actually go in the bathroom?

7 A. I believe so, yes.

8 Q. Did you go as far as the shower itself?

9 A. I went at least far enough to the doorway to look
10 in.

11 Q. All right. Would you continue the line then to the
12 bathroom?

13 A. (Witness complied.)

14 Q. And you went down the hall to the Bilbia bedroom?

15 A. Yes. I went about here (indicating).

16 Q. Did you do anything as far as look in the closets
17 inside the Bilbia bedroom?

18 A. No.

19 Q. Looked just in the room?

20 A. Yes. I looked in here and saw it was empty.

21 Q. Retraced your steps back past the front door?

22 A. Yes.

23 Q. And then where did you go?

24 A. About right there (indicating).

25 Q. What did you do when you stopped there?

26 A. Look at this area here, looked down the hall.

27 Q. All of this is being done in the dark?

28 A. Yes.

1 Q. And from looking in that particular area, where did
2 you go or what did you do?

3 A. Just continued down the hall.

4 Q. Would you trace your path.

5 A. (Witness complied.)

6 Q. Did you look in each of the bedrooms as you went?

7 A. Yes.

8 Q. Did you go into each of the bedrooms?

9 A. No.

10 Q. Did you look into the Lang bathroom?

11 A. Yes. Well, I was going to look in here, looked in
12 there.

13 Q. Would you draw a line as as far as you went into
14 the Lang bathroom?

15 A. (Witness complied.)

16 Q. You've stopped there in the living room. Did you
17 stop in the living room?

18 A. Right there, yes.

19 Q. What did you do?

20 A. Looked.

21 Q. Spend more than just a few seconds looking?

22 A. Just taking in everything I saw.

23 Q. And where did you go after you looked in the living
24 room?

25 A. Back out in the garage.

26 Q. And would you trace your route in that particular?

27 A. (Witness complied.) Excuse me. It's a possibility
28 I went this way. It's also a possibility I went out the kitchen

1 door. I'm not exactly sure, but I believe I went out the
2 kitchen door, but I'm not exactly sure. That's why I drew this
3 route, just to be safe. I don't remember exact details.

4 Q. Well, you testified on direct examination that you
5 went out the kitchen door, correct?

6 A. Yes.

7 Q. But you've already drawn on the diagram 5-J a
8 course that travels from the living room down the hallway, past
9 the bedrooms, out the front door, along the front of the house
10 and back into the garage?

11 A. Yes. But I also said that I don't remember
12 correctly.

13 Q. Did you ever use the front door after you went in
14 the first time without any light?

15 A. It's a possibility. I don't know. I know I did
16 indeed lock it at one point in time. I don't know.

17 Q. Did you lock it when you went in?

18 A. In that particular time I don't know. I did lock
19 it, though.

20 Q. Well, then you aren't sure at all which door you
21 went out of?

22 A. As far as what time?

23 Q. At this particular point in time.

24 A. No.

25 Q. You've taken the tour with no light?

26 A. Right.

27 Q. And you go back into the garage?

28 A. Right.

1 Q. And you have no idea whether you went out the front
2 door or the back door?

3 A. No. I believe that I went out this door, but then,
4 again, I could have went out this door. I'm not exactly
5 positive, no.

6 Q. Well, then, would you take from wherever point was
7 your recollection and draw a dotted line to indicate the route
8 that you might have taken?

9 A. All right. I might have came all the way around
10 this way and came out this way (indicating) and came in and went
11 back.

12 Q. This time you've got yourself coming in through the
13 door at the maintenance room --

14 A. Correct.

15 Q. -- in the garage?

16 A. Correct.

17 Q. What was your purpose in going back to the garage?

18 A. For the flashlight.

19 Q. Now, yesterday on cross-examination when I asked
20 you the question you said that you'd already found the
21 flashlight?

22 A. Yes.

23 Q. Was that true?

24 A. Yes.

25 Q. Yet in your conversations with Mr. Negus, didn't
26 you tell him that you had to go back to the garage and look for
27 something?

28 A. No.

1 Q. Referring to Page 5397 Lines 18 through 22.

2 "Question:"

3 MR. NEGUS: Objection. I don't believe that was
4 inconsistent, and it certainly doesn't say --

5 THE COURT: May I see it, Mr. Kottmeier? Lines again,
6 Mr. Negus?

7 MR. KOTTMEIER: They are underlined, your Honor. I have
8 attempted to avoid the entire context of the testimony, but
9 that's the area that directly deals with the flashlight.

10 THE COURT: Overruled.

11 BY MR. KOTTMEIER:

12 Q. (Reading)

13 " Question: After you -- after you completed going
14 throughout the house, what did you do then?

15 "Answer: Well, inside the house it was dark, and I
16 didn't want to turn on any lights so I went back
17 out in the garage and found a flashlight."

18 Was that true or not?

19 A. You are taking one word and blowing it around.
20 It's true. I said that. But I previously saw the flashlight
21 right beside the refrigerator, because I used the flashlight to
22 find the old shoes up here in the shelf area. So I already
23 found it. I didn't go hunt for it.

24 Q. Well, on direct didn't you tell Mr. Negus that you
25 used your lighter to get around inside the garage until after
26 you'd made your tour in the dark and came back and found the
27 flashlight.

28 A. No. What I said was I used my flashlight -- I mean

1 my lighter when I was in the garage and looking around. I
2 looked up on the shelves with my flashlight -- I mean with the
3 lighter, a previous time before, but I didn't take anything off
4 the shelves. I didn't bother anything. I just looked with my
5 lighter.

6 Q. Now, the fact that you had no glasses on during
7 your tour of the house, that didn't bother you at all, did it?

8 A. No, because my glasses are not for seeing people or
9 things as far as drawing and reading and watching television.

10 Q. In fact, when you did the burglaries in Los Angeles
11 at night you left your glasses in the car?

12 A. It's a possibility. It's a possibility I left them
13 at home.

14 Q. Well, did you do that on purpose?

15 A. Yes. I don't need glasses to do burglaries.

16 Q. Did you have any light with you during the
17 burglaries in Los Angeles?

18 MR. NEGUS: Objection, your Honor.

19 THE COURT: No. Overruled.

20 MR. NEGUS: Could we be heard on that before we go any
21 further?

22 THE COURT: No, sir. Proceed.

23 THE DEFENDANT: I don't remember.

24 BY MR. KOTTMEIER:

25 Q. Flashlight? Lighter?

26 A. It's a possibility.

27 THE COURT: I hope you are not going to open up all the
28 details in Los Angeles.

1 MR. KOTTMEIER: No, your Honor, strictly the areas we are
2 dealing with as far as this first tour through the house.

3 MR. NEGUS: Could we be heard before we get any further
4 into that?

5 THE COURT: Counsel, I don't believe so. Go ahead.

6 MR. NEGUS: It's not --

7 THE COURT: Proceed.

8 BY MR. KOTTMEIER:

9 Q. I might have missed your last answer.

10 As far as any light during the Los Angeles
11 burglaries, did you have any?

12 A. One of the burglaries were a daytime burglary, and
13 one was a nighttime burglary.

14 Q. During the nighttime burglary did you have any
15 light?

16 A. It's possible I had a cigarette lighter. It's
17 possible I didn't. I don't know. I don't remember.

18 MR. NEGUS: Could we take a break, your Honor?

19 THE COURT: No, sir.

20 MR. KOTTMEIER: I've finished with this particular area,
21 your Honor.

22 THE COURT: Continue.

23 BY MR. KOTTMEIER:

24 Q. Mr. Cooper, you're back in the garage; you have a
25 flashlight at this point?

26 A. Yes.

27 Q. Same flashlight we find in the nest in the closet,
28 or next to the nest by the blankets?

1 A. Yes, I believe so.

2 Q. You take the flashlight and what did you do?

3 A. Go back in the house.

4 Q. Did you spend any time in the garage except to pick
5 up the flashlight?

6 A. No.

7 Q. Now, at this particular point in time can you
8 describe how you're dressed?

9 A. Yes.

10 Q. How is that?

11 A. Prison clothes on, one pair of tennis shoes
12 sticking out the pockets, yellow shoes on, that's it.

13 Q. By "sticking out of the pockets" you're talking
14 about the camp jacket pockets?

15 A. The jacket pocket. I don't know if I had on a camp
16 jacket.

17 Q. And you're muddy at that point in time?

18 A. Somewhat, yes.

19 Q. Muddy on your pants?

20 A. Yes, down by my shoes.

21 Q. Muddy on the front of you? You fell on the front
22 side?

23 A. That was more wet than mud.

24 Q. How far up on the pants were you muddy?

25 A. All right. Well, when I fell, I fell and I ended
26 up going down. My hands went in the water. This part of the
27 jacket was wet. Water splashed up this part of the front, from
28 about here to my knees. And, you know, when water get material,

1 the material absorbs the water; so, therefore, the water might
2 rise up a little bit more. But the majority of mud was
3 concentrated down here where I actually stepped inside the
4 creek.

5 Q. And what had you done with your socks?

6 A. They were on.

7 Q. The wet socks were still on?

8 A. Oh, no; no; no; no. At that particular time when I
9 took them off they were inside my shoes inside my jacket.

10 Q. So, you had no socks on inside the tennis shoes you
11 were wearing?

12 A. Not inside the yellow shoes, no.

13 Q. With the flashlight which door do you go to?

14 A. I believe I went back this way (indicating).

15 Q. You're indicating --

16 A. But I'm not positive.

17 Q. You are indicating now the dotted line route, that
18 being from the workshop door at the back to the kitchen door?

19 A. Yes. I'm not positive.

20 Q. Well, do you know what room was the very first room
21 to see the light of your flashlight?

22 A. No.

23 Q. You don't remember the first impression you had
24 when you shined your light inside that hideout house?

25 A. I -- How did I say it. Had an impression when I
26 was in there in the dark and I could see, you know, your eyes
27 could adjust to the dark and could see something, but I -- so I
28 formed an impression then.

1 Q. What is the first room that you can recall looking
2 at with the flashlight?

3 A. Well, since I knew that basically there was nothing
4 in this end of the house, I really didn't concentrate down here.
5 So it would have had to have been up at this end. Exactly which
6 room, I do not know.

7 Q. When you say, "up to this end you," are referring
8 to the kitchen/fireplace?

9 A. I'm referring here, here, around here, here
10 (indicating).

11 Q. So, as far as you can best construct in your mind,
12 the first place that you went into was the kitchen?

13 A. Yes. But then, again, I'm not positive.

14 Q. All right. Would you take and place an "8" in the
15 kitchen.

16 A. (Witness complied.)

17 Q. What rooms did you go into with the flashlight?

18 A. Well, actually I didn't go into any rooms. I
19 stopped at the door, turned the flashlight on and looked around
20 in these particular rooms.

21 Q. So, you in effect retraced, at least from that
22 fireplace end of the house, the same path that you had taken in
23 the dark?

24 A. More or less. Maybe not the exact same route, but
25 more or less, yes.

26 Q. Did you go past that front door again with the
27 flashlight?

28 A. It's possible, but I don't remember.

1 Q. Did you lock the kitchen door as you went in?

2 A. I believe so. I'm not positive.

3 Q. As you used the flashlight, can you describe the
4 way that you used it?

5 A. Just pushed it on, use it to look around. Same way
6 you might do.

7 Q. You can sit down for just a moment, Mr. Cooper.

8 So you didn't put anything over it to try and cover
9 the light, for example, shine it through your T-shirt or
10 anything like that?

11 A. Um, well, the way the flashlight was made it didn't
12 illuminate real bright, like it had a red top and the glass was
13 not on top of the red top, it was set down inside the red top,
14 so when the light came on it was more or less a light that came
15 on on a straight angle.

16 Q. Well, were you careful at all about where you
17 pointed that particular flashlight?

18 A. Yes.

19 Q. Only kept it down low as far as the ground?

20 A. Well, what I did was I would walk to a room, before
21 I got to the room the flashlight was off. When I got to a room
22 my body would be blocking the door and I would turn the
23 flashlight on. Then I look in and see wasn't nothing in there.
24 I turned the flashlight off, go to another room, turn it back on
25 and look. And that way, you know, I went through the house.

26 Q. But each time you would use the flashlight the
27 window to that particular room would have light in it?

28 A. I guess so, yes.

1 Q. Day before yesterday did you testify that you went
2 through the entire house with the flashlight?

3 A. You mean with the flashlight on?

4 Q. Yes.

5 A. It's a possibility I did, yes.

6 Q. Was that true?

7 A. I don't remember at this exact time. You know,
8 it's possible.

9 Q. Well, when you testified on direct examination to
10 the questions that were asked by your attorney, were you
11 testifying as to just a variety of possibilities, some of which
12 may have been true and some of which may have been untrue?

13 A. I was trying to be honest and tell the truth and
14 give my best approximation of the things I did.

15 Q. Approximation?

16 A. You know.

17 Q. Or --

18 A. You know, my best recollection of what I did.
19 Maybe I used the wrong word.

20 Q. Referring to 5399, starting at Line 3 through, I
21 believe, 12.

22 MR. NEGUS: I believe that's not a correct procedure.
23 It's not from a prior hearing. I mean, if it's offered as prior
24 testimony.

25 MR. KOTTMEIER: I offer it strictly as a prior
26 inconsistent statement.

27 THE COURT: You may read.

28 MR. NEGUS: But it's already in evidence is what I'm

1 trying to say.

2 THE COURT: You may read the statement.

3 MR. KOTTMEIER: Starting at Line 3.

4 "Question: Once you got back in with the
5 flashlight what did you do then?

6 "Answer: Looked through the house again. This
7 time with the flashlight on.

8 "Question: Okay. Did -- did anything seem unusual
9 about the house to you?

10 "Answer: Yes.

11 "Question: What was that?

12 "Answer: Part of it was furnished and part of it
13 wasn't. Part of it was partly furnished."

14 Q. Do you recall saying that?

15 A. Yes.

16 MR. NEGUS: Could I move to have that stricken? I don't
17 believe it was inconsistent with his testimony here.

18 THE COURT: The jurors may draw some inconsistencies from
19 it. Overruled. Denied.

20 BY MR. KOTTMEIER:

21 Q. After you had looked in the room that you've told
22 us about with the flashlight, what did you do next?

23 A. I don't know, probably got something to eat.

24 Q. Went to the kitchen?

25 A. It's a possibility, yes.

26 Q. Would you write a "9" in the kitchen.

27 A. (Witness complied.)

28 Q. What was it that you did within the kitchen at

1 Point 9 as far as getting something to eat?

2 A. I don't know. I just got something to eat, just
3 wanted to get something to eat.

4 Q. Once you had the --

5 A. Say what? I can't hear.

6 Q. Do you know what you had to eat?

7 A. Oh. A sandwich.

8 Q. What was on the sandwich?

9 A. Just a sandwich.

10 Q. Where did the bread come from?

11 A. Refrigerator.

12 Q. The bread was in the refrigerator?

13 A. Yes.

14 Q. What was on the sandwich?

15 A. Meat.

16 Q. Did you ever cut the meat with anything?

17 A. I don't remember.

18 Q. Did you use a knife?

19 A. I don't believe so.

20 Q. At Point 9 you made your sandwich. What things did
21 you touch inside the kitchen?

22 A. The refrigerator, the bread, the meat. I don't
23 remember what else.

24 Q. Would you write "Refrigerator" in the area where
25 the refrigerator was to 5-J.

26 A. (Witness complied).

27 Q. That is the only thing that you can remember
28 touching at that time other than the bread, the meat that you

1 consumed?

2 A. Like I say, I don't remember.

3 Q. After you had something to eat, what was the next
4 thing that you remember doing?

5 A. Um, it is a possibility that I was in the bedroom,
6 the Lang bedroom looking at the clothes. I mean, see, my
7 problem right now is you are trying to make me go detail by
8 detail by detail what I did. I do not remember detail by detail
9 by detail. The only thing that I know is what I didn't do.

10 Q. What didn't you do?

11 A. I did not kill the Ryens, and I did not attempt to
12 kill Christopher Hughes and I did not attempt to kill Joshua
13 Ryen.

14 Q. Now that we have covered that particular statement
15 let's return to the hideout house and Thursday, June the 2nd.

16 In regard to finishing what you had to eat, what
17 was the thing that you can remember of any activity within that
18 particular house?

19 A. Looking at clothes.

20 Q. That was in the Lang bedroom?

21 A. Yes.

22 Q. Would you write No. "10" in that room.

23 A. (Witness complied).

24 Q. In regard to looking at the Lang clothes, what was
25 it that you looked at?

26 A. Um, basically just the clothes. I don't know,
27 exactly.

28 Q. Well, did you go through the closets?

1 A. I looked at pants and shirts and different things.

2 Q. In regard to looking at the Lang clothes, which
3 closets did you start with?

4 A. I don't remember.

5 Q. Did you look in both closets?

6 A. Yes. I got clothes out of both closets.

7 Q. Did you look at items that were on the floor of the
8 closets closest to the fireplace?

9 A. It is possible I did, yes.

10 Q. Do you recall what was the on the floor in that
11 closet?

12 A. Shoes. And all I saw was shoes.

13 Q. Any weapons?

14 A. I don't know if there were weapons or not. I
15 didn't see any.

16 Q. Shears?

17 A. I don't know.

18 Q. Hedge trimmers?

19 A. I don't know.

20 Q. Knives?

21 A. I don't know.

22 Q. Did you touch any of the items within that closet?

23 A. Which particular items are you talking about?

24 Q. Any items.

25 A. I touched the clothes.

26 Q. Did you touch the closet doors?

27 A. I believe they were already open.

28 Q. Did you look in the closet that was directly next

1 to the Lang bathroom?

2 A. Yes.

3 Q. What items did you touch in that particular closet?

4 A. I believe that's the closet I got the gloves.

5 Q. Did you get the gloves at that time?

6 A. Nope. I got shirts out of there. I did look in
7 some drawers.

8 Q. So you touched the drawers.

9 A. Yes.

10 Q. Would you write "Drawers" in that closet then on

11 5-J.

12 A. (Witness complied).

13 Q. You can resume your seat if you would, please.

14 What did you see in the drawers?

15 A. I believe shirts.

16 Q. Underwear.

17 A. It is possibility.

18 Q. Socks?

19 A. I don't remember.

20 Q. Anything other than shirts that you remember in
21 those drawers in the Lang closet by the bathroom?

22 A. Might have been pants.

23 Q. By "pants", you mean long pants, outside pants?

24 A. Yeah. Pants.

25 Q. How long did you spend in that particular room?

26 A. At that time, that particular time?

27 Q. Yes.

28 A. I don't know.

1 Q. After you had looked in both closets, what did you
2 do?

3 A. Um, let me see. I don't know. I know sooner or
4 later I made a phone call. After I made a phone call I got
5 something else to eat. But as far as -- I don't know. I just
6 don't remember detail by detail.

7 Q. Well, did you sit on the bed?

8 A. It is a possibility, yes.

9 Q. Well, when you were talking to us day before
10 yesterday --

11 A. Yes.

12 Q. -- you told us you got a sandwich, then the next
13 thing you did was go in and start listening to the stereo.

14 A. Yes.

15 Q. Is that true?

16 A. Yes.

17 Q. So you had to stop in the living room before you
18 ever got to the Lang bedroom.

19 A. Yes.

20 Q. Forget about that?

21 A. Yes. I mean, I'm human; I make mistakes, sir.

22 Q. Well, so, realistically we should maybe have a 10-A
23 somewhere in the living room by the stereo.

24 A. Yes. It is a possibility, yes.

25 Q. Would you write 10-A, please.

26 A. (Witness complied).

27 Q. Can you describe your activities in the living room
28 at that time?

1 A. Well, I know I listened to radio, TV, and I know I
2 talked on the phone I believe over here.

3 Q. At that same point in time before you go into the
4 Lang bedroom?

5 A. No, no, no. See, where I am not sure is if I got
6 something to eat when I went in there, or went in there and
7 first got something to eat. I mean, you know, I am not
8 positive. I am liable to make a thousand inconsistent
9 statements.

10 Q. So, as far as 10-A is concerned, what was the first
11 thing that you did in that area?

12 A. All right. In this area here?

13 A. Yes.

14 A. I took a lantern off and set it on the floor.

15 Q. Would you write "Lantern" in that area.

16 A. I don't know if it is exactly a lantern. Some type
17 of lighting device.

18 Q. Whatever you want to call it.

19 A. I will just call it a light.

20 Q. Light.

21 A. (Witness complied).

22 Q. You also touched the stereo.

23 A. Yep.

24 Q. And in addition you touched the TV over by the
25 corner of the fireplace.

26 A. Yes.

27 Q. Would you write "TV".

28 A. (Witness complied).

1 Q. You actually lifted that TV down off of the table
2 that it was on; is that correct?

3 A. Yes.

4 Q. And that is at the same point as 10-A in our
5 travels.

6 A. It is possible.

7 Q. Generally, while you were in the room at that point
8 in time.

9 A. Yes.

10 Q. So would you write "10-A" next to that television.

11 A. (Witness complied).

12 Q. Now, while you were in the Lang bedroom, after you
13 had looked at the clothes, did you sit on the bed?

14 A. I sat on the bed, two times.

15 Q. Did you smoke something?

16 A. I believe I smoked a cigarette.

17 Q. What did you do with the ashes?

18 A. I don't know.

19 Q. Was this the first time that you had smoked inside
20 the residence?

21 A. I don't know.

22 Q. After you've covered the activity as far as the
23 television, the radio, and the Lang bedroom clothes, what was
24 the next thing that you remember doing?

25 A. Talking to Yolanda on the phone.

26 Q. You don't remember going back into the kitchen for
27 another sandwich?

28 A. I believe I ate a sandwich after I talked to

1 Yolanda.

2 Q. Not before?

3 A. I had one before and after.

4 Q. You had one when you first arrived.

5 A. Right.

6 Q. Did you have another one before you talked to

7 Yolanda Jackson on the telephone?

8 A. I don't believe so.

9 Q. Well, then, let's talk for just a moment about the
10 area by the telephone. Where is the telephone located?

11 A. Right next to the kitchen.

12 Q. Would you write "Telephone" where it was found.
13 You touched that, too, didn't you?

14 A. (Witness complied). Yes.

15 Q. Now, just about on the other side of that counter
16 where you've written "telephone", in the living room or
17 fireplace side from the kitchen, there's a large pool table,
18 isn't there?

