

19334

1 OF VARIOUS ASSIGNMENTS WITH THE CORONER'S OFFICE?

2 A. YES, SIR.

3 Q. HOW MANY, THOUSANDS?

4 A. I DON'T KNOW, SIR --

5 Q. TEN THOUSAND?

6 MR. BROWN: EXCUSE ME. CAN THE WITNESS BE ALLOWED
7 TO ANSWER?

8 MR. MC DONALD: I AM SORRY, I DON'T MEAN TO CUT YOU
9 OFF.

10 THE WITNESS: IF YOU HAVE A FULL SET OF DE
11 TO WORK ON, A FULL MOUTH, SHALL WE SAY, WHICH THE
12 PERSON HAS 32 TEETH, IN ORDER TO DO A FULL SET OF
13 IT TAKES 18 X-RAYS TO MAKE UP THAT FULL MOUTH. I
14 DID APPROXIMATELY A THOUSAND OR MORE.

15 BY MR. MC DONALD: Q. THAT WAS BY 1975?

16 A. YES, SIR.

17 MR. MC DONALD: NOTHING FURTHER.

18 MR. BROWN: THANK YOU, MR. LYSTRUP.

19 THE COURT: THANK YOU. YOU ARE EXCUSED.

20 MR. BROWN: TERRY DITMAR.

21 THE CLERK: RAISE YOUR RIGHT HAND, SIR.

22 MICHAEL TERRENCE DITMAR, *

23 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE,
24 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED
25 AS FOLLOWS:

26 THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND

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1 SPELL YOUR LAST NAME, PLEASE.

2 THE WITNESS: MICHAEL TERRENCE DITMAR, D-I-T-M-A-R.

3 THE CLERK: THANK YOU. YOU MAY BE SEATED IN THE
4 WITNESS STAND.

5 DIRECT EXAMINATION *

6 BY MR. BROWN: Q. MR. DITMAR, DIRECTING YOUR
7 ATTENTION BACK TO EASTER OF 1975, WHICH WOULD HAVE BEEN
8 SUNDAY, MARCH 30TH, 1975, DID YOU --

9 MR. MC DONALD: EXCUSE ME, COULD WE MOVE THAT? I
10 CAN'T SEE THE WITNESS.

11 (INTERRUPTION IN PROCEEDINGS.)

12 BY MR. BROWN: Q. DID YOU HAVE OCCASION TO KNOW
13 A -- OR HAVE A FRIEND BY THE NAME OF KEITH CROTWELL?

14 A. YES, I DID.

15 Q. WHAT WAS YOUR RELATIONSHIP WITH KEITH AT
16 THAT TIME? HOW LONG HAD YOU KNOWN HIM AND HOW OFTEN DID
17 YOU SEE HIM?

18 A. WE'D KNOWN EACH OTHER SINCE ABOUT FIFTH,
19 FOURTH GRADE.

20 Q. WHAT GRADE -- HOW LONG WOULD THAT BE, SIR?

21 A. AT LEAST 10 YEARS.

22 Q. NOW, THAT DAY OR NIGHT BEFORE THAT EASTER
23 SUNDAY, WHICH WOULD BE SATURDAY, MARCH 29TH, 1975, DID YOU
24 HAVE OCCASION TO GO DOWN TO BIG JOHN'S ENTERTAINMENT
25 CENTER OR PIZZA PLACE OR BEER PLACE THAT EVENING?

26 A. YES.

1 Q. AND CAN YOU TELL US WHO WAS DOWN THERE THAT
2 EVENING WITH YOU?

3 A. RANDY COOPER, KENT MAY SHOWED UP LATER ON.
4 KEITH WAS ALREADY THERE.

5 Q. HOW DID YOU GET DOWN THERE THAT NIGHT?

6 A. I DROVE DOWN WITH RANDY COOPER.

7 Q. WHAT WERE YOU DRIVING IN?

8 A. HIS TRUCK AND CAMPER.

9 Q. WHAT KIND OF A TRUCK AND CAMPER WAS THAT?

10 A. DATSUN TRUCK WITH A CAMPER ON THE BACK.

11 Q. A DATSUN PICKUP TRUCK?

12 A. YEAH, DATSUN PICKUP TRUCK WITH A CAMPER.

13 Q. CAN YOU GIVE US A GENERAL IDEA OF WHAT YOU
14 WERE DOING DOWN AT BIG JOHN'S IN THE IMMEDIATE AREA THAT
15 NIGHT?

16 A. WE WERE SHOOTING POOL, DRINKING, PARTYING.

17 Q. AT SOME POINT IN TIME THERE, DID YOU HAVE
18 OCCASION TO GO OUT INTO RANDY COOPER'S PICKUP TRUCK TO GO
19 TO SLEEP?