19 A. Yes. The pool table is about right here.

20 Q. Would you draw that in please.

21 A. (Witness complied).

22 Q. Do you know the route that you took to get to the
23 telephone?

24 A. No.

25 Q. You have written in "Pool Table"; is that correct?

26 A. Yes.

27 Q. And drawn it in.

28 A. Yes.

1 Q. Did you touch anything on the pool table?

2 A. No.

3 Q. What route did you take to get to the telephone?

4 A. I don't know.

5 Q. Where did you stand when you used the telephone?

6 A. I might have stood right here, I might have jumped
7 up and sat on the counter. I don't know.

8 Q. At least as far as the points that you've directed
9 our attention to on the diagram, you're talking about the pool
10 table, fireplace side at that particular kitchen counter.

11 A. Yes.

12 Q. And would you write in the area "Cooper" where you
13 were standing at least when you first started using the
14 telephone.

15 A. (Witness complied).

16 Q. Now, that particular telephone call started -- you
17 can resume your seat if you would, please -- about 17 minutes
18 after midnight.

19 A. I don't know when it started.

20 Q. Well, as far as the records are concerned, those
21 records, as far as you know, are accurate.

22 A. The phone company records?

23 Q. The phone company records, yes.

24 A. I believe they're accurate.

25 Q. You've heard the times referred to here in this
26 case.

27 A. Yes.

28 Q. At least as far as your ability to recall those are

1 accurate times.

2 A. I don't remember the exact times even right now
3 from what the phone company said. If the records are correct I
4 assume the time is correct.

5 Q. That particular phone call, late Thursday night or
6 early Friday morning, however you want to refer to it, but just
7 after midnight.

8 A. Yes.

9 Q. Do you recall the phone number that you dialed.

10 A. Yes.

11 Q. What?

12 A. I believe it is 284 -- no. It might be 284-6707.

13 Q. Area code 213.

14 A. Yes.

15 Q. Does (213) 299-7606 sound like Yolanda Jackson's
16 phone number?

17 A. Yes.

18 Q. Now, you just talked to her, what, a couple of
19 hours before your escape?

20 A. More or less, yes.

21 Q. You had met her at the prison about three days
22 before that phone call from CIM.

23 A. Yes.

24 Q. Now you are calling her again.

25 A. Yes.

26 Q. She's the first person that you called at that
27 point in time.

28 A. Yes.

1 Q. You hadn't used the phone for any purpose up to the
2 time that you called Yolanda Jackson just after midnight.

3 A. True.

4 Q. Were you surprised to find that the phone worked?

5 A. I wouldn't say surprised.

6 Q. It would tend to indicate, wouldn't it, Mr. Cooper,
7 that somebody probably was still living there.

8 A. It is possible, yes.

9 Q. Tend to indicate further that somebody may have
10 used that, as you said, for a weekend house.

11 A. It is possible, yes.

12 Q. So here we are Thursday night you called Yolanda
13 Jackson and what was said? What was your topic of conversation?

14 A. Basically she was trying to tell me to turn myself
15 back in.

16 Q. Well, do you recall the call lasted about two
17 hours, correct?

18 A. I am not sure about the exact time.

19 Q. Approximately two hours.

20 A. We talked awhile.

21 Q. And do you know if it lasted longer than an hour?

22 A. Possible, yes.

23 Q. Do you know if it lasted longer than two hours?

24 A. I don't know.

25 Q. If the phone records suggest that the call ended at
26 the 2:07 a.m., as far as you know that is accurate?

27 A. If the phone records indicate that, yes.

28 Q. Yolanda Jackson asked you if you hurt anyone during

1 the escape, didn't she?

2 A. Yes.

3 Q. Did you tell Yolanda Jackson that you had to
4 escape?

5 A. Yes.

6 Q. In fact you kept insisting to Yolanda Jackson, "I
7 had to do it".

8 A. Had to do what?

9 Q. Escape.

10 A. I didn't keep insisting that because she didn't
11 keep asking.

12 Q. Did you ask Yolanda Jackson for help?

13 A. Jokingly, yes.

14 Q. Did you smoke anything while you talked to her on
15 the phone.

16 A. Yes. I think -- in fact, I told her to wait a
17 minute while I went and got my cigarettes.

18 Q. Where were your cigarettes?

19 A. Um, they weren't on me. I don't remember exactly
20 where I set them at.

21 Q. Somewhere in the travels we have talked about your
22 cigarettes have gotten away?

23 A. They didn't get away from me, I sat them down
24 somewhere.

25 Q. Do you know where?

26 A. At this particular time, no.

27 Q. So, at least as far as by the time you make the
28 telephone call to Yolanda Jackson you've already put some of

1 your possessions somewhere in that particular house.

2 A. It is possible, yep.

3 Q. You've made yourself at home.

4 A. I wouldn't say that.

5 Q. Taken off your coat.

6 A. Yep.

7 Q. Put your cigarettes somewhere.

8 A. Yep.

9 Q. Set up headquarters, in effect, a place to be.

10 A. No.

11 Q. Was that in the Lang bedroom that you did that?

12 A. Where I did what?

13 Q. Where you left your coat and cigarettes.

14 A. I don't remember.

15 Q. But you had to tell Yolanda Jackson to hold on,
16 I've got to go get my cigarettes.

17 A. I just said, "Wait a minute. Let me get my
18 cigarettes."

19 Q. And you go away and get your cigarettes, wherever
20 they may have been.

21 A. Yes.

22 Q. You come back and start smoking.

23 A. Yes.

24 Q. What did you use for an ashtray?

25 A. I believe one of those orange ones.

26 Q. So, you also had to go back up by the television to
27 get one of those orange ashtrays.

28 A. Excuse me? You are making it seem like a great

1 distance. It is just a house. You know, a couple steps here,
2 couple steps there. It is not no real -- I didn't have to go
3 from one side way over in the corner somewhere, it is all in the
4 same area.

5 Q. As far as getting the ashtray you had to go at
6 least by the fireplace and the television to get to the ashtray.

7 A. Yes.

8 Q. Would you write "Ashtray" in the area where the
9 ashtray was. Because you touched it, didn't you?

10 A. Yes.

11 Q. (Witness complied)

12 Q. You took the ashtray from that point over by the
13 telephone.

14 A. Yes.

15 Q. How many cigarettes did you smoke during the couple
16 of hours that you talked to Yolanda Jackson?

17 A. I don't know.

18 Q. More than one?

19 A. I don't know.

20 Q. Yolanda Jackson, during this particular phone call,
21 asked you not to get mad at her if she didn't help you, didn't
22 she?

23 A. Yes.

24 Q. Yolanda Jackson was afraid of you.

25 A. Was what?

26 Q. Afraid of you.

27 A. No.

28 Q. She asked you not to come and hurt her just because

1 she wouldn't help.

2 A. She didn't say it like that.

3 Q. Did she say, "Don't come and hurt me"?

4 A. She didn't say it like that, no.

5 Q. You heard her testify here in court.

6 A. But she didn't say it like that.

7 Q. How did she say it?

8 A. She said, "If I don't come and get you, you won't
9 hurt me, will you?" Like that. She was asking me a question.

10 Q. And you said -- what did you say?

11 A. I said, nope, I wouldn't do nothing to her.

12 Q. You were mad at that point, weren't you?

13 A. No.

14 Q. You were upset.

15 A. No.

16 Q. She was trying to make you play the fool by going
17 back to CIM and turning yourself in.

18 A. No. She was just showing me she was concerned
19 about me.

20 Q. But she wouldn't help you.

21 A. Not at that particular time, no.

22 Q. Did you threaten to kill her?

23 A. No.

24 Q. Yolanda Jackson told you that you could --

25 MR. NEGUS: Your Honor, could we go into chambers just
26 for a second?

27 THE COURT: Counsel, I hate to interrupt.

28 MR. NEGUS: I do too.

1 THE COURT: I will deny it. We will be taking a recess
2 in about ten minutes. Go ahead.

3 BY MR. KOTTMEIER:

4 Q. Did Yolanda Jackson say to you that you could get
5 killed in California for walking out of a prison?

6 A. She didn't say for "walking out of a prison".

7 Q. What did she say?

8 A. She said escape from a prison, because she assumed
9 that I had broke out. She didn't know I had just walked away.

10 Q. But you knew that the guards from CIM, Chino
11 police, were all looking for you.

12 A. Yep. But she didn't know that.

13 Q. Did it concern or scare you when Yolanda Jackson
14 made the statement that you could get killed in California for
15 escaping?

16 A. No.

17 Q. During this phone call that you had to Yolanda
18 Jackson, what specific request did you make of her for
19 assistance?

20 A. I said -- I asked her, I said, "Would you come and
21 get me."

22 Q. And she said no.

23 A. True.

24 Q. What other assistance did you ask Yolanda Jackson
25 for?

26 A. None.

27 Q. At that point in time, referring to the
28 conversation just as it came to a close with Yolanda Jackson,

1 what had been left unsaid in the conversation?

2 MR. NEGUS: Objection, that is speculative I think.

3 MR. KOTTMEIER: I will ask it another way.

4 THE COURT: That is very broad. Sustained.

5 BY MR. KOTTMEIER:

6 Q. Did Yolanda Jackson get in contact with your
7 friends in Watts?

8 A. No. She does not know my friends in Watts.

9 Q. Yet you hang up, and almost to the minute, ten
10 minutes later you called Yolanda Jackson back.

11 A. I don't even think it was ten minutes. But I did
12 call her right back.

13 Q. At least you tried to dial her right back within
14 ten minutes.

15 A. Yep.

16 Q. When you were using this phone at that time, this
17 point in time, were any lights on?

18 A. No.

19 Q. What lights did you have available as you dialed
20 the phone?

21 A. I had my cigarette lighter, I had the flashlight.

22 Q. Did you use either one?

23 A. I'm not sure. I mean, where I was there was no
24 curtains or nothing by those sliding glass doors, so it might
25 have been nightlight coming in. I don't know.

26 Q. You used your left hand to dial the phone number.

27 A. I don't know what hand I used.

28 Q. Did you normally use your left hand to dial?

1 A. Yes.

2 Q. When you started trying to redial again you kept
3 getting the wrong number.

4 A. I believe I kept getting it because it was dark,
5 yes.

6 Q. When you say "it was dark", at this point you are
7 now trying to dial the number in the dark?

8 A. Like I said I could have been trying to use just
9 the night light.

10 Q. In fact, in dialing the number you were off in each
11 instance maybe just one hole on the dial as you turn the
12 numbers.

13 A. Possibly, yes.

14 Q. You misdialed 2:17.

15 A. I don't know the exact number but I misdialed it
16 the first time, yes.

17 Q. At least as far as the phone records reflect.

18 A. I mean, from my personal knowledge, too, I know I
19 misdialed.

20 Q. And you misdialed at 2:23 a.m..

21 A. I misdialed a second time.

22 Q. And you misdialed at 2:25 approximately the third
23 time.

24 A. Yes.

25 Q. Then the fourth time you dialed the operator.

26 A. Yes.

27 Q. It is extremely important to you to get back into
28 contact with Yolanda Jackson at 2:00 in the morning, isn't it?

1 A. Um, for personal reasons, yes.

2 Q. You just talked to her for two hours.

3 A. Yes, but there was some things I forgot to say.

4 Q. After the operator put you in touch with Yolanda
5 Jackson, what things had you forgotten to say to her?

6 A. Well, I forgot to tell her how much I appreciated
7 all the help that she had gave me when I was in the County Jail.
8 She -- her and LaWanda were the only ones that come to see me of
9 all of the friends that I have, and I just told her, basically
10 just thanked her for the help that she gave me. She went out of
11 her way to help me. I appreciated that, I wanted her to know
12 that.

13 Q. And that same conversation you found out for sure
14 that you'd have no car from Yolanda Jackson.

15 A. I didn't expect one.

16 Q. No money from Yolanda Jackson.

17 A. I didn't expect any.

18 Q. And no help from Yolanda Jackson.

19 A. I didn't expect any.

20 Q. You did say to her, "You will probably never see me
21 again."

22 A. It is possible I said that, yes.

23 Q. And also in that conversation you said, "I won't
24 try and hurt you for not helping me."

25 A. It is possible I said that, yes.

26 Q. Did you make any collect phone calls after you
27 finished your phone call with Yolanda Jackson?

28 A. No.

1 THE COURT: Counsel, could we break it at this point?

2 MR. KOTTMEIER: Yes, your Honor.

3 THE COURT: Counsel, I will see you in chambers.

4 Ladies and gentlemen, we will take the morning
5 recess. Remember the admonition.

6 (Recess.)

7

8 (Chambers conference reported.)

9 THE COURT: All right. All three counsel are in
10 chambers, the defendant.

11 Mr. Negus, are there some parameters we need to
12 establish here.

13 MR. NEGUS: Well, apparently, your Honor, made a rule at
14 one point in time that the Los Angeles burglaries were admitted
15 as convictions under People -- under the Evidence Code to
16 impeach Mr. Cooper.

17 Mr. Kottmeier is now trying to use them as some
18 sort of prior similar acts to establish that Mr. Cooper did
19 something or didn't do something in the burglary of the Lease
20 home. That is not permissible under any codes because he has
21 not made any -- established that the prior -- that the Los
22 Angeles burglaries were in any way similar. And it is I believe
23 reversible error to do that. I mean --

24 THE COURT: Where is the prejudice, sir? What he is
25 trying to do is to show his ability to get around both the
26 hideout house as the Ryen house, I think.

27 MR. KOTTMEIER: We would not even, your Honor, have
28 raised this issue except for in explanation about the glasses.

1 Mr. Negus said, "When you were arrest in Los Angeles for the
2 burglaries you left your glasses in the car?" I didn't know he
3 had left his glasses in the car. As far as I knew he may have
4 had his glasses with him. So all I have done is built upon that
5 statement in direct, and we are finished as far as I am
6 concerned.

7 MR. NEGUS: But the problem is we're getting -- the last
8 thing that we need in this particular case is mistrial. And
9 I --

10 THE COURT: I don't think we've even approached it, Mr.
11 Negus, --

12 MR. NEGUS: Well, let me --

13 THE COURT: -- if that's what you are moving for.

14 Let's move on to something else.

15 MR. NEGUS: I would just like to point out that -- that
16 evidence of other crimes is being admitted by the prosecution --
17 he is trying to get the Pennsylvania crimes in a thousand
18 different ways. And he put the Los Angeles crimes in with --
19 without a foundational hearing, just out there in open court
20 just -- just without saying what he was going to do. That's the
21 sort of thing that I think you at least should have a hearing on
22 in chambers before you try and pull. And that kind of evidence
23 is inadmissible.

24 I mean, it's just plainly inadmissible you can't
25 bootstrap a Beagle conviction type thing into -- into using for
26 modus operandi, and that's what they tried to do. And there
27 ain't no way around that's what he is trying to do. He is using
28 that to show -- he is trying to prove Mr. Cooper acted in

1 certain ways in this particular crime using how he allegedly
2 acted in another particular crime. That's modus operandi. And
3 there ain't -- there is no showing of similarities about those
4 particular crimes.

5 Another thing he did was he asked about a statement
6 that Mr. Cooper allegedly made to law enforcement. I had -- and
7 there was -- Mr. Kochis assured us that there was not going to
8 be any statements to law enforcement. A probation officer is
9 law enforcement.

10 THE COURT: Excuse me. What was this now?

11 MR. NEGUS: He is asking about a statement made to a
12 probation officer without a foundational hearing.

13 THE COURT: That we have to go into because he gave you
14 the copy. I didn't know where he was going.

15 MR. NEGUS: He did it in front of the jury. He did it in
16 front of the jury without a foundational hearing. The
17 representation was we were weren't going to have any statements
18 to law enforcement made, and if we did we'd have a foundational
19 hearing. So we're getting into --

20 THE COURT: You may well have a good point there.

21 MR. KOCHIS: Your Honor, the representation I made in
22 that regard was any statement Mr. Cooper made to anybody after
23 his capture in Santa Barbara on July the 30th, nothing on the
24 boat, nothing to the people in Santa Barbara, nothing to the
25 detectives in this county, without a hearing. It did not
26 include lies made by this defendant to a probation officer about
27 his history before he gets to our county.

28 MR. NEGUS: We will have to look up the exact --

1 THE COURT: On the L.A. burglary probation officer, is
2 that what you are talking about?

3 MR. NEGUS: Statements made to probation officers I
4 believe are inadmissible anyway. And you can't -- I don't
5 remember exactly what was said, but I believe I made a statement
6 that I was -- I was requesting a foundational hearing with
7 respect to any statements.

8 THE COURT: All right. We will have a foundation hearing
9 for it. Let's do it now.

10 MR. NEGUS: The thing is, what I'm objecting to is that
11 the thing has already come out in front of the jury without that
12 foundational hearing.

13 THE COURT: All right.

14 MR. NEGUS: Thirdly, Mr. Kottmeier made a type of
15 inflammatory statement without any evidence to support it
16 that -- "Did you ask Yo" -- "Did you threaten to kill Yolanda
17 Jackson?" Yolanda Jackson never testified that there was any
18 threat to kill. Nobody has -- he has no evidence whatsoever to
19 back that up. It was just an idle question.

20 And would I suggest that that's not in good faith,
21 that asking that kind of statement where you can't prove it, and
22 he can't, is again prejudicial error.

23 THE COURT: Well, counsel, he admitted conversation about
24 "hurting", and it's cross-examination where they are allowed
25 some latitude.

26 MR. NEGUS: I understand there is a certain amount of
27 latitude.

28 THE COURT: The word "kill" --

1 MR. NEGUS: The thing is, there was no -- there was no
2 threat to kill mentioned by Yolanda, and there was no threat --
3 he has no evidence. He's not acting in good faith in asking
4 that particular question. And I consider this to be, you
5 know --

6 THE COURT: Counsel, I don't find that to be beyond the
7 proper scope of cross-examination myself.

8 Do you want to go into the matter of the probation
9 officer? Is that something you wish to pursue?

10 MR. KOTTMEIER: It's relatively innocuous. It's not
11 quite as dramatic.

12 THE COURT: Let's don't make a point of it then.

13 MR. KOCHIS: Well, your Honor --

14 MR. KOTTMEIER: The thing is, Mr. Cooper goes to the
15 probation office and says that his parents are like Melvin
16 Trautman, and I have forgotten the other name.

17 MR. KOCHIS: Esther Trautman.

18 MR. KOTTMEIER: As far as the declaration to the
19 probation officer, this is another illustration of
20 untruthfulness by this defendant, the effort to carry on the
21 charade of David Anthony Trautman.

22 MR. NEGUS: The probation officers, I think first of all
23 you are not supposed to use statements to probation officers to
24 impeach them. There is case law I believe on that we have to
25 get into.

26 THE COURT: There's no ironclad rule in that regard.
27 They are used many times. In any event Mr. Kottmeier is going
28 to abdomen the project because you brought out, I believe you

1 have brought out enough, Mr. Kottmeier, with reference to him
2 using all the various names. That's already been established so
3 you can forego this icing.

4 MR. KOTTMEIER: Okay.

5 THE COURT: Anything else?

6 MR. NEGUS: I do make a motion for mistrial.

7 THE COURT: I will deny it. Let's go take your recess.

8 MR. KOTTMEIER: Excuse me. Your Honor, while we have
9 everyone here. Your clerk informed us this morning about a 1:00
10 o'clock --

11 THE COURT: Apparently a Don Zachary, attorney for NBC,
12 will be in about 11:00 to 12:00 o'clock sometime to give some
13 papers to us. Apparently they are unhappy. And I told her
14 yesterday to tell them that we could have a hearing at 1:00
15 o'clock. You are all invited if you wish to attend.

16 MR. KOTTMEIER: My -- Well, I don't have any real need to
17 attend unless the Court wants.

18 THE COURT: I would feel better if one of the
19 representatives from your office is here. I don't like to have
20 a hearing in the presence of the other side without you being
21 here.

22 MR. NEGUS: I don't particularly want to be here either
23 because, you know, we don't have a lot of time to --

24 MR. KOTTMEIER: That's my concern also.

25 MR. NEGUS: At lunch time, you know.

26 MR. KOTTMEIER: In an hour and a half I use strictly to
27 get ready, and I'm afraid if I lose a half hour --

28 THE COURT: Counsel, I will proceed without any of you if

1 you wish, if you have no objection to it.

2 MR. NEGUS: I object to them. If they are going to
3 change the rulings that we have, I --

4 THE COURT: They are going to be here to attempt to
5 persuade me to do that.

6 MR. NEGUS: Okay. I haven't seen any documents. I don't
7 have any --

8 THE COURT: Hopefully, you will have some before the noon
9 recess.

10 MR. NEGUS: So in addition to talking to Mr. Cooper over
11 lunch, I have to read their documents and stuff. Seems like
12 they are not giving me any notice. If they want to have a
13 hearing, we should have it on Monday or sometime next week when
14 both sides have a chance to look at what they have to say.

15 THE COURT: That's after the horse has been stolen, isn't
16 it?

17 MR. NEGUS: Well, I don't know. But I suspect that the
18 way we are going that Mr. Kottmeier and Mr. Kochis will be
19 keeping Mr. Cooper on a fair amount of next week, so I don't
20 think that --

21 THE COURT: I don't know what we are looking at. Let's,
22 when we break at the noon recess, we will see what we have got,
23 how lengthy it is. Perhaps we can have the jurors back at 2:00
24 o'clock instead. I feel like I've got to give them a right to
25 be heard on this, and they have asked for a hearing.

26 MR. NEGUS: Well, they have no right to be heard on
27 extended coverage.

28 THE COURT: Certainly they do.

1 MR. NEGUS: I mean that's -- extended coverage is purely
2 discretionary, and that's --

3 THE COURT: Okay. I think due process demands that
4 interested people can be heard, and I will permit them to be
5 heard. There will be a hearing at 1:00 o'clock. And to some
6 extent, I don't know when we will resume with the jury let's --

7 Hand whatever papers you get to me, Ms. Bennett, as
8 soon as you get them, please.

9 And then I don't know, we will have to discuss it
10 further at 12:00. I will see.

11 Okay. Thank you.

12 We could have a hearing and then give you time to
13 discuss with your client, sir, between then and 2:00 o'clock
14 That maybe the better way to go. I can't conceive of a hearing
15 lasting very long.

16 (Chambers conference concluded.)

17

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

20 THE COURT: Please, continue.

21 BY MR. KOTTMEIER:

22 Q. Mr. Cooper, you've told us about the phone call to
23 Yolanda Jackson. Would you put an "11" next to the phone where
24 you made the phone call.

25 A. (Witness complied.)

26 Q. And I believe you've told us also that you had, as
27 best you can recollect, two sandwiches or two meals, so to
28 speak, after you'd gotten in the house?

1 A. Yes.

2 Q. But you don't remember when the second sandwich was
3 had, whether it was before the phone call, after the phone call,
4 just sometime during that evening?

5 A. I believe it was after, but I'm not positive.

6 Q. All right. Then would you write "No. 12" in the
7 area of the kitchen.

8 A. (Witness complied.)

9 Q. You can -- Well, maybe one other thing. Excuse me,
10 Mr. Cooper. To back up just a moment.

11 The television over by the fireplace and the
12 windows, to clarify, at the time you watched that television for
13 the first time back at 10 or 10-A, you watched it in the living
14 room?

15 A. At that particular time, yes.

16 Q. You physically picked up the TV, as you described
17 it, and set it down on the floor?

18 A. I believe so, yes, turned the contrast buttons,
19 stuff like that.

20 Q. Well, where was it that you sat, laid or stayed
21 during the time you watched TV in that position?

22 A. Just in that area.

23 Q. Would you write "Cooper" where you were at as you
24 watched TV with the TV on the floor.

25 A. (Witness complied.)

26 Q. And that's about what, two feet from where the
27 hatchet was kept?

28 A. I don't know where the hatchet was kept so I can't

1 tell you that.

2 Q. In regard to the second sandwich that you had from
3 the kitchen, again, did you get bread from the refrigerator?

4 A. Yes.

5 Q. Meat?

6 A. Yes.

7 Q. None of the bread nor meat was spoiled, were they?

8 A. No.

9 Q. That would be an indication to you that someone was
10 probably still using that house?

11 A. Yes.

12 Q. Did you take any efforts at that point in time to
13 arm yourself or protect yourself in any way in case they should
14 return?

15 A. No.

16 Q. While you were in the kitchen, was the refrigerator
17 the only thing that you looked through on Thursday, June the
18 2nd?

19 A. Might have had something to drink.

20 Q. Do you know whether you had something to drink?

21 A. It's possible. I believe I was thirsty.

22 Q. How did you get something to drink?

23 A. What you mean how did I get? I don't understand
24 your question.

25 Q. Well, did you drink from the faucet directly? Did
26 you use your hand cupped by the faucet to drink? Did you get a
27 glass? Did you get a cup? How did you get a drink?

28 A. I got a glass.

1 Q. Where did you get the glass from?

2 A. I don't remember, only it was in the kitchen.

3 Q. So, you picked up a glass?

4 A. Yes. The blue one.

5 Q. The same one that we found in the closet in the
6 Bilbia bedroom?

7 A. Yes.

8 Q. You used the same glass the whole time that you
9 stayed at the hideout?

10 A. Yes.

11 Q. Did you have anything else to eat besides the
12 sandwich?

13 A. I don't remember.

14 Q. When you made the phone call, or phone calls, to
15 Yolanda Jackson, Thursday, June the 2nd, is the area that you
16 stood in pictured in Exhibit 69?

17 A. Yes. The phone is right here on this counter
18 (indicating).

19 Q. And where did you stand?

20 A. Possibly somewhere around here or sat up here.

21 Q. Would you write "Cooper" in the area that you
22 stood. We're not concerned right now with where you sat, but
23 write "Cooper stands".

24 A. (Witness complied.)

25 Q. And during the time that you got the ashtray and
26 your cigarettes and so on, you had walked down this part of the
27 linoleum next to the pool table?

28 A. I don't know. I could have walked around the other

1 side. I don't know.

2 Q. Well, sometime while you were there using the phone
3 you walked along this linoleum area next to the pool table?

4 A. I don't know.

5 Q. Even though you turned the brightness, the contrast
6 down on the television, that television still lit up that entire
7 living room, didn't it?

8 A. No.

9 Q. Cause a glow?

10 A. A small one, yes.

11 Q. Well, that's a full-sized television, isn't it?

12 A. What you mean by "full-sized"?

13 Q. About 19 inch, 21 inch.

14 A. Somewhere around there, yes.

15 Q. As opposed to a little small television?

16 A. Yes.

17 Q. And here I'm indicating, oh, maybe a foot by a
18 foot.

19 A. Yes.

20 Q. Yours was much bigger than a foot by a foot?

21 A. Not mine. Their's was, yes.

22 Q. Yes. Now during that particular phone call with
23 Yolanda Jackson, if she was willing to help you you were fully
24 prepared to give her directions to the hideout?

25 A. No.

26 Q. Well, is it true, Mr. Cooper, that you had come
27 approximately two miles in a straight line from the prison?

28 A. Well, put it like this I knew I had traveled some

1 distance over a mile, but I wouldn't say my line was exactly
2 straight.

3 Q. Well, you knew that you had come west of the
4 prison?

5 A. At that particular time, no.

6 Q. Well, you knew you were headed toward Los Angeles?

7 A. At that particular time, no. I just knew I was
8 headed away from the area.

9 Q. You had no idea what direction you were going?

10 A. Other than the North Star, and I don't even know if
11 I could see it at that particular time or if it was out, no.

12 Q. Well, now, the North Star isn't something that you
13 became acquainted with until you went sailing with Owen Handy,
14 isn't that true?

15 A. Not necessarily, no.

16 Q. As you lay on the lumber pile you could see the
17 sunset in the west over the --

18 A. I wasn't concerned with the sun. I mean I was
19 watching the CIM officials.

20 Q. As you ran away from the Institution for Men you
21 ran towards the direction of the setting sun?

22 A. I can't say that, no.

23 Q. Well, you're a driver, you've driven around Los
24 Angeles?

25 A. Yes.

26 Q. Have you driven in any areas of Los Angeles County?

27 A. I don't know how big Los Angeles County is, so I
28 can only speculate.

1 Q. Well, yesterday you told us that you had been to
2 Venice?

3 A. Yes, sir.

4 Q. Any other places that you have been able to recall
5 since yesterday that you traveled in the two months that you
6 stayed in Los Angeles?

7 A. Yes.

8 Q. What areas?

9 A. Beverly Boulevard, downtown. I went to Marina Del
10 Rey.

11 Q. Marina Del Rey is right next to Long Beach?

12 A. I don't know.

13 Q. Right near the airport?

14 A. I don't know.

15 A. Yolanda had to give me instructions to get there.

16 Q. In addition to the travels to Marina Del Mar -- Del
17 Rey?

18 A. Del Rey.

19 Q. -- and Venice, you lived where?

20 A. Right in Hollywood.

21 Q. Address?

22 A. It was right off Sunset Boulevard. I don't even
23 remember the address. Martel Avenue.

24 Q. When you say off of Sunset Boulevard, was it in
25 Santa Monica?

26 A. No.

27 Q. In Hollywood?

28 A. Yes.

1 Q. Was it on the mountain side of Sunset Boulevard or
2 the valley side of Sunset Boulevard?

3 MR. NEGUS: Object. I'm not sure I understand the
4 question. I'm reasonably familiar with Sunset.

5 THE COURT: Are you objecting on the ground of vagueness
6 then?

7 MR. NEGUS: Vagueness, yes.

8 THE COURT: Clarify it.

9 BY MR. KOTTMEIER:

10 Q. Can you describe for us what side of Sunset
11 Boulevard you lived on?

12 A. I lived on a hill, yes.

13 Q. How far off of Sunset?

14 A. A block and a half off Sunset maybe two blocks from
15 La Brea.

16 Q. Any landmarks near there?

17 A. Landmarks such as how?

18 Q. Anything that you used to identify where you lived?

19 A. Yes.

20 Q. Drive by it, know you're close to home.

21 A. Yes.

22 Q. What were those?

23 A. Ralph's Supermarket.

24 Q. Where did Yolanda Jackson live?

25 A. Kingston Avenue.

26 Q. And where was that?

27 A. Say, well, as far as distance it was a nice little
28 distance away. I don't know what part of Los Angeles would you

1 call it.

2 Q. Well, when you would go -- you went to Yolanda
3 Jackson's house?

4 A. Once.

5 A. Drove there?

6 A. No, Yolanda drove. I was in the back seat.

7 Q. When you say, "a little distance", how long did it
8 take to get to Yolanda Jackson's house from your house?

9 A. I don't know.

10 Q. Did you ever go to visit Yolanda Jackson where she
11 worked at Cedars Sanai Hospital?

12 A. Yes.

13 Q. How far was that from your house?

14 A. It wasn't far.

15 Q. And where did LaWanda Macky live?

16 A. Where did she live or work?

17 Q. Where did she live?

18 A. Oh, we lived together, same place.

19 Q. So, really that was LaWanda Macky's house you were
20 staying at?

21 A. Yes.

22 Q. Did you ever have a home of your own while you were
23 in Los Angeles?

24 A. Yes.

25 Q. Where was that?

26 A. With LaWanda Macky.

27 Q. But you moved in with LaWanda Macky?

28 A. Yeah. I helped pay the recent also so I considered

1 it mine.

2 Q. Do you have any idea how long she had lived there
3 before you moved in?

4 A. No.

5 Q. Do you know where Watts was from yours and LaWanda
6 Macky's home?

7 A. I know it was -- it was far, yes.

8 Q. Do you know where it was in relation to Marina Del
9 Rey?

10 A. No.

11 Q. Had you ever been there?

12 A. Been where?

13 Q. Watts.

14 A. No.

15 Q. Now, in addition to your driving in Los Angeles,
16 you had, as you described, taken a bus to the Chino Institution
17 For Men?

18 A. Yes.

19 Q. You were able to see the route that the bus took
20 you from Los Angeles?

21 A. I seen it, yes.

22 Q. Pay any attention to it?

23 A. No.

24 Q. More than that you knew some landmarks in the area,
25 though, as you traveled ever traveled by bus to prison?

26 A. No, not -- I never been in that part of Los Angeles
27 before, no.

28 Q. Well, what about in Chino?

1 A. I never been to Chino before either.

2 Q. Yes. But did you pick up any landmarks as you
3 traveled from Los Angeles County Jail to prison?

4 A. No.

5 Q. Yolanda Jackson had driven herself and LaWanda
6 Macky out to visit you the Monday before?

7 A. Not true. LaWanda Macky drove her car. LaWanda
8 (sic) was a passenger.

9 Q. So, at least LaWanda knew how to get to the prison?

10 A. Yes. They lived in L.A. all their lives. Yes.

11 Q. So, Yolanda was familiar with Chino also?

12 A. I don't know.

13 Q. Never got to that point of the conversation because
14 Yolanda Jackson wouldn't help you?

15 A. That's true.

16 Q. Other now, in regard to the period of time after
17 you've had something to eat for the second time, did you eat
18 that sandwich right there in the kitchen?

19 A. I don't know.

20 Q. Well, where was the next place that you went after
21 you had something to eat following the phone calls?

22 A. Well, I'm not exactly sure exactly what I did, but
23 I know eventually I went back into the Lang bedroom. Maybe I
24 even went and used the bathroom and then went in the bedroom. I
25 don't know right now.

26 Q. You didn't use the bathroom before your call to
27 Yolanda Jackson?

28 A. It's possible I did, possible I used it two or

1 three times. I'm not sure.

2 Q. Well, let's talk just for a moment about the use of
3 bathrooms. When you had to relieve yourself, was there one
4 bathroom that you used each time?

5 A. Yes.

6 Q. Where was that?

7 A. The Lang bathroom.

8 Q. Did you ever use the toilet in the bathroom next to
9 the Bilbia bedroom?

10 A. No.

11 Q. Even when you were using the closet as the hideout,
12 did you use the bathroom next to the Bilbia bedroom?

13 A. No. Was nothing down there, no toilet paper, no
14 soap, no nothing down there.

15 Q. Would you write "Cooper" in the area of the toilet
16 that you used at the time that you were in the bathroom.

17 A. (Witness complied.)

18 Q. And as far as you know and can recollect, the next
19 place that you wound up after the sandwich is in the Lang
20 bedroom?

21 A. It's a possibility, yes.

22 Q. So, would you write "13" in the Lang bedroom.

23 A. (Witness complied.)

24 Q. Now, when you went in there, what did you do?

25 A. Probably looked at some more clothes, next thing I
26 knew I went to sleep.

27 Q. So, there was there was a bed in that bedroom?

28 A. Yes.

1 Q. Would you draw in the bed, please.

2 A. (Witness complied.)

3 Q. Now in that -- You can resume your seat.

4 In that particular bedroom the bed is up against
5 the same wall that the fireplace is on?

6 A. Yeah. It's on that wall over there, yes.

7 Q. How was it that you fell asleep on the bed?

8 A. Well, after being tired and just sitting down on
9 the end of the bed I just laid back, went to sleep.

10 Q. Did you remember falling asleep?

11 A. No, I just remember waking up.

12 Q. Do you remember laying down on the bed?

13 A. I never said I laid down. I went back, just put my
14 back was on the bed, my butt was like on the end of the bed, my
15 feet, now my feet on the floor, legs, butt, and then back on the
16 bed, just went to sleep like that.

17 Q. What were you wearing when you went to sleep?

18 A. Clothes.

19 Q. What clothes?

20 A. Prison clothes.

21 Q. The muddy clothes?

22 A. Um, well, I had took my jacket off, I believe, and
23 basically I had on a set of clothes, yes.

24 Q. That's a problem for you, isn't it, because the
25 Lang bedspread isn't dirty, is it?

26 A. I don't know if it's dirty or not.

27 Q. Showing you Exhibit 72 and also Exhibit 136. Do
28 you see the Lang bed in those photographs?

1 A. Yes.

2 Q. And do you see the area that you laid on?

3 A. Exactly, yes.

4 Q. No mud on the bedspread?

5 A. I didn't have any mud on the back of me. No.

6 Q. In fact, you were careful to make sure that no mud
7 was left anywhere in the house, isn't that correct?

8 A. Mud was on my clothes.

9 Q. Did you clean up after yourself at any point in
10 time?

11 A. Not necessarily. As far as what, clean up mud?

12 Q. Yes.

13 A. No. To my knowledge no mud came off, no.

14 Q. But yet you put your clothes in a white plastic bag
15 that you found in the kitchen?

16 A. Yes.

17 Q. And when you took them out the plastic bag was
18 muddy; is that correct?

19 A. That's where the mud had dried and caked, yes, fell
20 off, yes.

21 Q. So, you had to even clean that bag out before you
22 put other clothes in it as you left?

23 A. Yes.

24 Q. Mr. Cooper, we have -- Let me trade pens with you
25 for just a moment, please.

26 We have now on the board a plastic overlay, 5-K,
27 and I'd like to have you use brown for this overlay, if you
28 would, please. Write "Kevin Cooper" on the top label, "Friday,

1 June 3rd".

2 A. (Witness complied.)

3 Q. That's fine. Now you wake up in the bedroom, the
4 Lang bedroom, so would you put a "No. 1" there, please.

5 A. (Witness complied.)

6 Q. After you woke up, what did you do?

7 A. I believe it's possible that I went to the
8 bathroom, went got something to eat, walked around the house.

9 Q. Would you trace your route at that time.

10 A. (Witness complied.)

11 Q. And when you got something to eat did you get it
12 from the refrigerator or somewhere else?

13 A. Probably from the refrigerator, made coffee.

14 Q. Would you write "refrigerator". You touched it, I
15 gather, when you say you got something from it.

16 A. (Witness complied.)

17 Q. All right. When you say you made some coffee, what
18 did you use to make coffee?

19 A. What do you mean? What did I use to make coffee?
20 Used coffee to make coffee.

21 Q. All right. Was it instant or was it regular?

22 A. Instant.

23 Q. So, what cupboard did you get the instant coffee
24 from?

25 A. I believe there's a cupboard right here or right
26 here. Somewhere in this area there is a cupboard.

27 Q. Would you write "coffee" in that area you touched
28 the coffee jar or glass to get the coffee?

1 A. Yeah. I believe the coffee was in ajar.

2 (Witness complied.)

3 Q. And you touched the Coffee Mate jar?

4 A. Yes.

5 Q. Would you write "Coffee Mate".

6 A. (Witness complied.)

7 Q. What else did you touch in the kitchen at that
8 time?

9 A. Got a spoon cause I had to stir my coffee up.

10 Q. Where did you get the spoon?

11 A. I believe one of these drawers over here by the
12 sink.

13 Q. Would you write "spoon" in that area?

14 A. Exact drawer I don't know. (Witness complied.)

15 Q. All right. Let's do this then. You had to open
16 the drawer, right?

17 A. Yeah.

18 Q. Well, at some point in time in your stay in this
19 house, did you open all those drawers in the kitchen?

20 A. No.

21 Q. You only opened one to get the spoon?

22 A. Yeah. The spoon and silverware and all the stuff
23 was in one drawer.

24 Q. Knives also?

25 A. Yes.

26 Q. Would you write, to the best of your recollection,
27 "drawer" in the area of the drawer that you opened?

28 A. (Witness complied.)

1 Q. And you can put a question mark after it indicating
2 that you're not sure where?

3 A. Well, I know it was in this drawer here or over
4 here. I don't know which one, so what do you want me to write?

5 Q. Why don't we just put it right there on the left
6 side of the sink, write "Drawer", question mark.

7 A. Right here?

8 Q. Yes.

9 A. (Witness complied).

10 Q. Then under that write "Spoon".

11 A. (Witness complied).

12 Q. Anything else that you touched Friday morning?

13 A. I know I touched the phone Friday morning.

14 Q. That is when you called Diane Williams.

15 A. Yes.

16 Q. Let's hold off on that for just a moment.

17 Were you in the kitchen fixing something to drink
18 and eat before you called Diane Williams?

19 A. Yes.

20 Q. What was the next thing that you did after you had
21 something to eat and drink that Friday morning?

22 A. Well, I believe since I had woke up here and was a
23 little startled, I decided to look for another place to be. So,
24 I believe I moved down here and decided about being in here, and
25 I took off my blue jeans and put on those blue sweat pants,
26 sometime Friday morning.

27 Q. First of all, then trace the route of each room
28 that you went into as you searched for a new place to stay.

1 A. I believe I came back out this door, and looked in
2 here. I saw a bunch of boxes and junk in here so I decided -- I
3 also seen a fold-up bed and different things, and I decided on
4 using that one. So, I came by and looked in here and I seen
5 some other miscellaneous things in here, and I believe I came
6 like that.

7 Q. Would you write No. "2" in the kitchen.

8 A. Any particular spot?

9 Q. Excuse me?

10 A. Any particular spot?

11 Q. Refrigerator, and in that cupboard area just in
12 that corner.

13 A. (Witness complied).

14 Q. And when you indicated the middle bedroom and then
15 the bedroom closest, the front door, you have in effect just put
16 that mark that stops just inside the door; is that correct?

17 A. Yes.

18 Q. You didn't really go into the room itself.

19 A. Not that particular time, no.

20 Q. Didn't touch anything?

21 A. Besides the door handle. I believe the door was
22 open. So, probably, no.

23 Q. And you have your route traced around past that
24 like living room area, just inside the front door.

25 A. Yes.

26 Q. Down the hall, and into the closet.

27 A. Yes.

28 Q. Now, were the closets in the Bilbia bedroom open or

1 closed?

2 A. At that particular time I believe they were closed.

3 Q. So you touched the closets?

4 A. Yes.

5 Q. Would you write "Closets" along that area.

6 Did you touch all four doors?

7 A. No, I just believe this one, and just looked in
8 there.

9 Q. Would you write "Closet" next to the one that you
10 touched.

11 A. (Witness complied).

12 Q. Now, at this point in time you have no gloves on or
13 anything.

14 A. No.

15 Q. After you looked in and saw the closet, what did
16 you see inside that closet?

17 A. Nothing.

18 Q. Nothing at all?

19 A. I believe a stick of some kind, but that was
20 basically it.

21 Q. The stick was down at the far end.

22 A. Yes. I believe it might have been down in here, or
23 halfway in the middle. I don't recall.

24 Q. Did you ever move that stick?

25 A. If it was in here, it is a possibility I set it
26 down here. But if it was here already, I don't know. I just
27 don't remember.

28 Q. You don't remember?

1 A. No.

2 Q. After you found the closet did you look up on the
3 shelves of the closet?

4 A. Yes, I believe I did.

5 Q. Did you see anything on the shelves?

6 A. No.

7 Q. Shirts of any kind?

8 A. No.

9 Q. Did you see anything on the floor, on the carpeted
10 floor of the closet?

11 A. Just the carpet, that was it.

12 Q. No items?

13 A. No.

14 Q. Anything hanging off of the bars inside the closet?

15 A. I believe there were a couple of hangers.

16 Q. No shirts.

17 A. No.

18 Q. Did you look inside the headboard inside that
19 bedroom?

20 A. No.

21 Q. Did you look inside the cabinets on the other side?

22 A. These?

23 Q. Yes.

24 A. No.

25 Q. What was the next thing you did after you looked
26 inside the closets?

27 A. I decided to get off those wet clothes and so I
28 believe I traced my steps.

1 Q. So your clothes, meaning your prison clothes, are
2 still wet that morning.

3 A. I am not -- well, they were damp. You know, I
4 couldn't -- ain't going to say they were soaking wet, but the
5 mud had dried around the bottom and the pants were still damp.

6 Q. So you walked back down the hallway.

7 A. Yes.

8 Q. Would you trace your route back down the hallway.

9 A. (Witness complied)

10 Q. Would you write a "3" in the Bilbia bedroom.

11 The Bilbia bedroom, that was the place you went
12 after the kitchen, No. 2?

13 A. You mean right here in the closet there?

14 Q. Yes.

15 A. No. 3?

16 Q. Yes.

17 A. (Witness complied).

18 Q. And No. "4" back at the Lang bedroom where you
19 went.

20 A. (Witness complied).

21 Q. When you got back at this point in time, what did
22 you do?

23 A. I believe I put on those blue sweat pants.

24 Q. Had you found those sweat pants already?

25 A. Yes. Well, I hadn't exactly -- they hadn't --
26 weren't hidden to find, they were just there so I just put them
27 on.

28 Q. What I am asking, Mr. Cooper, is in your

1 description of Thursday night, you have told us how you looked
2 at clothes.

3 A. Yes.

4 Q. But you didn't set any clothes aside, you didn't
5 take them out of the closet and put them next to the bed or
6 somewhere else in the room.

7 A. No.

8 Q. Did you know that those blue sweat pants were in
9 that closet Thursday night?

10 A. I believe so, yes; exactly which closet, I don't
11 know.

12 Q. And yet the first time that you decided to change
13 out of those damp clothes is Friday morning?

14 A. Because I fell asleep, yes.

15 Q. And where did you change?

16 A. Somewhere in here. I sat my jacket down and I
17 picked up my jacket and took the sweat pants, and I don't know
18 if I changed them here and then set everything down and set them
19 in the closet or walked down to the closet, you know, and
20 changed them right there.

21 Q. At least as far as the next room you moved out of
22 at that point in time, you move from the Lang bedroom back down
23 to the Bilbia bedrom.

24 A. Yes, I believe so.

25 Q. So the next number would be No. 5?

26 A. Yes.

27 Q. Would you write "5" back in the Bilbia bedrom.

28 A. (Witness complied.)

1 Q. Now, you have no idea where the camp jacket with
2 the muddy, wet tennis shoes in each pocket was located that
3 morning, do you?