20 A. YEAH. I FELT THAT I HAD HAD ENOUGH TO
21 DRINK.

22 Q. DO YOU HAVE ANY IDEA WHAT TIME THAT WAS
23 APPROXIMATELY?

24 A. BETWEEN 11:00 AND 12:00.

25 Q. AT SOME POINT IN TIME ALONG IN THERE, DID
26 YOU EVENTUALLY GO TO SLEEP, THEN?

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1 A. YES.

2 Q. DO YOU RECALL WAKING UP AT SOME TIME LATER
3 THE NEXT MORNING, EARLY IN THE MORNING, AS THE CAR WAS
4 EITHER BEING DRIVEN OR COMING TO A STOP -- THE TRUCK?

5 A. YEAH, I WOKE UP WHEN THE TRUCK CAME TO A
6 STOP.

7 Q. WHERE WERE YOU AT THAT TIME?

8 A. RIGHT IN FRONT OF OUR APARTMENT COMPLEX.

9 Q. WHERE HAD YOU BEEN SLEEPING PRIOR TO THAT?

10 A. IN THE BACK OF THE CAMPER.

11 Q. WHAT OCCURRED WHEN YOU WOKE UP AND YOU WERE
12 IN FRONT OF YOUR APARTMENT COMPLEX?

13 A. WELL, I DECIDED THAT KEITH AND KENT WEREN'T
14 WITH US, I THOUGHT --

15 MR. MC DONALD: EXCUSE ME. GO AHEAD.

16 THE COURT: I WILL LET IT REMAIN. GO AHEAD. WHAT
17 DID YOU ACTUALLY DO? GO AHEAD. YOU CAN ANSWER THE
18 QUESTION.

19 THE WITNESS: I DECIDED THAT THEY WEREN'T WITH US,
20 SO KENT AND KEITH, WE SHOULD GO BACK DOWN AND LOOK FOR
21 THEM.

22 BY MR. BROWN: Q. WHERE WAS THAT APARTMENT COMPLEX
23 YOU WERE LIVING AT THAT TIME?

24 A. IT'S IN LONG BEACH, LOS COYOTES AND STEARNS.

25 Q. WHO WAS IN THAT PICKUP TRUCK AT THAT TIME
26 BESIDES YOURSELF?

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1 A. RANDY COOPER.

2 Q. WHAT DID YOU AND RANDY COOPER DO THEN AT
3 THAT TIME?

4 A. WE DROVE BACK DOWN TO BIG JOHN'S, THE
5 PARKING LOT.

6 Q. AND CAN YOU TELL US -- CAN YOU DESCRIBE THAT
7 PARKING LOT TO US? WE HAVEN'T BEEN THERE, SO IF YOU COULD
8 TAKE A COUPLE STEPS BACK AND MAKE AN OVERALL DESCRIPTION
9 OF THE PARKING LOT, BIG JOHN'S AND THE POOL AREA, THE
10 BEACH AND ALL OF THAT.

11 A. WELL, THE PARKING LOT ITSELF RUNS ALONG,
12 RIGHT ALONG THE BEACH. IT STARTS BASICALLY AT BIG JOHN'S.
13 THEN THERE'S THE OLYMPIC POOL RIGHT THERE, AND JUST RUNS
14 DOWN THE BEACH.

15 Q. HOW FAR DOES THE PARKING LOT GO DOWN THE
16 BEACH, THAT PARTICULAR PARKING LOT?

17 A. I BELIEVE IT GOES DOWN TO GAVIOTA STREET.

18 Q. GAVIOTA OR GRANADA?

19 A. GRANADA. AND IT ENDS THERE. IT'S A LARGE
20 PARKING LOT.

21 Q. WHAT DID YOU DO THEN WHEN YOU GOT BACK TO
22 THAT PARKING LOT? WHAT DID YOU SEE, IF ANYTHING?

23 A. WE SAW A CAR PARKED, WHITE MUSTANG PARKED
24 WITH THE DOOR OPEN, THE PASSENGER DOOR OPEN.

25 Q. WHERE WERE YOU WHEN YOU SAW THAT?

26 A. I WAS IN THE FRONT OF THE TRUCK. I HAD

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1 GOTTEN OUT OF THE CAMPER AND GOT INTO THE FRONT OF THE
2 TRUCK.