4 A. I like I said, I don't know if it was a camp
5 jacket, but I believe -- I know I did set it in the area that I
6 had been in, so it had to be -- either be in here or in here. I
7 am not exactly sure where.

8 Q. When you said "in here", you indicated the Lang
9 bedroom.

10 A. Yes.

11 Q. And then when you said "in here" the second time,
12 you drew a circle in the area between the pool table and the
13 wall by the phone.

14 A. Somewhere in that area, yes. It is a possibility.

15 Q. Would you write "Camp Jacket" in each of those two
16 areas and put a question mark.

17 A. Yep.

18 THE COURT: Well, there is some question in my mind as
19 to whether or not it should be so designated. Why don't you
20 just write "Jacket".

21 MR. KOTTMEIER: Fine.

22 Q. Would you write and put "Jacket" in the each of the
23 places you thought you might have left it and put a question
24 mark behind it.

25 A. (Witness complied).

26 Q. Now, did you start moving items down to that
27 hideout closet before you called Diane Williams or after?

28 A. After.

1 Q. So, you have changed into the blue sweat pants with
2 no strings in them.

3 A. Yes.

4 Q. And you now go back to the area where the telephone
5 is.

6 A. Yep.

7 Q. Was there anything that happened in between that
8 that you can recall?

9 A. Maybe some more coffee or something like that
10 there. Maybe the bathroom. Nothing really significant, no.

11 Q. The top clothes that you had on, what kind of a
12 shirt did you have?

13 A. Blue denim.

14 Q. Did you have your T-shirt on?

15 A. Yes.

16 Q. As far as shoes, did you take those off to put the
17 sweat pants on?

18 A. Yep.

19 Q. Put back on the Pro Keds out of the garage.

20 A. Yes.

21 Q. Socks.

22 A. What about them?

23 Q. Did you have any socks on then?

24 A. No.

25 Q. And underwear?

26 A. I took those off, also. I just basically put blue
27 sweat pants on. You take -- they didn't have a string around
28 them so I had to kind of fold them over and roll them up and put

1 the shoes on, and that was it.

2 Q. So, you were wearing the blue sweat pants without
3 underwear?

4 A. Yep.

5 Q. Without the string. Did you have to kind of hold
6 those sweat pants as you would walk to keep them from falling
7 down?

8 A. No. That's what I was just explaining to you, the
9 way I fixed them, so they would not fall.

10 Q. So, you rolled it up under your T-shirt.

11 A. No. There are certain ways you can do it with
12 loose clothes. You can take it, for example, put a little
13 crease in it and fold it back over like that and there becomes
14 like a little catch. You can keep doing that a couple of times
15 and your clothes won't fall off.

16 Q. Well, did you do that to the sweat pants?

17 A. Yes.

18 Q. And yet down there in the closet we have got a
19 belt, haven't we?

20 A. I don't have a belt.

21 Q. Well, there was a belt in the closet.

22 A. Yes, I seen a photo of it.

23 Q. Did you use that belt, the one with the big silver
24 buckle, to hold your sweat pants up?

25 A. No.

26 Q. You didn't use any belt at all?

27 A. How can you? Sweat pants don't have loops in them.

28 No.

1 Q. You couldn't roll them up and then put the belt on
2 underneath that roll to hold the pants up?

3 A. I guess that can be possible, yes. I didn't do it,
4 no.

5 Q. You didn't do it?

6 A. No.

7 Q. If you had to run, as soon as those sweat pants
8 came unraveled down, the sweat pants would be around your
9 ankles.

10 A. I don't know.

11 Q. You weren't concerned about that?

12 A. No.

13 Q. The fact that you didn't have any sweat pants that
14 would stay up if you had to escape again, didn't that make you
15 feel vulnerable?

16 A. No.

17 Q. Yet you are moving from the Lang bedroom just
18 because you fell asleep and taking all your items down to stay
19 in the closet; is that correct?

20 A. Yes.

21 Q. You picked that particular room because it has a
22 sliding glass door in that office and you had an alternate
23 avenue of escape if somebody comes in.

24 A. That is part of the reason, yes.

25 Q. But you are not concerned about pants that are
26 falling down around your ankles and would leave you running with
27 no clothes on?

28 A. I didn't think about them falling down around my

1 ankles, no.

2 Q. You left the Bilbia bedroom and you go back now to
3 the phone.

4 A. I believe so, yes.

5 Q. So, that would mean we're now at No. 6. The phone
6 would be No. 6?

7 A. I believe so. As far as we're counting, yes.

8 Q. Would you write "6" in the area of the phone.

9 A. (Witness complied).

10 Q. And what route did you use to get to the phone?
11 Did you go back through the kitchen or did you go further down
12 the hall and come back around by the pool table?

13 A. It is a possibility that I went in this way and got
14 some more coffee and then went around.

15 Q. Do you know for sure? Could it be either way?

16 A. I believe I went this way. I am not positive. I
17 could have went that way.

18 Q. So, you have now decided that you are going to call
19 Diane Williams.

20 A. Yep. May I sit down?

21 Q. Sure. Fine. Excuse me. At this point in time did
22 you have any plan as to how you were going to complete your
23 escape?

24 A. Um, yes and no.

25 Q. Well, what was it that you thought you might do?

26 A. Well, like I say, basically I had already escaped,
27 so I was just -- being in the house, I was really just buying
28 time. That is all.

1 Q. Outside of buying time by staying in that house, no
2 plan whatsoever?

3 A. Yes, I had a plan. Not really a detailed type plan
4 but I had an idea about what I was going to do.

5 Q. We're only concerned now, Mr. Cooper, about your
6 thought process as of Friday morning, June the 3rd.

7 What was your plan at that point?

8 A. To stay in that particular house as long as I
9 thought was possible and then leave.

10 Q. You've told us about smoking while you used the
11 telephone, and possibly smoking in the Lang bedroom.

12 Up to this point, have you smoked anywhere else?

13 A. I don't know.

14 Q. Did you smoke in any of the other rooms up to this
15 point, Friday morning, other than the Lang bedroom, living room,
16 kitchen area? Let's leave it with those three.

17 A. No. I hadn't smoked down at this end of the house.
18 I smoked up at the other end, the Lang end of the house.

19 Q. Had you used any Role Rite tobacco as of this time,
20 Friday morning?

21 A. It is possible, yes.

22 Q. When did you get the lid to catch the debri from
23 rolling the Role Rite tobacco?

24 A. When or where?

25 Q. When.

26 A. I don't know exactly when.

27 Q. Do you know if it was Thursday night?

28 A. Well, I believe it was later Friday night where I

1 watched TV in the room where the box was.

2 Q. So, as of Friday morning when you come into the
3 telephone, the only person that you have talked to and contacted
4 since you got out of prison was Yolanda Jackson.

5 A. Yes.

6 Q. And the next person that you think of contacting is
7 Diane Williams?

8 A. Nope.

9 Q. Who was the next person you thought of contacting?

10 A. Just people.

11 Q. Who?

12 A. Nobody in particular that went through my mind who
13 I would like to call.

14 Q. But you didn't know their phone numbers.

15 A. No, that's not how -- I wasn't even thinking about
16 who should I call. Maybe I will call Diane or something like
17 that. It popped in my mind like that.

18 Q. That casual?

19 A. Yes. I was very relaxed.

20 Q. Not on your guard?

21 A. I was on my guard but I was still relaxed.

22 MR. KOTTMEIER: Your Honor, would it be an appropriate
23 time for a recess? Unless you would like to the finish the last
24 four minutes.

25 THE COURT: All right. Ladies and gentlemen, instead of
26 you leaving directly out the door, I need to straighten
27 something out with the news media. I would appreciate at the
28 break if you'd go back to your jury deliberation room for a few

1 minutes until the bailiff releases you.

2 During the noon recess, please remember the
3 admonition at all times. Would you please kindly return at 1:45
4 please. There are other things we have to do in the interim
5 period. Take them back there, please.

6 Court will remain in session, please.

7 '(The jury retires from the courtroom.)

8

9 THE COURT: Mr. Zachary?

10 MR. ZACHARY: Yes, your Honor.

11 THE COURT: Would you please -- Mr. Cooper, could you
12 have a seat at counsel table.

13 If you have anything to do with the cameras outside
14 would you ask the cameramen to come in, please.

15 MR. ZACHARY: I don't, but there are people here who do.
16 We do have a crew. How would you like --

17 THE COURT: All the cameramen outside. Particularly the
18 cameraman --

19 MR. ZACHARY: Yes.

20 MR. KOTTMEIER: I'm not sure that is what you had in
21 mind.

22 THE COURT: I'm not sure that -- I see a battery of
23 cameras. I feel somewhat intimidated.

24 MR. NEGUS: Are they taking pictures?

25 THE COURT: I don't care. I don't care at this point if
26 they take pictures.

27 I guess I asked the bailiff to step outside, I
28 prohibited coverage of Mr. Cooper's testimony, to find out why

1 the television cameras, the cameras you are holding, were
2 waiting outside the court. He went outside and apparently asked
3 and came back and reported to me that the cameraman said he's
4 there to take pictures of anybody that walks out of that
5 courtroom.

6 If that is a correct quote, gentlemen, I would
7 consider that a contempt of court and sanctions would be
8 applied. I have a duty to protect the jurors.

9 I gave to Mr. Zachary, attorney for NBC, a copy of
10 the order, re: publicity, that was made when this trial opened,
11 and no pictures are to be taken of jurors, and that would be
12 inside or outside this courtroom. The jurors will feel
13 intimidation wherever the pictures are taken.

14 So, that's why I had the jurors taken out the other
15 way. So, I hope that there is no misunderstanding.

16 Is there any problem in that regard?

17 MR. ZACHARY: Your Honor, I was in the hallway and heard
18 the rest of the conversation, and one of the reporter's said
19 that is normal in these situations. They were more interested
20 in possibly interviewing counsel or shots of Mr. Cooper. No
21 mention was made of the jurors. I don't believe that was his
22 understanding.

23 THE COURT: It sounded like a rather curt response to my
24 inquiry. I simply wanted to clarify that.

25 So, bailiff, if you can then let the jurors take
26 their lunch period.

27 Now, Mr. Zachary, you have a question to request
28 further extended coverage regarding the testimony of Mr. Cooper.

1 I have substantially reviewed your points and authorities but
2 counsel have not. They have got other things to do during the
3 noon period. If you don't mind, we will take that matter up at
4 1:30.

5 MR. ZACHARY: That will be fine, your Honor.

6 THE COURT: Counsel, have other things to do.

7 We will resume at 1:30. That is why we will have
8 the jurors back at 1:45. We will be in recess.

9 --oo0oo--

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11 (Noon recess taken.)

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1 SAN DIEGO, CALIFORNIA, FRIDAY, JANUARY 4, 1985, 1:30 P.M.

2

3

(The following proceedings were held in

4

open court out of the presence of the jury:)

5

THE COURT: Afternoon.

6

7

8

9

Mr. Zachary, you're here representing the National
Broadcasting Company, Incorporated, with a request that the
Court extend the extended media coverage to the time when Mr.
Cooper himself personally testified.

10

11

12

Heretofore, as you know, I had handed to you a copy
of the Order Re Publicity this morning that I had made back in
October spelling out the parameters of the media coverage.

13

14

15

16

And what perhaps you do not know is that in a
hearing sometime, before the testimony of Mr. Cooper commenced,
we did have a hearing. He did indicate a rather strong aversion
to having cameras in the courtroom while he testified.

17

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23

And you may also not know that early on in the
trial I had indicated to all counsel, at the request of some
counsel anyhow, that any witness that indicated that they would
be uncomfortable with the presence of cameras in their
testimony, that I would not require or permit cameras to be in
the courtroom during that period of time. And so this is
consistent with that early indication.

24

Have I correctly state it, Mr. Negus?

25

26

27

28

MR. NEGUS: Yes. I believe the prosecution has some
witnesses, and at the time that they made that request I
indicated that if it were granted for them I had no objection as
long as we could have equal rights. And Mr. Cooper did, in

1 fact, --

2 THE COURT: You may be right. I don't recall. It could
3 go down that way.

4 But the only witnesses heretofore that we have not
5 permitted cameras with has been Mr. Taylor, James Taylor, an
6 inmate of the prison system, for his own reasons, and my own
7 order with reference to the minor Joshua Ryen. Though he was
8 not here personally, the impact upon him watching his own image
9 on TV I thought was significant.

10 So with that, sir, do you wish to be heard?

11 I have read your points and authorities.

12 MR. ZACHARY: Thank you, your Honor. Because of the
13 counsel table, may I stand at the end of the table?

14 THE COURT: Any place will be fine.

15 MR. ZACHARY: Thank you, your Honor.

16 First may I indicate to the Court our appreciation
17 allowing us to be heard.

18 We are also here on behalf of our local affiliate
19 KCST who has asked to us appear on their behalf as well.

20 THE COURT: I know there are other interested parties, so
21 I kind of consider this a class request, so to speak.

22 MR. ZACHARY: Okay, fine, your Honor. And I'm sure the
23 Court appreciates that NBC, KNBC, and KCST, as well as other
24 members of the class, do have an interest in this proceeding,
25 and I will not proceed further to establish that if the Court
26 accepts that.

27 The basic public policy of California favors
28 electronic media coverage of trials. And I think this Court, in

1 its order of October 15th and in previous rulings in this case,
2 has recognized that.

3 We believe that that public policy outweighs in the
4 particular case of Mr. Cooper the policy that the Court has
5 articulated in favor of protecting witnesses who would be
6 discomforted. Mr. Cooper is not just any witness. He is the
7 focal point of this trial. Were it not for the charge against
8 him we would not be here.

9 And the public interest which the Supreme Court
10 articulated in Richmond Newspapers, and which is served by a
11 public trial, by the media's presence, and by the presence
12 particularly of TV cameras, can only be enhanced by allowing the
13 public to view Mr. Cooper as he testifies.

14 Now the -- the -- under Rule 980 as enacted by the
15 Judicial Counsel and made a permanent part of our rules, there
16 is no provision for allowing any witness to automatically, and
17 much less a party in this case, to automatically exclude
18 television coverage. That is left to the sound discretion of
19 court.

20 And what we hope to convince the Court of today,
21 briefly, is that in Mr. Cooper's case, since he is a party to
22 this proceeding, that the standard to be applied is that there
23 must be a substantial likelihood that -- that articulated
24 prejudice will flow to him from the presence of television
25 cameras.

26 THE COURT: Well, you know that there is no such ruling
27 in the State of California at this time.

28 But before we go on, would you care to lay any

1 further foundation with your client so that he knows what to
2 address?

3 MR. NEGUS: Well, my basic premise is that the Court is
4 correct in its -- in its original ruling that it's your
5 discretion as to any witness who requests it.

6 980.1 of the Rules of Court, Section (f) lays out
7 situations in which in the interest of justice that coverage may
8 be -- may be terminated or extended or -- excuse me -- refused
9 or limited or terminated.

10 MR. ZACHARY: Excuse me. Your Honor, there is no
11 980.2(f).

12 THE COURT: That was changed. That was the old rule that
13 was in effect until the beginning of this year when the judicial
14 counsel made camera coverage permanent. It's now 980 and there
15 is no .2(f).

16 THE COURT: Let me interrupt you again, Mr. Negus. I
17 went to you to see if there is any more evidentiary foundation
18 you wish to lay. Don't just argue the case to me.

19 MR. NEGUS: Okay. I'm sorry.

20 THE COURT: Then we will give him a chance to finish,
21 please.

22 MR. NEGUS: I would only just say at this point in time
23 that I believe that the Court's ruling has -- has avoided the
24 necessity of getting to due process considerations about having
25 the media in if it would make Mr. Cooper uncomfortable, which I
26 believe it would, if would it affect his demeanor when
27 testifying, which I believe it would, and --

28 THE COURT: Why don't you inquire to see if it would?

1 He's not expressly so stated.

2 MR. NEGUS: I would make that representation on his
3 behalf. I don't think he has to testify to that. If you want,
4 I suppose I could.

5 THE COURT: I think it would make it more binding.

6 MR. NEGUS: Okay. He is still under oath. I can have
7 him take the same oath.

8 THE COURT: Yes.

9 MR. NEGUS: Mr. Cooper, have you expressed to me your
10 strong desire not to have the cameras present in the courtroom
11 when you testify?

12 THE DEFENDANT: Yes, sir.

13 MR. NEGUS: As they sit here now, the clicking of the
14 shutter of the Nikon behind you, the looking of the camera at
15 you, if you were to be on the witness stand testifying would you
16 be aware of that?

17 THE DEFENDANT: Very much so, yes.

18 MR. NEGUS: Would it break your concentration as far as
19 trying to answer Mr. Kottmeier's question?

20 THE DEFENDANT: Yes, sir, it would.

21 MR. NEGUS: And do you think it would affect your
22 demeanor, that is, the way you presented yourself when you
23 testified?

24 THE DEFENDANT: Yes, sir, it would.

25 MR. NEGUS: I mean, that would be to your disadvantage?

26 THE DEFENDANT: Yes, sir.

27 MR. ZACHARY: May I cross-examine, your Honor?

28 THE COURT: Yes. But this is the sort of thing that

1 occurred out of your presence basically, that you were not aware
2 of, so go ahead.

3 MR. NEGUS: I would object to any cross-examination, your
4 Honor. I mean -- I mean, Mr. Cooper has got enough problems,
5 you know, to have to withstand cross-examination from the
6 prosecution for four or five days in a row. I don't think the
7 media has right to cross-examine him.

8 THE COURT: Did you have an extended examination?

9 MR. ZACHARY: No, your Honor.

10 THE COURT: What do you want to ask him?

11 MR. ZACHARY: Your Honor, I would like to try to
12 establish that Mr. Cooper has been aware of the television
13 cameras since the day he was arrested; that he is aware that --
14 that television cameras have been trained on him; that he has in
15 fact viewed himself on television; that there is -- that he
16 understands that there is no sound from the -- from the
17 television camera itself, as opposed to the sound of the Nikon,
18 and the Court I think can distinguish those two; that the -- Mr.
19 Cooper is aware of the fact that he has a courtroom full of
20 people; that he has an able prosecutor; --

21 THE COURT: Counsel, I assume all of that. You needn't
22 ask him any questions, and I assume all those things. He has to
23 have been aware of those things. The only thing, I'm not sure
24 about him viewing himself on TV, but that's probably so.

25 Do they have a television --

26 MR. NEGUS: Mr. Cooper, in connection with the change of
27 venue motion, we had all of Mr. Zachary's tapes and he has, in
28 fact, seen himself on television.

1 THE COURT: At that time, yes.

2 MR. NEGUS: And, in fact, it makes him nervous.

3 THE COURT: Okay. Assuming all of that, sir, how can I
4 now granted you extended coverage?

5 MR. ZACHARY: Okay. I'm sorry.

6 THE COURT: How can I now, even following the Florida
7 standard as cited, grant you extended coverage?

8 MR. ZACHARY: Your Honor, it seems to me that this very
9 question was addressed in State vs. Green upon which we rely.

10 In that case the defendant Ms. Green had been ruled
11 incompetent to stand trial originally. Subsequently she was
12 found to be competent to stand trial, but brought in affidavit
13 testimony and offered to present witnesses on her behalf to
14 indicate that because of her precarious mental state that the
15 presence of television cameras particularly would effect her
16 testimony much the same as Mr. Cooper has argued.

17 In that case the trial judge, while accepting
18 argument, denied the evidentiary hearing and denied the motion
19 allowing television coverage. On appeal that decision was
20 reversed. The Florida Supreme Court recognized that the
21 defendant was entitled to present evidence that the presence of
22 the television media particularly would affect her -- her
23 ability to testify; but set out the standard which we apply in
24 this case in an effort to balance the right of a fair trial
25 against the media and the public's right to be present at the
26 trial.

27 That standard as we set forth, your Honor, at
28 Page -- at the bottom of Page 8 and the top of Page 9 of our

1 points and authorities is that the defendant must show, in order
2 to -- to prevent television coverage, that there is a reasonable
3 and substantial likelihood that articulated harm to fair trial
4 rights will flow from the presence of the television camera.

5 And the Court went on to say that that harm, and I
6 think this is particularly apt to this case, that that
7 electronic coverage must have a substantial effect on the
8 defendant which is qualitatively different from the effect on
9 the public in general; that is, it must impact him more than it
10 would impact you or I if we were sitting on the stand. And
11 secondly, that the effect must be qualitatively different from
12 the presence of the coverage of the other media in the room and
13 the public. We submit, your Honor, that that is the proper test
14 which balances these interests.

15 Now our Supreme Court has recently spoken to this
16 issue indirectly in Press Enterprises. We believe that Press
17 Enterprises is distinguishable because it dealt with a
18 preliminary hearing where there were other factors.

19 But nonetheless, even if you accept the lesser
20 standard of reasonable likelihood of prejudice, the rest of the
21 test articulated in Green we submit applies to this case.

22 Now, whatever that standard is, whether it be
23 substantial likelihood or reasonable likelihood, we submit that
24 the testimony of Mr. Cooper that he would be nervous is simply
25 not enough to meet the test. The harm that he has articulated
26 is that, alone, that somehow the presence of a silent, immobile
27 television camera which, over and over witnesses and courts and
28 jurors and members of the public have said recedes from view, it

1 doesn't move, it has no lights, it makes no sound, that over and
2 over he has been exposed this, he knows it's there, he's been
3 aware of it day in and day out.

4 Now he is on the stand, and we recognize, your
5 Honor, that that's -- that's a difference. But we submit it's
6 not a qualitative difference. Mr. Cooper has to listen to the
7 questions. He has to answer the questions. He has to be aware
8 of his demeanor. He's got the jury to contend with. He's got
9 the prosecution to contend with. That television camera we
10 submit can in no way effect him. It might effect him for a
11 moment or two, and then it will recede from view as he gets on
12 about the business of his testimony.

13 The simple unadorned statement that we -- that Mr.
14 Cooper would be nervous, we submit, is not -- is not -- does not
15 rise to the level of the test set forth in Green to the public
16 policy articulated in Rule 980 and to the benefits which flow
17 from a public trial as articulated in Richmond Newspapers.

18 Your Honor, we -- we believe that the Court's
19 original October 15th ruling was correct, that the public
20 benefit which flows from media coverage, electronic media
21 coverage is enhanced by having the cameras here. This is a
22 matter of substantial public interest, and Mr. Cooper's
23 testimony is certainly of no less interest to the public than
24 the rest of the proceedings. The public can only benefit from
25 that.

26 We think Chandler and Green and all of the cases
27 that have addressed the question indicate that in the absence of
28 real perceived harm there is no due process objection.

1 And we -- we respectfully request that the Court
2 lift its restriction and allow the media to continue to cover
3 the testimony of this case as it has in the past.

4 Thank you, your Honor, for your time and
5 consideration.

6 THE COURT: Well, I appreciate your comments, sir, and
7 you've educated me somewhat on the matter, but not persuaded me,
8 unfortunately perhaps.

9 Mr. Cooper is indeed the focal point. He has a
10 particular interest here that other members of the public do not
11 have. The electronic media is a little bit different than the
12 print media in this particular case.

13 Were it a different type of or lesser case with
14 less at stake, perhaps I would be more inclined. But right now
15 his demeanor is subject to the scrutiny, it is very important.
16 And if it's going to bother him, and he certainly expressed it
17 in unequivocal terms, I'm not going to permit it.

18 So with all respect, the cameras will not be
19 permitted of Mr. Cooper during the balance of the trial.

20 All right.

21 MR. ZACHARY: That you for your time, your Honor.

22 THE COURT: Let's bring in the jury.

23 THE COURT: In case I misspoke, when I said cameras will
24 not be permitted of Mr. Cooper during the balance of the trial,
25 I just meant while he is on the stand.

26 MR. NEGUS: That's all.

27 THE CLERK: Can we wait to bring the jury in until Mr.
28 Cooper is on the stand?

1 THE COURT: Bring them in.

2 MR. NEGUS: I think there is a security problem, your
3 Honor.

4 THE COURT: If any member of the media is without a seat
5 sometime, just let us know. We will put an extra chair in the
6 aisle for you. I hate to see you kick somebody out.

7 THE BAILIFF: Are you ready for the jury, your Honor?

8 THE COURT: Sure.

9

10 (The following proceedings were held in
11 open court in the presence of the jury:)

12 THE COURT: All right. We are all once again assembled.

13 You were right outside as we had a hearing out of
14 your presence, ladies and gentlemen, therefore, you are really
15 not to be concerned with it. But just in general to satisfy
16 your curiosity, that was about camera coverage of Mr. Cooper.
17 And I have denied that on request. So that's all it was.

18 On another completely unrelated point let me speak
19 to you just briefly, and don't misconstrue what I have to say.
20 I'm not trying to win friends or impress voters in any way. I
21 don't run for election in San Diego County at all.

22 But I see all of you people walking around town
23 from time to time. And this has been a long trial and you must
24 have exhausted all of your places of interest to go to by now.
25 And the attorneys particularly, and myself, to a greater extent
26 than you are otherwise occupied during the noon period.

27 But you people, now that the Christmas shopping is
28 over, must find time long on your hands. And unlike the cow

1 counties, in the big city's here you do not have a free parking,
2 and I was chagrined to find that out.

3 Let me just say to you: If you want to use my car
4 at any time during your lunch periods to run errands, all of you
5 to get into the car and go down to expand your horizons, to go
6 to lunch together sometime, feel free. Just ask a bailiff. And
7 I do have a free parking place down here and you are welcome to
8 it at any time.

9 One of the perks that I have had about trying this
10 case away from home has been all the delightful places to eat
11 and walking along the wharves and things that I've thoroughly
12 enjoyed. And you are kind of restricted here. So all you have
13 to do is ask.

14 But again, don't misconstrue. I'm not trying to
15 win favor with you. Don't let that effect your deliberations in
16 any way. But other than that, you are welcome to use the car at
17 any time. It's just a little Buick, but anyway.

18 Now, Mr. Cooper, you are still under oath.

19 Mr. Kottmeier, you still have the witness.

20 MR. KOTTMEIER: Thank you, your Honor.

21
22 KEVIN COOPER,
23 the Defendant herein, called as a witness on his own behalf,
24 having been previously duly sworn, resumed the stand and
25 testified further as follows:

26
27 CROSS-EXAMINATION (Continued)

28 BY MR. KOTTMEIER:

1 Q. Mr. Cooper, do you recall that just before lunch we
2 had you returning to the phone in the kitchen and you placed the
3 No. 6 near that particular location. And your purpose in going
4 to the phone was to call Diane Williams; is that correct?

5 A. Yes.

6 Q. Now, at this point in time, still if you recall
7 Friday morning at least, somewhere around 11:00 or so, June the
8 3rd, did you even know that there was a phone in the headboard
9 in the Bilbia bedroom?

10 A. No.

11 Q. Did you know Diane Williams' phone number from
12 memory?

13 A. No.

14 Q. Do you know what time you called her?

15 A. No.

16 Q. Do you know if she lived in Pittsburg,
17 Pennsylvania?

18 A. Yes.

19 Q. How did you get her phone number so you could call
20 her?

21 A. I had it with me.

22 Q. Did you have it written down?

23 A. Yes.

24 Q. So, just after 11:00 or close to noon you placed
25 the call to Diane Williams?

26 A. I don't know what time it was, but, yes, I called
27 her.

28 Q. No reason to think that the phone records would be

1 inaccurate in that area?

2 A. No.

3 Q. You knew that Diane Williams would not turn you in;
4 is that correct?

5 A. No.

6 Q. Well, let me back up. Did you think she might turn
7 you in?

8 A. I didn't give that any thought.

9 Q. When you dialed Diane Williams, which hand did you
10 use?

11 A. I don't know.

12 Q. Other than Diane Williams, was there anyone that
13 you had a phone number for that you could depend on to call?

14 A. It's possible.

15 Q. Do you recall who?

16 A. No.

17 Q. When you reached Diane Williams, what was the first
18 thing that either you or she said?

19 A. ""Hi".

20 Q. Then what?

21 A. I asked what she was doing.

22 Q. And what did she say?

23 A. I think she said she was on the other line talking.

24 Q. Then what was said?

25 A. Nothing much. I asked her, you know, what was
26 going on back in Pennsylvania, things like that.

27 Q. Anything else said?

28 A. Yeah. She said that she had heard I was in -- got

1 arrested out here.

2 Q. In California?

3 A. Yes.

4 Q. What did you say?

5 A. I told her they had passed a new law and that I was
6 out.

7 Q. Was that true?

8 A. No.

9 Q. A lie?

10 A. Yes, it was a lie.

11 Q. Did she say that she'd heard more than you being
12 arrested, that she heard you were in prison?

13 A. I don't remember.

14 Q. What else was said in the conversation?

15 A. I believe I asked her at some point in time would
16 she send me some money.

17 Q. How much?

18 A. No amount in particular.

19 Q. What did she say?

20 A. She said she didn't have none.

21 Q. What did you tell her?

22 A. I know, cause she could get some.

23 Q. What did she say in regards to that?

24 A. She just laughed.

25 Q. Then what happened in the conversation?

26 A. I told her to go down where my mother worked and
27 let my mother know, you know, that I was all right, because I
28 hadn't been in touch with my mother for awhile.

1 Q. Did you ask Diane to go to your mother to get
2 money?

3 A. It's possible, yes.

4 Q. Was there any conversation about Diane's
5 relationship with your mother?

6 A. Yes.

7 Q. What was that?

8 A. That I -- basically they didn't get along with each
9 other.

10 Q. Did you offer a solution so that Diane could
11 contact your mother for money?

12 A. No.

13 Q. Did you suggest that Diane get in touch with Val?

14 A. No.

15 Q. Did the subject of Val come up?

16 A. No.

17 Q. Let's talk for just a moment about Diane Williams.
18 How long had you known her?

19 A. Not long.

20 Q. Were you related to her in any way?

21 A. No.

22 Q. What was your relationship with Diane Williams?

23 A. She used to be my lover.

24 Q. How long did that last?

25 A. I don't know.

26 Q. Months, years?

27 A. Months.

28 Q. Diane Williams afraid of you?

1 A. No.

2 MR. NEGUS: Objection. That calls for speculation and
3 it's probably irrelevant.

4 THE COURT: It certainly calls for a conclusion on his
5 part, but he has answered. The answer, such as, will remain.
6 BY MR. KOTTMEIER:

7 Q. Would Diane Williams do whatever you told her to do
8 when you called her on Friday, June the 3rd?

9 A. What do you mean would she do it? Did she say she
10 would do it or --

11 Q. Yes.

12 A. Um, yes, she told me to call her back in a day or
13 so.

14 Q. That particular phone call lasted about three
15 minutes?

16 A. It was short.

17 Q. But at that particular time did you have a plan in
18 your mind as to what you would do to complete your escape?

19 A. Basically, yes.

20 Q. What?

21 A. Like I said, just buying time staying in that
22 house. I knew I couldn't stay there forever.

23 Q. So, the plan really hadn't changed as of that point
24 in time after you completed the phone call?

25 A. No, not really.

26 Q. What did you do after the phone call?

27 A. I believe I started to braid my hair.

28 Q. Where did you do that?

1 A. Different times, different parts of the house.

2 Q. Do you still have the brown pen in front of you or
3 with you?

4 A. Yes.

5 Q. Where was the first place that you started braiding
6 your hair?

7 A. Probably in the Lang bedroom.

8 Q. Was there a mirror in the bedroom?

9 A. I don't know.

10 Q. Would you put a "7" in the Lang bedroom.

11 A. (Witness complied.)

12 Q. Did you need a mirror to braid your hair?

13 A. No.

14 Q. Where were you when you braided your hair?

15 A. Different parts of the house, different times. I
16 was doing a lot of things at one time or trying to.

17 Q. What were you trying to do?

18 A. Sometimes I would take the hems out of clothes.
19 Other times I braid my hair. Sometimes I walk around looking at
20 different windows, braided my hair, doing that, get something to
21 eat and stop, you know, doing everything at one time.

22 Q. When you say that you are braiding your hair, are
23 you putting it in pigtails similar to the photograph that we
24 showed you earlier, the large photograph?

25 A. No.

26 Q. You're in the process of putting it in tight braids
27 against your scalp?

28 A. More or less, yes.

1 Q. In regard to that particular process, was some of
2 your hair in corn rows at points of time and other parts of your
3 hair not in corn rows?

4 A. While I was doing it?

5 Q. Yes.

6 A. Yes.

7 Q. Now, you've described in addition to putting your
8 hair in corn rows that you were altering clothes.

9 A. Well, I had to look at them first, try them on and
10 see what fitted me and what didn't.

11 Q. Well, did you do that before or after you started
12 braiding your hair?

13 A. Probably started on my hair first.

14 Q. Any idea how much of your hair you completed before
15 you started trying on clothes?

16 A. Well, I had one big, what you might call braid,
17 right here, a big --

18 Q. Indicating your left side?

19 A. Yes. Just one big one. I took that out and out of
20 that one big one I might have made about seven little skinny
21 ones going down in a row. So I don't know, you know, I don't
22 know.

23 Q. When you say you tried on clothes, where did the
24 the clothes come from?

25 A. Closets in the Lang bedroom.

26 Q. Both closets?

27 A. More or less, yes.

28 Q. How long did you spend trying on clothes?

1 A. I don't know.

2 Q. As you would find clothes that fit your waist, what
3 did you do with them?

4 A. Kind of threw them in a pile.

5 Q. Where?

6 A. I guess by the entrance to the doorway, somewhere
7 in that closet area.

8 Q. What did you do with the clothes that didn't fit?

9 A. Put them back.

10 Q. Exactly the same way as you got them?

11 A. Just hung them back up or put them back in the
12 drawer. I'm not going to say the exact same way I found them,
13 but put them back.

14 Q. I'm not trying to trick you, Mr. Cooper. Did you
15 attempt to put them in the same location, same way that you got
16 them?

17 A. No. I took a pair of pants off a hanger, if they
18 didn't fit I put them back on the the hanger.

19 Q. That's what I mean.

20 A. Yes.

21 Q. You just hang them up in the same place; if they
22 were in the drawer you put them back in the same drawer and so
23 on?

24 A. More or less, yes.

25 Q. As you went through these various items of clothes,
26 did you also try shirts?

27 A. Yes.

28 Q. All right. At that particular time then you were

1 building a pile right there at the entrance to that bedroom of
2 shirts and pants that you could use?

3 A. More or less, yes.

4 Q. Showing you Exhibit 70, this is a photograph of the
5 closet in the Lang bedroom that is closest to the bathroom. Did
6 you open each one of these drawers?

7 A. No.

8 Q. Which drawers did you open?

9 A. The ones where you can see clothes sticking out
10 right there.

11 Q. But if you couldn't see clothes sticking out you
12 didn't touch them?

13 A. All you have to do is look in the clothes, you
14 know, look in there.

15 Q. So, you looked in the hole of each one of these
16 drawers before you touched it?

17 A. I'm not going to say each one of the drawers, but
18 basically, yes.

19 Q. Concerned about fingerprints at that point?

20 A. No.

21 Q. Why take the effort to squat down, look in the hole
22 before you opened the drawer?

23 A. Wasn't any effort.

24 Q. Open half of them? A third of them?

25 A. I can't say how many I opened. I really don't
26 know.

27 Q. Would you write "drawers" in the closet in the Lang
28 bedroom to indicate that you touched the drawers.

1 A. (Witness complied.)

2 Q. After you got a pile of clothes, what did you do
3 with it?

4 A. Um, I believe I carried them down to the Bilbia
5 bedroom.

6 Q. All of the clothes at the same time?

7 A. Yes. There wasn't that many.

8 Q. Did you change the closet doors in the Lang bedroom
9 before you picked up the clothes and took them down to the
10 Bilbia bedroom?

11 A. No. I never had touched the closet doors, no.

12 Q. So, then you get the clothes to the Bilbia bedroom
13 and where did you put them?

14 A. On the floor.

15 Q. Where on the floor?

16 A. I don't know, just on the floor in the bedroom, no
17 spot in particular.

18 Q. On the floor of the closet in the Bilbia bedroom?

19 A. Probably just went inside the door and just dropped
20 them on the floor.

21 Q. Where did you go after you dropped the clothes on
22 the floor in the Bilbia bedroom?

23 A. I believe I went and turned on the radio, listened
24 for a news broadcast or something, maybe the television also.

25 Q. So, you come back from the Bilbia bedroom down the
26 hall and into the living room?

27 A. Yes.

28 Q. Would you put "No. 8" in the Bilbia bedroom and "9"

1 in the living room where you went?

2 A. The stereo was about here so -- (Witness complied.)

3 Q. Did you touch anything at point?

4 A. Yes.

5 Q. Lift the lamp off again?

6 A. Yes.

7 Q. Would you write "lamp".

8 And touch the stereo?

9 A. (Witness complied.)

10 A. Yes.

11 Q. Would you write "stereo".

12 A. (Witness complied.)

13 Q. After trying the radio, did you also watch TV?

14 A. Yes.

15 Q. Put the lamp back on top of the stereo?

16 A. Closed the lid, turned the radio off, yes.

17 Q. Then you went up to the TV?

18 A. Well, I didn't just walk up here. I got to about
19 maybe right here, got down on my knees, went over and turned it
20 on, yes.

21 Q. Could you write "Knees" at the point where you
22 would start going across on your knees.

23 A. (Witness complied). Somewhere in this area right
24 here. I am not sure exactly where.

25 Q. Just write "Knees" in the general area.

26 A. (Witness complied).

27 Q. And an arrow indicating the direction you were
28 going.

1 A. (Witness complied).

2 Q. Did you take the TV off of the cabinet when you got
3 to it?

4 A. No. At that particular time, no.

5 Q. What did you do?

6 A. Just turned it on, yes.

7 Q. Would you write "TV" then.

8 A. (Witness complied).

9 Q. You can resume the stand.

10 Now, the floor in that area is not carpet, is it?

11 A. I don't remember.

12 Q. Was it hard on your knees to scoot across on the
13 ground to get to the TV?

14 A. No.

15 Q. After you turned the TV on, did you back-up on your
16 knees?

17 A. Yes.

18 Q. And how long did you watch television in that
19 position?

20 A. Just to see if any news was on.

21 Q. Was there news on?

22 A. I don't know.

23 Q. Well, as you were doing that, did you switch from
24 channel to channel to channel to try and find news?

25 A. It is possible, but I'm not sure.

26 Q. Do you know how much time you spent with the
27 television?

28 A. Not long.

1 Q. Were you working on your hair during that time as
2 you were?

3 A. Not at that particular time, no.

4 Q. After -- well, let's back-up a moment.

5 When you were watching the television, did you stay
6 on your knees?

7 A. It is possible, yes.

8 Q. Or sit down or stand up?

9 A. It is possible. I could have backed up and sat on
10 the couch, stayed on my knees. I'm not sure.

11 Q. Your concern, the reason you are on your knees, is
12 what?

13 A. That big window right there.

14 Q. You are talking about the window that looked down
15 the hill towards the Lease horses?

16 A. Yeah. The other side, two side windows and sliding
17 glass doors, yes.

18 Q. That sliding glass door you are talking about, that
19 is right next to the fireplace and TV. Where does that look?

20 A. Right at some bushes.

21 Q. And the Ryen house?

22 A. I didn't know at that particular time. Just
23 bushes.

24 Q. Never looked up to see the Ryen house?

25 A. No.

26 Q. Never looked out that window?

27 A. No.

28 Q. But that was a window you were concerned about as

1 far as your movements in that living room during the daylight
2 hours of Friday, June the 3rd?

3 A. All big glass windows that didn't have any cover on
4 them, yes.

5 Q. Now, after searching for news on television, you
6 turned the TV off.

7 A. Yes.

8 Q. Where did you go?

9 A. In the kitchen.

10 Q. For what purpose?

11 A. Get something to drink.

12 Q. Do you know what you had to drink?

13 A. No.

14 Q. Where was the glass that you used?

15 A. Well, I had to go back and get it. But I went in
16 the kitchen and got something to drink.

17 Q. When you say "go back and get it", it was kept
18 where?

19 A. Wherever I left it. I don't remember where I left
20 it.

21 Q. But you made sure that you used only one glass.

22 A. Yes.

23 Q. And you don't know where it was at the time that
24 you got it from?

25 A. You mean at this particular time?

26 Q. Yes.

27 A. No, I don't.

28 Q. So, within the kitchen did you make anything

1 special?

2 A. Made me some coffee.

3 Q. Do you know if you had coffee?

4 A. It could have been a number of items. There were a
5 couple of different things in there to drink.

6 Q. Coffee.

7 A. Yes.

8 Q. Lemonade.

9 A. Yes. Pepsi and wine.

10 Q. When did you start drinking wine for the very first
11 time?

12 A. Um, that afternoon I had some.

13 Q. After the phone call to Diane Williams?

14 A. Yes.

15 Q. Once you started drinking the wine did you continue
16 drinking it on into the evening?

17 A. No, because it was nasty and I didn't like it.

18 Q. Was that a full bottle when you started it?

19 A. Yes.

20 Q. About what size, how tall?

21 A. Maybe like that.

22 Q. About a foot high?

23 A. Maybe.

24 Q. And when you had finished how much was left in the
25 bottle?

26 A. I took that much out the bottle from the top to
27 where there -- like the bottle was maybe this high. I drank
28 that much.

1 Q. You are indicating about four inches?

2 A. I don't know how much that is. I took that much
3 wine. Just enough to taste it.

4 Q. Did you throw any of it away?

5 A. Spit it out.

6 Q. You didn't drink any of the wine then?

7 A. Not really.

8 Q. You poured the rest of it down the drain?

9 A. Poured the rest of what?

10 Q. The wine that you poured into your glass?

11 A. I believe so, yes.

12 Q. Then you took the effort to put water back into the
13 bottle to fill it up.

14 A. Yes.

15 Q. Why just not put the wine back in the bottle?

16 A. Because I just didn't do it. I mean, natural
17 reaction.

18 Q. During the time that you were in the kitchen then
19 you again touched the refrigerator.

20 A. Yes.

21 Q. And spent sometime in there to get your drink,
22 whether it was lemonade, Pepsi, coffee, wine, whatever.

23 A. Yes.

24 Q. So, would you put a No. "10" in the kitchen area.
25 And from the kitchen where did you go?

26 A. (Witness complied).

27 I believe that I remember I had to start taking the
28 hems and stuff out of the pants. I got myself a steak knife out

1 of the kitchen drawer and went back to the Bilbia bedroom.

2 Q. Was that about the same time you were getting
3 something to drink after watching TV?

4 A. Little while, yes.

5 Q. Where did you get something to alter the pants
6 from?

7 A. I believe the same drawer I got the spoon from.

8 Q. You are pointing up there where we have already
9 written "drawer", with a question mark, and then spoon.

10 A. Yes.

11 Q. Would you write "Knife" underneath "Spoon" please.

12 A. (Witness complied)

13 Q. You took the knife into the Bilbia bedroom.

14 A. Yes.

15 Q. Would you write an "ll" in the Bilbia bedroom.

16 A. (Witness complied.)

17 Q. Not the kitchen, the Bilbia bedroom.

18 A. Oh, excuse me.

19 Q. You can resume your seat Mr. Cooper.

20 What did you do with the clothes and the knife once
21 you got back into the Bilbia bedroom?

22 A. Starting taking the hems out of the ones that I
23 wanted to take the hem out of.

24 Q. Where did you do that?

25 A. In the bedroom.

26 Q. Yes. But where in the bedroom?

27 A. In the bedroom.

28 Q. Sat in the middle of the bedroom floor.

1 A. It is possible, yes.

2 Q. Didn't make any efforts to hide inside the closet?

3 A. No.

4 Q. Can you describe for us what you did as you took
5 the hems out?

6 A. What do you mean? I don't understand your
7 question.

8 Q. What -- well, what did you do physically?

9 A. Just took the hems out.

10 Q. Well, you used the knife.

11 A. Yes.

12 Q. Can you illustrate, using the brown pen in the
13 manner in which you used the knife to take the hems out.

14 A. Pulled the pants back and took the knife and cut
15 the hems out; went all the way and dropped them down.

16 Q. You weren't obviously wearing the pants at that
17 time, you just pulled the pant leg up.

18 A. Right.

19 Q. You used your left hand to use the knife.

20 A. Yes.

21 Q. During that particular time how many pant legs did
22 you let down?

23 A. Maybe one, two. That would be four legs. Maybe
24 two legs. I don't know.

25 Q. No more than two pairs of pants though.

26 A. No more, no.

27 Q. Did you cut yourself?

28 A. No.

1 Q. After you'd let out the hems on those particular
2 pants, what did you do?

3 A. Probably started doing my hair some more.

4 Q. Where would you do that?

5 A. Like I said, right on the floor and do it.

6 Q. There in the Bilbia bedroom?

7 A. Yes.

8 Q. After you had done your hair some more, what was
9 the next thing that you did?

10 A. The very next thing, I don't know. Probably went
11 back and -- excuse me -- check the radio and TV some more.

12 Q. Do you know?

13 A. It is possible that I did. I believe I did.

14 Q. Up to this point we haven't got anything in that
15 room except for a couple of pairs of pants and some shirts; is
16 that correct?