3 Q. WHO WAS DRIVING THE TRUCK --

4 A. RANDY.

5 Q. -- JUST PRIOR TO THAT?

6 A. RANDY.

7 Q. WHEN YOU SAW THIS WHITE MUSTANG, WERE YOU IN
8 THE TRUCK AT THAT TIME?

9 A. YES.

10 Q. WAS THE TRUCK STILL MOVING, OR HAD YOU COME
11 TO A STOP?

12 A. WE WERE STILL MOVING.

13 Q. WHAT DID YOU SEE OCCURRING AT THE MUSTANG,
14 IF ANYTHING, AT THAT TIME?

15 A. WE SAW KENT BEING TAKEN OUT OF THE BACK OF
16 THE CAR, AND HE WAS IN THE BACK SEAT. AND AS WE WERE
17 PULLING IN, HE WAS PUSHED AND WENT A COUPLE STEPS AND THEN
18 FELL.

19 Q. NOW, AT THAT POINT IN TIME, DID YOU HAVE
20 OCCASION TO SEE WHO WAS DOING THE PUSHING OR PULLING OF
21 KENT AT THAT TIME?

22 A. YES, I DID.

23 Q. AND IS THAT PERSON HERE IN COURT TODAY?

24 A. YES, HE IS.

25 Q. WOULD YOU POINT HIM OUT FOR US, PLEASE?

26 A. RIGHT HERE (INDICATING).

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1 MR. BROWN: COULD THE RECORD INDICATE THE WITNESS
2 IS REFERRING TO MR. KRAFT.

3 THE COURT: IS THAT THE GENTLEMAN IN THE BLUE
4 SHIRT?

5 THE WITNESS: YES, IT IS.

6 THE COURT: THE RECORD WILL REFLECT MR. KRAFT IS
7 BEING POINTED OUT.

8 BY MR. BROWN: Q. WHAT DID YOU SEE MR. KRAFT DO
9 WITH RESPECT TO KEN MAY?

10 MR. MC DONALD: I AM GOING TO OBJECT, YOUR HONOR.
11 THAT'S --

12 THE COURT: IF ANYTHING. GO AHEAD, YOU CAN ANSWER.

13 THE WITNESS: HE KIND OF WAS TRYING TO GET HIM AWAY
14 FROM THE CAR, AND GAVE HIM A LITTLE BIT OF A PUSH.

15 BY MR. BROWN: Q. AND WERE YOU IN THE TRUCK AT
16 THAT TIME?

17 A. YES.

18 Q. PICKUP TRUCK? WHERE HAD THAT PICKUP TRUCK
19 BEEN WHEN YOU WENT TO SLEEP IN IT? WHERE WAS IT LOCATED
20 THEN?

21 A. IT WAS PARKED RIGHT ON THE SIDE OF THE
22 SWIMMING POOL, OLYMPIC SWIMMING POOL. IT WAS THE SAME
23 PARKING LOT.

24 Q. WHAT DID YOU SEE MR. KRAFT DO, IF ANYTHING,
25 AS HE PUSHED KEN MAY, AS MR. KRAFT PUSHED KEN MAY?

26 A. AFTER KENT WAS FALLING, HE WENT AROUND THE

19341

1 CAR AND PROCEEDED TO GET INTO THE CAR.

2 Q. AND DID YOU SAY ANYTHING OR YELL ANYTHING --

3 MR. MC DONALD: COME ON. YOUR HONOR, OBJECTING.
4 LEADING AND SUGGESTIVE.

5 THE COURT: SUSTAINED.

6 MR. BROWN: JUDGE, THAT'S NOT LEADING. I HAVEN'T
7 SUGGESTED ANY ANSWER.

8 THE COURT: GO AHEAD. YOU CAN ASK HIM WHAT HE DID
9 NEXT, MR. BROWN.

10 BY MR. BROWN: Q. WHAT DID YOU DO NEXT, MR.
11 DITHART?

12 A. WE YELLED AND TRIED TO GET HIM TO STOP.

13 Q. WHAT DID YOU YELL?

14 A. WE YELLED FOR HIM TO STOP AND WAIT. AND HE
15 PROCEEDED TO GET INTO THE CAR.

16 Q. WHAT OCCURRED THEN?

17 A. WE -- WE GOT THERE, AND WE WERE TRYING TO
18 GET KENT UP, AND THE CAR WAS LEAVING.

19 Q. WHAT WAS THE CONDITION THAT KENT WAS IN?

20 A. NOT VERY GOOD. HE WASN'T ABLE TO STAND BY
21 HIMSELF, AND HE WAS LAYING ON THE GROUND.

22 Q. WHAT DID YOU DO WITH KENT, THEN?

23 A. WE PUT HIM IN THE BACK OF THE CAMPER.

24 Q. NOW, TAKING YOU BACK OUT TO THE PARKING LOT
25 AREA WHERE KENT HAD BEEN PUSHED DOWN ON THE GROUND, DID
26 YOU SEE WHETHER OR NOT THERE WAS ANYONE ELSE IN THE CAR