17 A. True.

18 Q. During the time that you are listening to the radio
19 and the television, after the alterations, did you go back down
20 the hall to the living room?

21 A. It is possible, yep.

22 Q. Took the knife with you?

23 A. No.

24 Q. Where did you put the knife?

25 A. Left it in there with the clothes.

26 Q. Just in the middle of the stack of clothes?

27 A. Yeah. That's all.

28 Q. The clothes with the knife is left in the middle of

1 the bedroom?

2 A. I'm not going to say smack dab in the middle of the
3 room. It was in the middle of the room.

4 Q. As opposed to the closet?

5 A. As opposed to the closet, hallway, any place else,
6 yep. It was in the room.

7 Q. When you got back to the living room, did you again
8 start by listening to the radio?

9 A. Not necessarily. I could have turned the TV on
10 first.

11 Q. Did you approach the TV in the same way, on your
12 knees?

13 A. Yes.

14 Q. Do you know how long you spent watching television
15 at this time?

16 A. Same as all periods of time. Just to see if, you
17 know, any news was on. That's all.

18 Q. So if you had done that right, I think we're up to
19 12 in the area of the television,

20 A. (Witness complied).

21 Q. And you can resume your seat. Mr. Cooper.

22 This is also the period of time, is it not,
23 following the Diane Williams phone calls, alteration of the
24 clothes, that you are looking out the window to try and get an
25 idea of what's going on; what was happening?

26 A. Nope, not necessarily. I did that throughout the
27 day.

28 Q. Excuse me.

1 A. I did that throughout the day.

2 Q. Did you approach that window on your knees?

3 A. The only time I got on my knees is when I went to
4 the TV set.

5 Q. Other than that you'd stay about five to ten feet
6 back off of the window and look out?

7 A. Basically, yes.

8 Q. What were you looking for?

9 A. Wasn't looking for anything in particular. Just
10 looking.

11 Q. Was there anything that attracted your attention?

12 A. Yes.

13 Q. What?

14 A. People down below working with horses and things.

15 Q. Did that concern you?

16 A. Not real concerned, no.

17 Q. Did you think they might come up to the house?

18 A. I didn't know. That is why I kept watching.

19 Q. Did you have any weapons at that point in case they
20 did?

21 A. No.

22 Q. At that particular point in time, we are
23 approaching Friday afternoon, evening time, aren't we?

24 A. It is a possibility, yes.

25 Q. If this was a weekend house, that would be about
26 the time that you would expect someone if they had used that
27 house on weekends to come there to stay; is that correct?

28 A. Not necessarily, no.

1 Q. When would you have expected someone to arrive at
2 the house if it was a weekend house?

3 A. Any time. Saturday is a weekend, so is Sunday.
4 You never know.

5 Q. So you were on your guard more so on Saturday than
6 on Friday?

7 A. No, not more so.

8 Q. Unconcerned about anybody coming to the house?

9 A. I was concerned, yes.

10 Q. Were you upset that there was nothing on the radio
11 and nothing on the television about you escaping?

12 A. Was I what?

13 Q. Upset.

14 A. No. That made me feel better.

15 Q. During the time that we have gotten to, did you
16 smoke?

17 A. It is possible, yes.

18 Q. Do you know how many times you smoked?

19 A. No.

20 Q. Up to this point, you have only smoked Kool's in
21 the hideout house.

22 A. I wouldn't say that, no.

23 Q. When did you get the lid for the Role Rite tobacco?

24 A. Friday night.

25 Q. And what was the occasion that caused you to get
26 the lid for the Role Rite Friday night?

27 A. When I was watching TV.

28 Q. Where did you watch TV Friday night?

1 A. In the bedroom.

2 Q. We haven't really got into that particular point in
3 time yet, have we?

4 A. No.

5 Q. Up to this point in time, afternoon hours of
6 Friday, you haven't smoked any Role Rite.

7 A. Yes, I believe I did.

8 Q. Didn't you use the box top to catch the debri?

9 A. Not at this particular time, no. I didn't even
10 know there was a box top.

11 Q. Where did you roll cigarettes in that hideout house
12 up to the afternoon hours of Friday, June the 3rd?

13 A. Same orange ashtray I had used for my cigarette
14 butts.

15 Q. The one that you had moved into the Lang bedroom
16 that was kept near the TV and the fireplace?

17 A. I didn't exactly move it. If I was smoking in
18 there I took the ashtray with me. But when I left, I took it
19 out with me.

20 Q. Put it back in the same place?

21 A. I believe so, yes.

22 Q. Did you use that same ashtray during the day of
23 Friday, June the 3rd?

24 A. It is possible, yep.

25 Q. Do you know?

26 A. Nope.

27 Q. Where else -- or back-up a moment.

28 We have got you watching TV in the living room,

1 looking out the window. What did you do after that in the
2 afternoon hours of Friday, June the 3rd?

3 A. All that afternoon, just the clothes, did my hair,
4 had to get bags to put the clothes in, different things like
5 that. So, I was doing different things at time different times
6 at the exact same time.

7 Q. When you say "get the bags to put the clothes in",
8 when did you get bags to put the clothes in?

9 A. Well, I know on Friday I got that white bag out
10 from under the stove to my put my clothes in. As far as the
11 green bag, I'm not sure when I got that.

12 Q. Do you know what time or what part of the time you
13 got the white bag from under the stove to put your clothes in?

14 A. No.

15 Q. Did you touch the stove to get the white bag?

16 A. Yes.

17 Q. Would you write "Stove" in the area where the -- in
18 the area where the stove is.

19 A. (Witness complied).

20 Q. When you fixed coffee, you'd use the stove also,
21 wouldn't you?

22 A. For what?

23 Q. Heat up the water.

24 A. There was hot water in the kitchen.

25 Q. So, you just used the hot water from the tap
26 itself?

27 A. For instant coffee, yes.

28 Q. Didn't use any pans at all in the hideout house

1 during the time you were there.

2 A. It is possible I did, I'm not sure. Don't know, I
3 am not sure.

4 Q. After you got the bag from under the stove, what
5 did you do with it?

6 A. Probably rolled my prison pants up, put them in,
7 and put the jacket in there, and put the blue denim shirt in
8 there, rolled it up and put it in there.

9 Q. You are still wearing the T-shirt, underpants and
10 socks.

11 A. No.

12 Q. You are wearing what?

13 A. I am wearing the blue sweat pants and yellow tennis
14 shoes.

15 Q. Right. But, I mean, as far as prison things that
16 you are using, you are wearing the T-shirt, underpants and
17 socks.

18 A. No, I don't have those on my body.

19 Q. All of those are off?

20 A. Yes.

21 Q. Did you roll those up and put them in the white bag
22 also?

23 A. No.

24 Q. When you finished putting the prison clothes in the
25 white bag, did you take it somewhere?

26 A. What, the white bag?

27 Q. Yes.

28 A. No.

1 Q. Where did you leave it?

2 A. In the Bilbia bedroom.

3 Q. In the closet or out?

4 A. Um, I don't know. I don't remember.

5 Q. When was it that you started building the nest of
6 blankets inside the closet?

7 A. Um, sometime that evening.

8 Q. Late evening?

9 A. It is possible.

10 Q. Do you have any idea?

11 A. I believe it was before I started watching
12 television.

13 Q. So, before the late news?

14 A. Yes.

15 Q. So you didn't move anything down to that bedroom
16 until it was after dark as far as linen, blankets, pillows and
17 so on.

18 A. I am not sure.

19 Q. What did you have to eat during Friday, June the
20 3rd?

21 A. I believe I did make a meal.

22 Q. What kind of meal?

23 A. I believe sometime during that afternoon -- well, I
24 was getting something to drink, I looked in the freezer, it
25 was -- there was frozen meat frozen real solid, so I had to
26 leave it out and let it dry or dethaw, and later that evening I
27 cooked it. I don't know if it was a pork chop or some ham or
28 something like that, though.

1 Q. You used a pan to cook it.

2 A. Yes.

3 Q. You used a knife to cut it.

4 A. Didn't need cut; it was pre-cut. It wasn't a whole
5 big ham, it was like slices of ham or one pork chop individually
6 rapid and stuck in the freezer.

7 Q. When it came time for you to eat you needed a knife
8 to cut it.

9 A. It is possible, yes.

10 Q. Where did the knife come from?

11 A. From out of the drawer where the spoon and other
12 knife was.

13 Q. So, would you write "Knife" under the other word
14 "Knife".

15 A. No. Could have been the same knife, because we're
16 talking different times of day. I got done altering these
17 clothes, I put that knife back in that drawer, and when I ate
18 that evening, therefore it could have been the same steak knife.

19 Q. So, you left it in the clothes, then you go back,
20 specifically pick up the knife and put it back in the drawer so
21 it is available to use the same knife possibly when it is time
22 to have your evening meal?

23 A. When I finished the clothes, when I finished
24 altering, taking hems out all the pants, I didn't need the knife
25 anymore. I took it back, washed it off, put it back where it
26 was, and proceeded to do other things.

27 Q. Washed it off?

28 A. Yeah. You know, ran water on it, yes.

1 Q. For what purpose?

2 A. Because it had threads and stuff on it from the
3 pants, you know. That's all.

4 Q. Was the knife ever in the Bilbia bedroom in the
5 clothes pile when you were not there?

6 A. Yes, it was. Yes.

7 Q. What time did you move the knife from the Bilbia
8 bedroom back to the drawer?

9 A. When I finished the pants.

10 Q. How many pairs of pants did you use the knife to
11 alter?

12 A. All the pants I had.

13 Q. How many?

14 A. I believe maybe five, six pair. Maybe more. Maybe
15 one more, one less. I am not sure of the exact number.

16 Q. All of the pants you had were altered during the
17 afternoon of Friday, June the 3rd?

18 A. Yes.

19 Q. And until you had fully finished altering the four
20 or five or six pairs of pants you left all the clothes on a pile
21 in the Bilbia bedroom with the knife there?

22 A. More or less, yes.

23 Q. During the time that you ate the meat, whatever
24 kind of meat it was, where was that eaten?

25 A. When I was watching TV at night.

26 Q. Where at?

27 A. In that room.

28 Q. Do you have any idea what sequence of numbers the

1 cooking of the meat would fall into?

2 A. What number did we leave off at?

3 Q. We have got a 12, I think up, by the television. I
4 think that's our last number.

5 So, after you watched television again in the
6 afternoon, you looked out the window, and maybe around then you
7 had gone and cooked the meat?

8 A. No. What I did was, I believe after I watched
9 television and looked out the window, I went back and looked
10 through just about every window making sure everything was
11 still, there wasn't no people basically approaching or anything,
12 all the time I was walking around and braiding my hair. You
13 can't do it. I am not being smart or disrespectful, few people
14 can do it, but walked around braiding my hair and looked out
15 different windows, went back there, in there, finished taking,
16 you know, the hems out the pants, put all the pants together,
17 took the knife back and put it back, probably went back and
18 checked the TV and radio again.

19 Q. Let's not get too far ahead.

20 A. But I am saying, as far as numbers go, looking out
21 all the windows, sir.

22 Q. In the tour of the house during the afternoon hours
23 of June the 3rd?

24 A. Just about, yes.

25 Q. At about the time point in time that we have
26 reached as far as watching TV --

27 A. Wait. I don't understand your question. Say that
28 again.

1 Q. No. 12. You are watching TV and you are looking
2 out the window.

3 A. Well, I was not doing both, no.

4 Q. You are in that area to do both.

5 A. No, not really.

6 Q. After you finished watching TV, is that when you
7 started looking out the window?

8 A. Yes. After -- All right. I get on my knees, go
9 turn the TV off, get back up on my knees, stand up.

10 Q. Now you start looking out windows?

11 A. Basically, yes.

12 Q. What was the first window you looked at after you
13 turned the TV off?

14 A. The one straight ahead.

15 Q. Would you write "13" at that window.

16 A. (Witness complied).

17 Q. From there, which window did you look at?

18 A. This one.

19 Q. The sliding glass door, 13 there also?

20 A. Oh, 13?

21 Q. That is fine, we can go to 14.

22 Then from 14 where did you go?

23 A. Probably in this area here, because out this window
24 there is big bushes. So, I didn't really --

25 Q. And the Ryen house?

26 A. Big bushes were right here, and a walkway.

27 Q. You are pointing to the window right next to the
28 fireplace.

1 A. This window right here, yes.

2 Q. Sliding glass doors?

3 A. I don't know if these were sliding glass doors, I
4 just know they were big windows.

5 Q. After 14, what was the next window you looked out
6 of?

7 A. Probably these in the kitchen. And then --

8 Q. Would you write "15".

9 A. Sir?

10 Q. 15.

11 A. Okay. (Witness complied.)

12 Q. 16.

13 A. (Witness complied).

14 Q. 17.

15 A. You are looking out the door there.

16 A. Yes. (Witness complied)

17 Q. 18 for the next window.

18 A. (Witness complied).

19 Q. Now you are in the Lang bedroom.

20 A. Yes.

21 Q. Mr. Cooper, when you looked out 17, did you also
22 make sure the door was locked?

23 A. I don't know.

24 Q. We were at 18 and the Lang bedroom. 19.

25 A. (Witness complied).

26 A. Right here. It was like a little hill with bushes
27 and stuff so you couldn't really see nothing right here.

28 Q. Did you look out that window?

1 A. It is possible, yes.

2 Q. If you'd write "18" then. Are we up past 18?

3 A. 18. (Witness complied.)

4 Q. If you'd write "19", question mark.

5 A. (Witness complied).

6 Q. 20.

7 A. (Witness complied).

8 Q. 21.

9 A. (Witness complied).

10 Q. 22.

11 A. (Witness complied).

12 Q. At that point we're at the living or whatever you
13 want to call it, the entrance-reception way, but the window that
14 is on the kitchen side of the house away from the front door.

15 A. Yes.

16 Q. 23.

17 A. (Witness complied).

18 A. These are all a set of windows at one time.

19 Q. All right.

20 A. (Witness complied).

21 Q. 24.

22 A. (Witness complied).

23 Q. Now, as you would do that you just kind of walked
24 from one to the next in the shortest fashion. That is, walking
25 to the room.

26 A. Yeah. I walked in the room and looked out the
27 window, yes.

28 Q. Let me -- you do have this then. Would you start

1 with 13 and trace your path from window to window.

2 A. All right. First of all, you really don't have to
3 go up to the window to see out of the windows, because these are
4 big windows. So, by me standing right here, I can look and see
5 out this window, this window and this window at one time.

6 Q. Would you write "Cooper" in that area.

7 A. (Witness complied).

8 Q. And then trace your path.

9 A. All right. (Witness complied).

10 Q. And the same -- this big window here doesn't have
11 any curtains on it, I don't believe. I have -- I am not sure
12 about this window but just from where the bed is and then looked
13 out this window and looked out.

14 Q. So, then, you went back out.

15 A. Yes, came back out. I believe I came in here. I
16 did have to go all the way and look out these windows. I
17 believe they were big bushes in front of these windows. I
18 really didn't see anything anyway. I turned back, came out.
19 Same in this window, big bushes out there. I don't believe --

20 Q. You are indicating there the bedroom next to the
21 front door.

22 A. Yes. Come back out up here, and this is a big
23 window but it had drapes that were pulled closed so I pulled
24 them apart a little bit and looked out. Come back down this
25 way. There's windows all right here. All had see-through
26 curtains and something like that there in them. Just see out of
27 there. Came back up in here, opened that curtain the same --
28 they were closed -- opened them and looked out, came back and

1 just started working on the pants again.

2 Q. All right. If you'd resume your seat please.

3 At any time did you change the draperies within the
4 hideout house, did you pull them one way or the other?

5 A. Nope.

6 Q. Other than to possibly peek out and open them up
7 just enough to look out of them?

8 A. Basically, yes.

9 Q. But you didn't change from the time you arrived,
10 from the time you left, particularly the drapes in the Bilbia
11 bedroom.

12 A. No.

13 Q. They were shut the entire time that you were there.

14 A. Yes.

15 Q. You returned then to the clothes that you had
16 marked in the Bilbia bedroom.

17 A. Yes.

18 Q. Finished your alterations.

19 A. It is possible, yes, at that particular time I
20 finished them.

21 Q. What did you do with the clothes?

22 A. Stacked them up to get them ready to put in
23 something.

24 Q. Where did you leave them?

25 A. In the Bilbia bedroom.

26 Q. After you did that, what did you do?

27 A. After I finished with the pants I believe I took
28 the knife back in the kitchen.

1 Q. Is that about the same time that you started to fix
2 dinner?

3 A. No.

4 Q. You put the knife away?

5 A. Um, yes. In the kitchen drawer.

6 Q. Would you write "25" then back in the kitchen.

7 A. (Witness complied).

8 Q. And you put it in the same drawer that you'd gotten
9 it out of?

10 A. Yes.

11 Q. Whichever drawer that was.

12 A. Yes.

13 Q. After you put the knife back, what did you do?

14 A. Probably still working on my head.

15 Q. Corn rows?

16 A. Yes.

17 Q. Wander around the house any more as you're working
18 on the corn rows?

19 A. It's possible, yes.

20 Q. What was the next thing that you recall doing,
21 other than wandering around the house, after you returned the
22 knife to the drawer in the kitchen?

23 A. Putting those clothes into that green bag.

24 Q. Did you have the green bag before you took the
25 clothes down to the Bilbia bedroom?

26 A. I'm not sure.

27 Q. Where did the green bag come from, the green bag
28 with the yellow handles?

1 A. Off out of the Lang bedroom.

2 Q. Do you know which closet?

3 A. No.

4 Q. Was it one of the two closets in the Lang bedroom?

5 A. Yes.

6 Q. So, did you make a separate trip back down to the
7 bedroom, the Bilbia bedroom with that bag?

8 A. I believe so, yes.

9 Q. But you're not sure exactly which point in the
10 sequence of events that that occurred?

11 A. No, cause that was insignificant at that time. I'm
12 not sure.

13 Q. Did you pack the clothes into that bag?

14 A. I believe so, yes.

15 Q. Other than moving the bag down to the Bilbia
16 bedroom, do you recall any other activities up to that
17 particular point?

18 A. Um, probably going in the bathroom and checking how
19 I've done so far on my head. Probably getting -- possibly
20 getting something else to drink as far as Pepsi or lemonade.

21 Q. What bathroom are we talking about?

22 A. The Lang bathroom.

23 Q. All right. Would you write in the Lang bathroom
24 "26", please.

25 A. (Witness complied.)

26 Q. And after you checked your hair, what did you do?

27 A. Um, possibly went back and checked the radio and TV
28 again. I did that every once in awhile.

1 Q. "27" then up in the radio and TV Arizona.

2 A. (Witness complied.)

3 Q. Again did you approach the TV on your knees?

4 A. Yes.

5 Q. "28" up by the TV?

6 A. (Witness complied.)

7 Q. After checking the television and the radio, what
8 did you do.

9 A. Probably went back around checking the same windows
10 again.

11 Q. Same way you had before?

12 A. Yes.

13 Q. And what do you recall after that?

14 A. I believe that's -- on that trip is when I stuffed
15 the clothes into the the bag, started it getting like that.

16 Q. Is it dark now?

17 A. Um, it could be possibly getting dark, yes.

18 Q. Do you know?

19 A. Not offhand, no.

20 Q. After your second trip to all the windows, is that
21 when you started dinner?

22 A. No.

23 Q. Was dinner late at night?

24 A. Not real late, but it was after I felt confident
25 that nobody would be coming up there, you know, and to come in
26 with their stove on and food cooking in it.

27 Q. Do you recall what kind of a stove it was, gas,
28 electric?

1 A. I believe it was electric.

2 Q. In that regard can you recall what you did just
3 before you fixed dinner?

4 A. Yes, basically.

5 Q. What was that?

6 A. Somewhere along in there I know I checked the meat
7 to see if it was thawed all the way out, and it hadn't, so I
8 decided to go on and wash my underclothes and stuff.

9 Q. Now as far as the meat thawing, did you just put
10 that out on the counter?

11 A. I'm not sure.

12 Q. Don't remember?

13 A. No.

14 Q. So, before dinner you washed your clothes?

15 A. Sometime before I actually ate I started washing my
16 clothes, yes.

17 Q. And those clothes were washed in the Lang bathroom,
18 as you described, in the sink?

19 A. Yes.

20 Q. Was it dark when you did that washing?

21 A. Yes.

22 Q. And when you did the washing, how were you dressed?

23 A. In the sweat pants, tennis shoes.

24 Q. Any shirt?

25 A. No.

26 Q. And the items that you washed were only your socks,
27 underwear, and T-shirt?

28 A. Yes.

1 Q. All right. Would you write "29" in the bathroom
2 where you did the washing.

3 A. (Witness complied.)

4 Q. And as you did that did you touch the sink handles
5 in that particular bathroom?

6 A. As far as what, drawers and things?

7 Q. No. The handles to turn the water off and on?

8 A. Oh, yes.

9 Q. And did you touch like the soap box?

10 A. Soap wasn't in a box. It was sitting on top of a
11 tray.

12 Q. Did you use just bar soap?

13 A. Yes.

14 Q. So, you touched items such as that in that
15 particular area?

16 A. Yes.

17 Q. The sink handles and the soap?

18 A. Yes.

19 Q. You can resume your seat, please.

20 During the time that you were washing, did you let
21 the water continually run in the sink?

22 A. Yes.

23 Q. What efforts did you make to avoid being surprised
24 in that particular bathroom?

25 A. Every once in awhile I go out and check.

26 Q. Check where?

27 A. The windows.

28 Q. Make another tour of the whole house checking the

1 windows?

2 A. Basically, yes.

3 Q. How much would you do within that Lang bathroom
4 before going out to check each of the windows?

5 A. Well, see, I wash one sock and got it real soapy, I
6 sat it down and go check.

7 Q. Come back?

8 A. Yeah. Start on the other one. Let -- set it down,
9 go check. Same with T-shirt and underwear. Basically like
10 that.

11 Q. So, in effect you went and checked the windows at
12 least four times while you're washing those items?

13 A. It's possible, yes.

14 Q. And did you check in between each rinse?

15 A. No, cause after awhile I started to relax.

16 Q. What caused you to relax?

17 A. There was no sign of anyone coming. No one had
18 been there since I had been there.

19 Q. After you completed washing your socks, underwear,
20 and T-shirt.

21 A. Yes.

22 Q. You took them back down the hall to the Bilbia
23 bedroom and hung them up in the closet?

24 A. After I rinsed them out, yes.

25 Q. All right. Would you draw a line showing your
26 course from No. 29. Put "30" in the closet where you hung them
27 up.

28 A. (Witness complied.)

1 Q. You put 30 right next to the hallway; is that
2 correct?

3 A. Yeah, inside the closet, yes.

4 Q. Were the socks and underwear hung close to the
5 closet or at the -- I mean close to the hall or the other end of
6 the closet?

7 A. Probably in the middle, or over here. Excuse me.

8 Q. In the middle of the closet?

9 A. It's possible, yes.

10 Q. Do you know?

11 A. I don't recall offhand exactly myself.

12 Q. After you hung those up you walked on back down to
13 the kitchen and had something to eat?

14 A. Probably preparing my meal.

15 Q. Prepared by using a frying pan?

16 A. Yes.

17 Q. Did you use a fork?

18 A. I don't know. I believe I made a sandwich out of
19 it.

20 Q. Where did you get the frying pan from?

21 A. I believe somewhere under the stove or above the
22 stove -- under the stove I believe, yes.

23 Q. All right. Would you write, first of all --

24 A. I have to put a question mark.

25 Q. -- "31" back in the kitchen.

26 A. Excuse me?

27 Q. "31" back in the kitchen for dinner?

28 A. Any particular area?

1 Q. Probably over by the stove, sink. That's where you
2 were fixing your meal, wasn't it?

3 A. Yes.

4 Q. And write "frying pan" in the general area where
5 you got it.

6 A. (Witness complied.)

7 Q. You can resume your seat.

8 After you finished frying the meat, did you wash
9 the frying pan out?

10 A. Yes.

11 Q. Put it back in the same place?

12 A. Yes.

13 Q. What did you do with the paper or wrapping that was
14 on the meat?

15 A. Threw it in the same place I through my Kool
16 cigarette pack at.

17 Q. In the trash?

18 A. Yes.

19 Q. Where was that?

20 A. Somewhere in that area over there. I don't know
21 exactly for sure where if it was in the corner, I don't know.

22 Q. Well, was it out in open view in the kitchen?

23 A. Yes. It was just a bag.

24 Q. A bag standing in a corner or off to one side?

25 A. I don't know if I exactly say where it was. I
26 don't know. I just do remember putting it in a bag, though.

27 Q. With other trash?

28 A. Yes, I believe so.

1 Q. And that would be another indication to you that
2 probably somebody was using that house at that time?

3 A. Not necessarily. I didn't know how old that trash
4 was.

5 Q. Where did you eat your sandwich with the meat?

6 A. In the bedroom next to the Lang bathroom, but not
7 the Lang bedroom.

8 Q. The middle bedroom?

9 A. Yes.

10 Q. Would you write "32" in that area.

11 A. (Witness complied.)

12 Q. Did you bring the TV in to there?

13 A. Yes.

14 Q. Did you take your sandwich in first and then go
15 back up and get the television?

16 A. I don't know. I don't know.

17 Q. But the television was in there during the time you
18 were eating?

19 A. Yes.

20 Q. All right. So let's put "33" up by the television
21 because at least at some point in time you had to take the TV
22 back, didn't you?

23 A. Yes. (Witness complied.)

24 Q. And you've written on the photograph in direct
25 where you had plugged the television in against the wall near
26 the bathroom?

27 A. Yes. In here.

28 Q. Would you write "TV" in that area?

1 A. All right. Well, the TV wasn't right next to the
2 plug. TV got a cord on it, you know. So basically somewhere
3 along this wall. (Witness complied.)

4 Q. And where did you sit?

5 A. There were chairs and stuff in there so I'm not
6 exactly sure, but I did sit in a chair.

7 Q. Well, do you see the general area that you sat in?

8 A. Yes. Somewhere around the TV.

9 Q. But you don't know whether you were sitting on the
10 opposite wall looking across or below the TV?

11 A. No. I know I was sitting facing the door.

12 Q. So, you were able to look at the door and the TV at
13 the same time?

14 A. More or less, yes.

15 Q. If somebody came into that door what were you going
16 to do?

17 A. I don't know. Hoping nobody wouldn't come.

18 Q. Turn the sound on?

19 A. Excuse me?

20 Q. Did you have the sound on in the TV?

21 A. Low, very low, yes.

22 THE COURT: Find a convenient point, Mr. Kottmeier.

23 MR. KOTTMEIER: Yes, your Honor.

24 Q. In regard to the programs that you watched that
25 night, can you recall any of them?

26 A. Watched the news.

27 Q. Early news, late news?

28 A. The 11:00 o'clock news, 11:00, 11:30 news.

1 Q. Did you watch anything before that?

2 A. I don't remember.

3 Q. After you had watched the news, you picked the
4 television up and put it back?

5 A. Yes.

6 Q. Then what did you do?

7 A. Went to bed.

8 Q. In the closet?

9 A. Yes.

10 Q. Did you take the linen items out on your way back
11 to the closet?

12 A. I'm not sure when I took them out. Sometime during
13 that day I took 'em out.

14 Q. Would you write "blankets" in the area where you
15 got them and "pillow", and draw a line from those down the
16 course that you took to take them to the closet.

17 A. (Witness complied.)

18 Q. Did you arrange those in any particular fashion
19 within the closet to sleep?

20 A. No.

21 Q. Spread them out on the floor?

22 A. Basically, yes.

23 Q. Pillow down at one end?

24 A. Yes.

25 Q. Cover yourself up?

26 A. I believe so, yes.

27 Q. Or did you just lay on top of all the blankets?

28 A. I'm not sure.

1 Q. Well, did you shut the closet doors?

2 A. Yes.

3 Q. All of them?

4 A. Well, I only opened one.

5 Q. All right. So the other closet doors were fully
6 shut?

7 A. Yes.

8 Q. And having shut the closet doors you couldn't see
9 any light coming in?

10 A. No.

11 Q. What preparations did you take before going to bed
12 other than closing the closet doors?

13 A. Basically I got undressed and went to bed.

14 Q. You got undressed?

15 A. Yes.

16 Q. You were wearing sweat pants?

17 A. Yes.

18 Q. Why take off the sweat pants?

19 A. They didn't fit properly up in the crotch area.
20 They were rubbing. They were hurting.

21 Q. So, the reason you slept nude had nothing at all to
22 do with the fact that you'd washed your underwear, isn't that
23 true?

24 A. Yes, it did, because if my underwear weren't dirty
25 I would have slept in them.

26 Q. But yet you spent all morning and afternoon of
27 Friday, June the 3rd, wearing sweat pants?

28 A. What difference does that make, I going to sleep in

1 them.

2 Q. Did you take off the sweat pants?

3 A. Yes.

4 Q. You shut the closet door; you laid down naked?

5 A. Yes.

6 Q. And if somebody catches you, what did you do?

7 A. Go back to jail.

8 Q. Did you have any weapons with you at that time?

9 A. No.

10 Q. Any means of escape?

11 A. Besides having that Bilbia sliding glass door
12 unlocked, no.

13 Q. And you're naked?

14 A. Yes.

15 Q. Much more vulnerable than when you were concerned
16 about just having fallen asleep fully dressed on the bed in the
17 Lang bedroom; isn't that true?

18 A. Yes, I'm much more vulnerable, yes.

19 Q. Despite all of your care and efforts?

20 A. Had to sleep.

21 Q. You weren't concerned at all, were you, Mr. Cooper,
22 because you had plenty of weapons next to you?

23 A. No, sir.

24 Q. Had the hatchet?

25 A. No, sir.

26 Q. And a hunting knife?

27 A. No, sir.

28 MR. KOTTMEIER: This would be a convenient time, your

1 Honor.

2 THE COURT: Take the recess. Again, remember the
3 admonition.

4 (Recess.)

5

6 THE COURT: Okay. We're all together.

7

8 CROSS EXAMINATION (Resumed)

9 BY MR. KOTTMEIER:

10 Q. Mr. Cooper, you spent Friday night, June 3rd, in
11 the Bilbia closet. Is that true?

12 A. Yes.

13 Q. Did you get up at any time to move around the house
14 to make sure that everything was still in order?

15 A. When?

16 Q. During Friday night.

17 A. No.

18 Q. So, once you went to sleep you stayed asleep until
19 you awakened Saturday, June the 4th.

20 A. Yes.

21 Q. You are -- now, giving you a green pen and asking
22 you to mark on 5-L your name "Kevin Cooper" and the date
23 "Saturday, June 4th."

24 A. (Witness complied).

25 Q. And on 5-L would you write a No. "1" inside the
26 Bilbia bedroom closet.

27 A. (Witness complied).

28 Q. As soon as you got up Saturday morning, June the

1 4th, what did you do?

2 A. Go to the bathroom.

3 Q. Which bathroom?

4 A. Right here.

5 Q. Lang bathroom?

6 A. Yep.

7 Q. Would you trace your route then up to that bathroom
8 and put a "2" at the toilet.

9 A. (Witness complied).

10 Q. You went naked from the closet to the toilet.

11 A. No.

12 Q. Excuse me?

13 A. No.

14 Q. What did you wear?

15 A. I wrapped my sweat pants around me at that time,
16 this particular time.

17 Q. Wrapped them around as opposed to putting them on?

18 A. Yes.

19 Q. You went to the toilet, what did you do?

20 A. Went to the bathroom.

21 Q. What did you do, use the bathroom?

22 A. I used the toilet.

23 Q. After you finished, what did you do?

24 A. Went back in here and ran some water, went in here,
25 got a towel and washrag.

26 Q. What kind of a towel?

27 A. Just a towel.

28 Q. What color?

1 A. I believe it was black.

2 Q. Did you -- would you write "Black Towel" in the
3 linen closet.

4 A. (Witness complied).

5 Q. Was the washrag the same color?

6 A. It is possible, I'm not sure.

7 Q. And what did you do with the black towel and
8 washrag?

9 A. Wrapped them around me, put the washrag up on here,
10 I think.

11 Q. Indicating the sink in the Lang bathroom?

12 A. Yes.

13 Q. Then what did you do?

14 A. Um, probably went -- what did I do? Went and I
15 believe checked the windows again.

16 Q. All right. So, once you put the washrag and towel
17 around you, washrag by the sink, put the towel around you, you
18 started checking windows?

19 A. Yeah, I believe so.

20 Q. Where were your sweat pants at that time?

21 A. Back-up here in the bathroom.

22 Q. Maybe I should say, where are the Lang sweat pants
23 at that time?

24 A. In the bathroom.

25 Q. Which window did you check first?

26 A. All right. That particular time I took, picked up
27 the sweat pants in my hand and I proceeded to work my way back
28 towards to the Bilbia bedroom.

1 Q. Would you write No. "3" at the first window you
2 checked.

3 A. (Witness complied).

4 Q. No. 4, the next window.

5 A. (Witness complied).

6 Q. And then 5 for the next area you went to check
7 windows.

8 A. (Witness complied).

9 Q. And 6.

10 A. (Witness complied).

11 Q. 7.

12 A. (Witness complied).

13 Q. At 7 were you right looking out the kitchen door
14 again?

15 A. Yes.

16 Q. Where did you go from 7?

17 A. Middle bedroom.

18 Q. 8.

19 A. Yes. (Witness complied).

20 Q. 9. Is the bedroom close to the front door?

21 A. Yes. (Witness complied.)

22 Q. 10, The windows, the front door is directly across
23 the house.

24 A. Yes. (Witness complied.)

25 Q. 11 are the series of windows next to the front door
26 on the same side of the house?

27 A. Yes. (Witness complied.)

28 Q. 12 is the sliding glass door in the Bilbia bedroom.

1 A. (Witness complied.)

2 Q. Then what did you do?

3 A. Went back here, put the sweat pants on the floor?

4 Q. Then what?

5 A. Grabbed my underwear, socks off the rail and
6 checked to see if they were dry, and they were.

7 Q. Then where did you go?

8 A. Back up to the bathroom.

9 Q. Would you then draw the line back to the bathroom.
10 What did you do when you got to that point?

11 A. Finished braiding the last of my hair.

12 Q. Put 13 then please in the bathroom.

13 A. (Witness complied).

14 Q. After you braided the last of your hair, what did
15 you do?

16 A. Looked for the razor and different things in this
17 counter in here, razor, toothbrush, toothpaste and stuff like
18 that, because all of it wasn't on top of the counter.

19 Q. When you say "counter", you are talking about the
20 sink inside the Lang bathroom?

21 A. Yes.

22 Q. Did you find a razor?

23 A. Yes.

24 Q. And some kind of soap?

25 A. Just there -- the soap was sitting on --

26 Q. When you say say "soap", you didn't have any
27 special shaving lather or soap?

28 A. Oh, yeah, I found some can, some type of foam, yes.

1 Q. Would you write "Shaver and Foam" in that area.

2 A. (Witness complied).

3 Q. What else did you use or find in that particular
4 sink?

5 A. I found in the cupboard down here there was some
6 new toothbrushes, toothpaste, I believe some deodorant.
7 Basically that's it.

8 Q. Would you write "Toothpaste, Toothbrush,
9 Deodorant."

10 A. (Witness complied).

11 Q. And you shaved your face completely clean at that
12 time?

13 A. Somewhere in that general area. I don't know if it
14 was that particular time.

15 Q. When you say "in that general area", around that
16 time or could it have been in the afternoon or the evening of
17 Saturday, June the 4th?

18 A. I believe it was in the morning.

19 Q. What is the next thing that you remember doing
20 after you found things like the lotion, the deodorant,
21 toothbrushes, toothpaste and so on. Did you go through a
22 hygiene process?

23 A. Not at this particular time, no.

24 Q. What did you do?

25 A. I went and turned on the tub.

26 Q. In the bathroom?

27 A. Right here, yes.

28 Q. Would you write "Tub" then in that area.

1 A. (Witness complied).

2 Q. Did you let the water run in the tub?

3 A. Yes.

4 Q. For how long?

5 A. I don't know. It wouldn't come on hard, you know,
6 I mean real fast, it just came out at a moderate speed. I had
7 to clean it out first.

8 Q. When you say "I had to clean it out", you mean you
9 cleaned the bathtub?

10 A. Yes.

11 Q. With cleanser?

12 A. No.

13 Q. What did you use to clean it out?

14 A. I believe there was a sponge or something in the
15 bathroom. I'm not particularly sure, but I know I cleaned it
16 out.

17 Q. After cleaning out the bathtub, letting the water
18 run in, what was the next thing that happened?

19 A. Um, well, while the water was running I went back
20 in here and I believe that's when I started to shave.

21 Q. Did you finish fully shaving then?

22 A. Nope, because I kept -- after I put the stuff on my
23 face, I went back in here to check the water and then I opened
24 this window right here.

25 Q. At this point you are talking about the window next
26 to the toilet?

27 A. Yep. There was a yellow plexiglass window right
28 here.

1 Q. All right. Why don't we put 14 then for the tub.
2 15 back at the sink for shaving.

3 A. (Witness complied).

4 Q. And 16 at the window to open it up.

5 A. (Witness complied.) Can I write "Window" in here
6 too?

7 Q. Well we have got it marked by the lines on the
8 diagram.

9 After you opened the window up and you had the
10 lather on your face, what did you do?

11 A. Went back and started to shave. I believe I did
12 complete my shave, and went over and checked the water in the
13 tub.

14 Q. The water never got warm, did it?

15 A. It might have got warm but it didn't get hot.

16 Q. How much of the tub was full?

17 A. More than -- more than half.

18 Q. More than half full at that point?

19 A. I mean, I'm not exactly sure at what point you are
20 talking about.

21 Q. Well, you finished your shaving, and during the
22 time that you are doing your shaving the water has been running
23 in the tub.

24 A. Right.

25 Q. And after you finished your shave you came back in
26 and you check the water.

27 A. I was checking the water while I was shaving. You
28 know, I am shaving and I am still hearing the water running and

1 I go back and check it to see how full it was, see if it was
2 getting hot, and it was; go back and finish shaving some more,
3 and go back like that.

4 Q. Were you running straight hot water into the tub?

5 A. Yes.

6 Q. So at some point in time you turned the hot water
7 off.

8 A. Yes.

9 Q. At the time you turned the hot water off was the
10 tub halfway full, two-thirds?

11 A. Majority full.

12 Q. What happened after you turned the water off?

13 A. I seen it wouldn't get hot so I let the water back
14 out.

15 Q. Flipped the plug to let it out?

16 A. However you -- I don't know exactly how it was.
17 But, yes.

18 Q. What happened next as the water is running out of
19 the bathtub?

20 A. I'm not exactly sure exactly what happened next,
21 but somewhere along in here I heard what I thought was a car
22 coming up in the driveway.

23 Q. Was that after the water had gotten completely out
24 of the tub?

25 A. I don't know.

26 Q. That was the next thing that you remember though
27 after you started to let the water out?

28 A. Basically, yes.

1 Q. Did you go back to the tub and quickly stop the
2 water from running out?

3 A. I don't remember.

4 Q. After you heard the car, what did you do?

5 A. First, to verify that indeed I had heard a car, I
6 came up here to the window and listened, and I did hear one.
7 Still having a towel wrapped around me, I came out down here,
8 stopped right here.

9 Q. When you said "right here", you are at the end of
10 the hallway just by the front door.

11 A. Yes. Looked out, saw a vehicle out here in the
12 driving areas, driveway, whatever you want to call it.

13 Q. All right. So then let's draw a line from the
14 bathroom up to that point you stopped, and that would be 17.

15 A. (Witness complied).

16 Q. Did you move from 17 to get a better look out at
17 the car that was coming up the driveway?

18 A. All I had to do was just look around the corner.
19 Like the counter is not that high, maybe this high, maybe a
20 little lower, and the window is right here. Even though the
21 door is solid, these little drapes, you can see right outside.
22 Just looking over the counter, I could see a car was like maybe
23 right here.

24 Q. You are pointing that the car is virtually right
25 outside the front windows.

26 A. Basically, yes. How close and far away, I mean, as
27 far as feet, that didn't enter my mind.

28 Q. Was the car stopped when you saw it?

1 A. Yes.

2 Q. Could you see anyone inside?

3 A. I don't believe I saw exactly who it was, or a
4 person of definite distinction until after I saw the door open
5 and a person get out.

6 Q. The person that got out was a female?

7 A. Yes.

8 Q. The color of the car was blue?

9 A. I believe, I'm not certain on that.

10 Q. Do you know what kind of a car it was?

11 A. No. All I know, I seen a car.

12 Q. Well, Mr. Negus asked you, you talked in terms of a
13 Blazer or Bronco. You know, do you have any idea what those
14 cars look like?

15 A. Well, yes, I do.

16 Q. Well was it a Blazer or a Bronco?

17 A. I don't know. The reason why I say I know it was a
18 Blazer or a Bronco is because I had to look out the window and
19 look down and I did see a blue Blzer or blue Bronco, by what I
20 later learned was the Lease residence.

21 Q. But as far as looking out the front window a matter
22 of feet from you, you have no idea of what kind of car was
23 driven up there?

24 A. At that particular time I wasn't concerned what
25 kind of car. Just a car, just a person.

26 Q. After you saw the person get out of the car, you
27 ran back to the bathroom.

28 A. Yes.

1 Q. And went inside.

2 A. Yes.

3 Q. Did you stop first at the sink area?

4 A. Closed the door.

5 Q. Okay. Would you trace your path back and write
6 "18" in the area where you closed the door.

7 A. (Witness complied).

8 Q. And at that point if you'd draw across that
9 particular entrance and show that you shut the door.

10 A. (Witness complied)

11 Q. After you shut that door what did you do?

12 A. Continued here, closed that door.

13 Q. And would you put "19" at that point.

14 A. (Witness complied).

15 Well, excuse me. First of all, after I closed this
16 door I grabbed my underwear, washrag and whatever I had up here,
17 took it back here with me, closed the door, took my towel off
18 and proceeded to put those things on.

19 Q. Underwear, T-shirt and socks.

20 A. Yes.

21 Q. And, so, you also closed the door to the tub and
22 toilet area between the sink area.

23 A. Yes. Right here, yes.

24 Q. As you came into the tub and toilet area you had in
25 your hands your underwear, socks, black towel, washrag, shaving
26 lather, deodorant --

27 A. I didn't have all of those things in my hands, no,
28 sir.

1 Q. You left all the shaving stuff on the sink?

2 A. No. When I finished putting the stuff on my face I
3 just put it back.

4 Q. And when you finished shaving with the razor you
5 put that back?

6 A. Yes.

7 Q. Did you use the deodorant?

8 A. Nope.

9 Q. So you had to take that with you into the --

10 A. No.

11 Q. You left it on the sink?

12 A. Yes.

13 Q. So, other than the towel, washrag and underwear,
14 what did you take from that sink?

15 A. Let me -- I have that towel there, towel wrapped
16 around me. As far as underwear and stuff, I mean, they are
17 just -- I just grabbed them up like this all in one hand and
18 scooped them up and just went on in there.

19 As far as anything else, I don't know. I don't
20 believe there was anything else to take.

21 Q. When you grabbed those items you went into the
22 toilet, tub area and then just the shut the door behind you?

23 A. Gently shut the door.

24 Q. When you say "gently", did you just like kick it
25 and let it swing shut?

26 A. Nope.

27 Q. Did you bring it around on the hinges that shut it
28 so that you could hear the lock mechanism?

1 A. I don't know if there was a lock mechanism, all I
2 know is there was a -- just grabbed it and closed it.

3 Q. When you said "closed it", what did you do to make
4 sure the door shut quietly?

5 A. Not slam it.

6 Q. Then you waited?

7 A. No. Then I put my underthings on.

8 Q. You got into your underwear.

9 A. Yes.

10 Q. T-shirt.

11 A. Yes.

12 Q. Socks.

13 A. Yep.

14 Q. What did you do next?

15 A. Checked to see if these windows slid out.

16 Q. Slid up?

17 A. Out.

18 Q. Out?

19 A. Yes. No, not out. You know, roll them out. They
20 open and there was windows in there like that. They slide out.

21 Q. In other words, a louvered type.

22 A. Yeah. Louvered type window, right.

23 Q. Louvers, sometimes you can just lift out in one
24 move and another and open the window.

25 A. Yes.

26 Q. Would they come up?

27 A. Yes. The one I tried would.

28 Q. So, you slipped one glass louver out. What was the

1 next --

2 A. I didn't slip it all the way out. I checked to see
3 if it would come out.

4 Q. All right. You found that it would.

5 A. Yes.

6 Q. How many louvers were there?

7 A. I don't know, I didn't count them.

8 THE COURT: May he be seated?

9 MR. KOTTMEIER: Yes, your Honor.

10 Q. Well, did it look as though it was going to take
11 you a second or two to get all the louvers out, or is this
12 something you could do fast, that you virtually take them out
13 and then jump through the window if someone was after you?

14 A. It wouldn't take a long period to take them out,
15 no.

16 Q. And after you found you could remove the louvers
17 what was the next thing you did?

18 A. Listened.

19 Q. Where did you listen?

20 A. By the window.

21 Q. And what did you hear?

22 A. Virtually nothing.

23 Q. What's the next thing you recall happening?

24 A. Opening the back of the bathroom door and going
25 through the front of the bathroom door.

26 Q. Now you are talking about the door between the
27 toilet and tub and the sink area in the Lang bathroom?

28 A. Yes.

1 Q. Can you describe how you opened that door?

2 A. Just opened it.

3 Q. In what way?

4 A. Turned the knob and opened it.

5 Q. Were you careful to make sure that you were quiet
6 as you turned the knob and swung the door open?

7 A. I believe so, yes.

8 Q. Did the door make any sound?

9 A. No.

10 Q. After you opened the door, you then listened at the
11 door from the bathroom to the hall right next to the Lang
12 bedroom?

13 A. I listened there, yes.

14 Q. Did you hear anything?

15 A. No.

16 Q. Showing you an exhibit marked 691, for the record a
17 color photograph, about a three by five; do you recognize 691?

18 A. Yes.

19 Q. That's the photograph looking from the hallway
20 virtually by the Lang bathrooms towards the louver window at the
21 back?

22 A. Yes. This is the yellow window right here.

23 Q. In fact, you can see the louvers in that particular
24 photograph that you were talking about earlier?

25 A. Yes. The part that you open is down here.

26 Q. Is that a fairly accurate picture of that bathroom
27 when you were in there?

28 A. Fairly accurate, yes.

1 Q. How do you explain to the jury that the door
2 between the toilet and the tub and the sinks is a sliding glass
3 door that goes into the wall and doesn't swing at all?

4 A. I say I don't explain. I don't remember
5 everything.

6 Q. In fact, that door was damaged.

7 A. No.

8 Q. You couldn't shut it.

9 A. Yes. I shut the door.

10 Q. The door next to the toilet and the tub?

11 A. Yes.

12 Q. The door had a crushed rail. It could not be
13 opened, could not be closed.

14 A. That's not true. I closed that door.

15 Q. Make any noise?

16 A. Not as far as I was concerned, no.

17 Q. That particular door that you've described as
18 having been shut, knobs turned, and so on, didn't even have a
19 knob.

20 THE COURT: Counsel, it's hard to tell sometimes whether
21 you're making a statement or asking a question.

22 MR. KOTTMEIER: Just asking for Mr. Cooper's explanation.

23 THE DEFENDANT: I don't have an explanation.

24 BY MR. KOTTMEIER:

25 Q. Is it possible that that door was not shut?

26 A. No. I shut that door.

27 Q. Is it possible that the only door that you shut is
28 the one to the hall?

1 A. No.

2 Q. You listened very carefully to the door next to the
3 hall?

4 A. Yes, I listened.

5 Q. Opened it just a crack?

6 A. Yes.

7 Q. Peeked around and saw a lady disappearing down the
8 hall toward the front door?

9 A. Peek around? I just looked out, yes.

10 Q. And then heard the car start up?

11 A. No. Closed the door back.

12 Q. After you closed the door, what did you do?

13 A. Went back to the window.

14 Q. The bathroom louvered window?

15 A. Yes.

16 Q. What did you do next?

17 A. Listened.

18 Q. What happened next?

19 A. Then I heard the car door open -- I mean the front
20 door close, the car door open and close, the engine start up and
21 the car pull away.

22 Q. After you heard that did you continue to wait next
23 to the window, that we've already identified in the photograph
24 691 and also with the number 16 on 5-L, did you continue to stay
25 there?

26 A. I stayed there for a minute, yes.

27 Q. Then what did you do?

28 A. Possibly reconsidered my present situation.

1 Q. What did you think of? What was your thought
2 process?

3 A. I knew for a fact that somebody was indeed coming
4 to that house, so I figured I was going to have to leave.

5 Q. You had been threatened; is that correct?

6 A. No.

7 Q. You didn't feel vulnerable standing in the
8 bathroom --

9 A. No.

10 Q. -- in your underwear, socks and T-shirt?

11 A. No, cause I -- excuse me. Never mind. Excuse me.

12 Q. Why didn't you feel vulnerable?

13 A. Because I was aware of what was going on. When I
14 was asleep on the bed and I woke up, I wasn't aware of anything,
15 so, therefore, I was vulnerable. But at this present time I
16 wasn't vulnerable because I was aware of what was going on.

17 Q. By that you mean this was a woman, you could handle
18 a woman?

19 A. Doesn't make any difference.

20 Q. After Virginia Lang left, what steps did you take
21 to protect yourself at the hideout?

22 A. Prepared to leave.

23 Q. And in what form did your preparations take?

24 A. Basically making sure that I had all my stuff
25 together in one area so I could leave.

26 Q. When you say make sure you had all your stuff
27 together, Virginia Lang has left, what is the first thing you do
28 after she leaves?

1 A. Um, possibly go back and check the front door.

2 Q. So, the next thing that -- the next location that
3 we would be at would be to go from 18 back down to the front
4 door?

5 A. Yes.

6 Q. Would you trace your path and also write "19" in
7 the area of the front door?

8 A. Write what?

9 Q. "19".

10 A. (Witness complied.)

11 Q. After checking the front door, what did you do?

12 A. Since I knew the driveway -- since I believed the
13 driveway went back around this way, I believe I went straight
14 up, looked out the curtain.

15 Q. Now, you're indicating the window that is on the
16 other side of the house from the front door?

17 A. Yes.

18 Q. Directly across from the front door?

19 A. Yes.

20 Q. Would you write "20" in that area?

21 A. Draw the line, too?

22 Q. Yes, please.

23 A. (Witness complied.)

24 Q. And after looking out the window, what action did
25 you take?

26 A. Um, I decided what I should do is go on and take my
27 bath and get myself together and leave.

28 Q. You saw the car going down the hill?

1 A. I don't remember. It's possible, maybe. I don't
2 know.

3 Q. You didn't go and check around the house each of
4 the windows to make sure there was no one else that might have
5 gotten out of the car?

6 A. No. Because when I was right here -- where is it
7 at -- (indicating), I could see that there was no one else in
8 the car.

9 Q. So, from No. 20 you go back to your bath?

10 A. Not exactly straight back, but more or less, yes.

11 Q. Where did you go from 20?

12 A. From 20?

13 Q. Yes. From the point where you're looking out the
14 drapes.

15 A. I mean, I go back to the bathroom, yes, but I don't
16 run back to the bathroom, you know. I just -- I'm listening,
17 taking my time, walking, thinking, that's all.

18 Q. So, would you trace your route from 20.

19 A. (Witness complied.)

20 Q. Did you go just to the sink area or all the way
21 down to the tub and toilet area?

22 A. I believe I go all the way down here and pick up
23 the towel and washrag out of here, pretty sure.

24 Q. So, would you trace it down there and put "21".

25 A. (Witness complied.)

26 Q. And then you go back up to the sink area?

27 A. No. I believe I tried the tub again to see if the
28 water would get hot, and it wouldn't.

1 Q. Turn the hot water on?

2 A. Again? Yes, I believe so.

3 Q. How long did you let the tub water run this time?

4 A. Well, I let it run in my hand maybe five seconds
5 just to see if it it got hot.

6 Q. So, what did you do after that?

7 A. It dawned on me that there was another bathroom
8 down here that did have a shower in it. So what I did was took
9 off my underwear and socks and T-shirt, wrapped the towel back
10 around me, took the washrag and the soap, went down here to this
11 bathroom to see if this water down here got hot.

12 Q. So, at this point in time you traveled back down
13 the hallway to the Bilbia bathroom?

14 A. Yes.

15 Q. Once you get to the Bilbia bathroom, what did you
16 do?

17 A. Try the water.

18 Q. How?

19 A. Well, lean in, turn the water on, hold my hand up
20 under it see if it gets hot, and it doesn't so I turn it off.

21 Q. And walked out?

22 A. Yeah. Picked the stuff back up and left, went back
23 up to the other bathroom.

24 Q. Did you bring your underwear and socks with you at
25 that point?

26 A. I don't remember.

27 Q. Well, would you trace your route then from 21 back
28 out, down the hall to the Bilbia bathroom, and put "22" in it?

1 A. Put what?

2 Q. "22".

3 A. (Witness complied.)

4 Q. In that particular shower did you step on the sill?

5 A. Yes.

6 Q. With which foot?

7 A. My left foot.

8 Q. Do you remember that?

9 A. No. I remember stepping on the sill, but from the
10 testimony here and my recollection I remember it was my left
11 foot.

12 Q. Well, which is it, do you remember from the
13 testimony or from your recollection?

14 A. From both.

15 Q. Are there other portions of your testimony here in
16 court that are a combination of things that you've heard from
17 other people?

18 A. Um, I don't know. It's possible.

19 Q. Did you step anywhere else in that bathroom in your
20 bare feet?

21 A. No, just that trace -- that trail. That's it.

22 Q. The particular shower door in the bathroom that
23 we're talking about, the sill with the shower door on it, you
24 stepped very close to the door, is that correct, as pictured in
25 Exhibit 80?

26 A. Well, that's not a big space.

27 Q. Well, did you step close to the door?

28 A. It's possible, yes.

1 Q. Did you actually step inside?

2 A. No.

3 Q. You stood on that sill with one foot?

4 A. Yeah. I can demonstrate if you want me to how I
5 did it.

6 Q. If you would, please.

7 A. Coming down, and this is the shower. Opened the
8 door. This is the sill. Lean on the sill. Put my hand right
9 here on this side of it. Turned the water on, and doing it just
10 like this and letting the water run, you know, see if it got
11 hot. It didn't get hot. Turn it off. Stepped off the sill.
12 Closed the door. Got my stuff and went back down the hall.

13 Q. How long did you stand on that sill with your hand
14 up checking the water?

15 A. Long enough to see if the water got hot.

16 Q. How long was that?

17 A. I don't know.

18 Q. Seconds? Minutes?

19 A. Wouldn't have been minutes. Seconds can seem like
20 minutes. Not trying to be smart.

21 Q. You can reach that shower handle by standing right
22 there on the linoleum floor without balancing on the sill,
23 couldn't you?

24 A. I don't know. It's possible, yes.

25 Q. Isn't it unusual for you to stand on the sill as
26 you try and check to see if the water is warm enough to take a
27 shower?

28 A. That's why I wanted to stand on the sill, so I

1 could put my hand up under the water and see if it would get
2 hot.

3 Q. Well, as you put your hand up under the water the
4 water that's cold is going to run down your arm and all along
5 your body; isn't that correct?

6 A. No, not the way I was standing, no. Some water did
7 run down my arm, but not all the way down my body, no.

8 Q. In fact, as you stand there inside that particular
9 sill area, or on that sill area, the water is going to hit you,
10 that cold water that you're not interested in feeling.

11 A. No. I have to disagree with you, sir.

12 Q. So, you felt cold water?

13 A. Yes.

14 Q. And went back, took a sponge bath in the Lang
15 bathroom?

16 A. Yes.

17 Q. Took all your clothes off?

18 A. What? To take a sponge bath? Yes.

19 Q. Yes.

20 A. Yes.

21 Q. This is after somebody's been in that house?

22 A. Yes.

23 Q. After you had finished taking off your clothes,
24 washing off completely, what did you do next?

25 A. Got dressed.

26 Q. Did you apply body lotion all over your body?

27 A. I don't know if I did or not at that particular
28 time.

1 Q. At some point during your stay at the hideout did
2 you apply body lotion to your entire body?

3 A. I don't know. I don't even know that they had body
4 lotion. I don't know.

5 Q. Once you had finished washing and so on, what was
6 the next thing that you did?

7 A. All right. After I finished, put my under clothes
8 on, socks on, T-shirts on, cleaned up the area more or less,
9 folded the towel up, put it back in the closet, same with the
10 washrag, proceeded back down to the Bilbia bedroom and got
11 dressed.

12 Q. You in effect put everything in the Lang bathroom
13 back exactly the way that you'd found it at that point; is that
14 correct?

15 A. I can't say exactly, but close to being exactly,
16 yes.

17 Q. Well, you didn't leave anything out that hadn't
18 been out when you first arrived in that bathroom?

19 A. True.

20 Q. You even took the care to fold the towel up, put it
21 back?

22 A. True.

23 Q. Inside that bathroom there were no towels hanging
24 on any of the racks when you went in?

25 A. I don't remember. I don't know.

26 Q. Well, if there had been towels is there any reason
27 why you'd go to the linen closet and get a towel to bring into
28 the bathroom?

1 A. I don't know.

2 Q. And after you folded the towel up, what was the
3 next thing that you did?

4 A. Went back down and got dressed.

5 Q. And you're now indicating that you went back down
6 to the Bilbia bedroom?

7 A. Yes.

8 Q. Will you approach the diagram 5-L. You've got 22
9 here at the shower. Bring us back down for the sponge bath in
10 the area of the sink with "23".

11 A. (Witness complied.)

12 Q. Have you marked "23".

13 A. Yes, sir. Yes, right here.

14 Q. "24" back in the Bilbia bedroom?

15 A. Draw a line, too?

16 Q. No, that's all right. We're getting too many
17 lines.

18 A. (Witness complied.)

19 Q. Now, as you got dressed, which clothes did you
20 chose to put on?

21 A. At first I put on the Army pants and the white
22 shirt with the zipper in the front and the yellow tennis shoes.

23 Q. What happened to that white shirt with the zipper
24 in the front?

25 A. I took it on the boat with me in Mexico.

26 Q. And have you seen that shirt since you have been
27 arrested?

28 A. Well, it wasn't an all white shirt. The back of it

1 was white, had a zipper in the front, collar is out here, had
2 multicolors in the front.

3 Q. Have you seen the shirt since you have been
4 arrested?

5 A. I don't know. I don't believe so. I don't know.

6 Q. Do you know what happened to it?

7 A. As far as I know it's in evidence. I don't know.

8 Q. In regard to getting dressed, which tennis shoes do
9 you put on?

10 A. The yellow ones.

11 Q. Which socks do you use?

12 A. The only pair of socks I had.

13 Q. And what other preparations did you make while you
14 were in the bedroom?

15 A. Basically nothing at all, cause it dawned on me I
16 couldn't leave at that particular time.

17 Q. Why is that?

18 A. Because it was daytime.

19 Q. What does daytime have to do with leaving at that
20 point?

21 A. Cause I knew people were working down in that house
22 down below with the horses and stuff, and I didn't know if there
23 was a possibility they could see me.

24 Q. And you didn't bother going outside to check any of
25 the other areas?

26 A. No.

27 Q. Didn't look over in the field next to the Lang
28 house?

1 A. No.

2 Q. Ever check up the bank?

3 A. No.

4 Q. At the Ryen house?

5 A. No.

6 Q. So you at that point in time were so concerned
7 about being seen that you felt safe to stay in your hideout even
8 though somebody had come into it?

9 A. More or less, yes.

10 Q. And the only reason you felt safe to stay in the
11 hideout is because within the hideout you had the weapons to
12 protect yourself?

13 A. No.

14 Q. Isn't it true, Mr. Cooper, that also you'd come to
15 know that hideout and you knew all the places within it where
16 you could hide?

17 A. I knew places that I could hide and places I could
18 leave, yes.

19 Q. In addition to the Bilbia closet and the sliding
20 glass door for exit, what other places could you have hidden
21 within that hideout house?

22 A. Hidden? I don't know. I guess any closet, or I
23 guess basically --

24 Q. Any closet?

25 A. I guess. I mean, way I look at it, yeah.

26 Q. If someone else were to come in the house, was your
27 plan to go and hide in a closet?

28 A. No.

1 Q. What was your plan?

2 A. To leave.

3 Q. While they were in the house?

4 A. Yeah. They come in the front door I go out the
5 back, out one of those sliding glass doors, out a window.

6 Q. Even while you're standing in the shower on the
7 sill feeling the water?

8 A. Well, at that particular time, no.

9 Q. Even while you're taking a sponge bath naked in the
10 Lang sink area?

11 A. No.

12 Q. In addition to your preparations, what other items
13 did you get or put into the Bilbia bedroom?

14 A. None, it was already in there.

15 Q. Well, for example, when did the comb make it from
16 the Lang bathroom down into the Bilbia closet, your hideout
17 nest?

18 A. Probably Friday night, sometime Friday.

19 Q. And in regard to the pillow and the blankets and so
20 on, those all came down Friday night before?

21 A. Again, whenever I took them down there, yes.

22 Q. Well, in all of your efforts at gathering clothes
23 and so on, when was it you found the gloves?

24 A. I don't know.

25 Q. Did you find those at the same point in time as
26 when you found the other items of clothes?

27 A. It's possible, yes.

28 Q. Did those gloves have special meaning to you?

1 A. In a way, yes.

2 Q. What way was that?

3 A. As far as going back down the hill.

4 Q. But at this point in time you hadn't even planned
5 to go back down the hill.

6 A. I knew I had to leave that house sooner or later.
7 I couldn't stay there forever.

8 Q. And that's why you took two pairs of gloves?

9 A. Is that why I took two pair of gloves?

10 Q. Yes.

11 A. No, not really.

12 Q. Why did you take two pairs of gloves?

13 A. Because they were flimsy little gloves.

14 Q. What does flimsy little gloves have to do with
15 needing two pairs?

16 A. Because I didn't know if I fell again if they would
17 rip or what. I mean, you know.

18 Q. What other uses did you anticipate putting those
19 gloves to after crossing the creek?

20 A. Nothing, didn't have any other use for 'em.

21 Q. You got two pairs of gloves?

22 A. Yes.

23 Q. But no underwear?

24 A. But no what?

25 Q. But no underwear?

26 A. I had underwear.

27 Q. Two pairs of gloves, but no socks?

28 A. I had socks.

1 Q. During the time that you spent after Virginia Lang
2 had left, did you eat?

3 A. It's possible. I don't know.

4 Q. Well, after you got ready you made your
5 preparations back over here at 24, where was the next point that
6 you went in that particular house on Friday, June the -- excuse
7 me -- Saturday, June the 4th?

8 A. What I probably did was just stayed on my guard,
9 just kept my eyes and ears open basically.

10 Q. Where did you do that?

11 A. All over the house.

12 Q. All over the house?

13 A. Yes. Walked around the house just like, you know,
14 indicating on that other diagram, just walked around looking in
15 windows, that's all -- I mean out of windows.

16 Q. Didn't listen to television?

17 A. Basically, no. It's possible I did, though.

18 Q. Didn't listen to the radio?

19 A. I don't believe so, no.

20 Q. Didn't have anything to eat?

21 A. I could have had, but I'm not sure.

22 Q. Literally just patrolled around the house for the
23 approximate eight hours after Virginia Lang was there?

24 A. More or less, yes.

25 Q. Did you constantly move through the house walking
26 from one place to the next, to the next, to the next?

27 A. I wouldn't say I constantly, but I did it.

28 Q. During the time that you were there, other than

1 Vickie Lang arriving at the house, did you ever hear any noises
2 outside?

3 A. No.

4 Q. Hear children playing?

5 A. No.

6 Q. Hear trucks?

7 A. No.

8 Q. Any noises from up on the hill?

9 A. I don't know if I heard noises from up on the hills
10 or not. I don't believe so.

11 Q. After Virginia Lang was there, did you arm yourself
12 in any way?

13 A. No.

14 Q. Did you testify --

15 MR. NEGUS: Could I have page and line, counsel?

16 MR. KOTTMEIER: Yes. Page 5434 on transcript from
17 January 2, '85.

18 MR. NEGUS: What line?

19 MR. KOTTMEIER: Lines 25 through 28, and then -- That's
20 fine, 525 through 28.

21 MR. NEGUS: I have it.

22 BY MR. KOTTMEIER:

23 Q. Did you testify on direct in answer to question:

24 "What did you do for the rest of the day?

25 "Answer: Ate, watched TV, listened to the radio a
26 little bit, basically stayed on my toes so nobody
27 else -- I could see if anybody else was coming up
28 to the house."?

1 A. That's basically what I said when you asked me,
2 yes.

3 Q. So, you did watch TV?

4 A. I said I possibly could have, yes.

5 Q. You did listen to the radio?

6 A. It's possible, yes.

7 Q. And you did have something to eat?

8 A. I said it was possible, yes. I wasn't sure.

9 Q. What other activities did you do in that house on
10 Saturday, June the 4th?

11 A. Talked to Diane on the phone.

12 Q. And that was about 8:00 o'clock?

13 A. It was in the evening, yes.

14 Q. So, at least at some point in time after you'd made
15 your preparations at point 24 and completed everything within
16 the bathroom itself, you were at the TV again?

17 A. Different parts of the house, yes.

18 Q. Did you go up on your knees to the television?

19 A. Excuse me?

20 Q. Did you go up on your knees to the television?

21 A. Yes.

22 Q. Would you write "knees" and put "TV" in, also
23 "stereo".

24 A. (Witness complied.)

25 Q. And did you cook whatever you had to eat?

26 A. I don't know.

27 Q. Do you know where you got what you had to eat?

28 A. No.

1 Q. Did you have something to drink during that time?

2 A. It's possible. I don't know.

3 Q. But at least you were in that particular kitchen?

4 A. Yes.

5 Q. "25" maybe in the kitchen, question mark because
6 we're not sure of the time.

7 "26" in the living room with a question mark?

8 A. This living room?

9 Q. Yes, by the fireplace or in the area of the
10 fireplace, TV, wherever you like?

11 A. What number is that, 26?

12 Q. 26.

13 A. (Witness complied.)

14 Q. You can resume the stand, Mr. Cooper.

15 MR. NEGUS: Your Honor, it's 4:00 o'clock.

16 MR. KOTTMEIER: Just one more question.

17 MR. NEGUS: Perfect timing.

18 BY MR. KOTTMEIER:

19 Q. Showing you Exhibit 690, a three by five colored
20 photograph, when you looked out the window next to the
21 television, the sliding glass window, did you see the Ryen house
22 as pictured in Exhibit 690?

23 A. No.

24 MR. KOTTMEIER: Fine, your Honor.

25 THE COURT: We don't have any further Fridays planned.
26 We worked this Friday because it was such a short week here
27 after Monday through Thursday. We will resume on Monday at
28 9:30.

1 Become adept at flipping channels on your TV or
2 stations on the radio. Don't watch it or listen to it in any
3 way. Do not read about it in the newsprint. Don't talk to
4 anybody about the case. Don't let anybody discuss it with you.
5 Don't express or form an opinion on the matter as yet until we
6 finally submit it to you.

7 Beautiful weather is predicted for the weekend.
8 Enjoy yourselves. See you next Monday.

9 (Adjournment.)

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