1 WITH MR. KRAFT WHEN HE DROVE AWAY?

2 A. YES, I DID.

3 Q. WHAT DID YOU SEE IN THAT RESPECT, SIR?

4 A. I SAW KEITH IN THE FRONT PASSENGER SEAT.

5 Q. KEITH CROTWELL?

6 A. YES.

7 Q. AND WHAT CONDITION DID YOU OBSERVE KEITH TO
8 BE IN?

9 A. HE LOOKED TO BE SLUMPED OVER, POSSIBLY
10 PASSED OUT.

11 Q. IN WHAT DIRECTION? HOW WAS HE SLUMPED OVER?

12 A. FORWARD AND TO THE SIDE.

13 Q. LET'S SAY -- LET'S PUT YOU FOLKS IN THE CAR
14 AND LET'S SAY THE JUDGE IS BEHIND THE STEERING WHEEL OF
15 THE CAR. IT'S GOING TO BE A WIDE CAR. THE JUDGE IS
16 BEHIND THE STEERING WHEEL, AND YOU WOULD BE IN THE
17 PASSENGER SEAT. CAN YOU SHOW THIS JURY THE CONDITION THAT
18 KEITH CROTWELL WAS IN, WHAT POSITION WAS HE IN WHEN YOU
19 SAW HIM AS MR. KRAFT SPED AWAY?

20 A. HE WAS BASICALLY LEANING OVER LIKE THIS
21 (INDICATING) AND LIKE THIS (INDICATING).

22 Q. SO THAT WOULD BE TOWARDS THE DRIVER?

23 A. UH-HUH.

24 Q. THAT WOULD BE MR. KRAFT; IS THAT CORRECT?

25 A. YES.

26 Q. WAS THERE ANYONE ELSE IN THE CAR BESIDES

19343

1 KEITH CROTWELL AND MR. KRAFT?

2 A. NO.

3 Q. WHAT DIRECTION DID MR. KRAFT SPEED OFF IN?

4 MR. MC DONALD: OBJECTION, MISSTATES THE EVIDENCE,
5 YOUR HONOR.

6 THE COURT: I WILL STRIKE THE QUESTION. NOTHING
7 ABOUT HIM SPEEDING OFF. I WILL ADMONISH THE JURY TO
8 DISREGARD IT.

9 ASK ANOTHER QUESTION, MR. BROWN.

10 BY MR. BROWNE Q. AT WHAT SPEED DID MR. KRAFT
11 LEAVE THE AREA AFTER YOU YELLED AT HIM?

12 A. RELATIVELY FAST. HE WAS MOVING PRETTY FAST.

13 Q. WHAT DIRECTION DID MR. KRAFT DRIVE IN AS HE
14 WAS MOVING RELATIVELY FAST?

15 A. TOWARDS THE SEAL BEACH JETTY AND THE YACHT
16 CLUB.

17 Q. IS THIS IN THE PARKING LOT ITSELF?

18 A. YEAH.

19 Q. DID YOU SEE WHERE MR. KRAFT DROVE OFF TO?
20 WHEN WAS THE LAST TIME YOU SAW MR. KRAFT'S CAR?

21 A. WHEN HE WAS GOING OUT OF THE PARKING LOT.

22 Q. WHERE DID HE GO OUT OF THE PARKING LOT?

23 A. I BELIEVE HE MADE A RIGHT, AND THAT WOULD
24 TAKE HIM DOWN TOWARDS THE JETTY.

25 Q. TOWARDS SEAL BEACH AREA?

26 A. YEAH.

19344

1 Q. IN THE DIRECTION OF SEAL BEACH?

2 A. RIGHT.

3 Q. AND THAT RIGHT WOULD HAVE BEEN MADE ON WHAT
4 STREET WAS THAT, SIR?

5 A. THAT'S OCEAN.

6 Q. WHAT WAS THE CROSS STREET THERE AT OCEAN
7 THAT HE MADE THE RIGHT TURN OUT OF THE PARKING LOT ON?

8 A. IT'S AT THE END OF THE PARKING LOT. IT'S
9 GRANADA.

10 Q. IS THERE -- ARE THERE ANY OTHER LANDMARKS IN
11 THAT IMMEDIATE INTERSECTION? IS THERE A BAR AT THAT
12 INTERSECTION?

13 A. YES, THERE'S A BAR. I BELIEVE IT WAS CALLED
14 RIPPLES.

15 Q. HOW OFTEN WERE YOU SEEING KEITH CROTWELL AT
16 THAT TIME PERIOD?

17 A. QUITE A BIT. WE USED TO HANG OUT ALL THE
18 TIME. USED TO MOTORCYCLE RIDE.

19 Q. WHEN YOU SAY QUITE A BIT, CAN YOU GIVE US
20 KIND OF AN AVERAGE, THE NUMBER OF TIMES YOU MIGHT SEE HIM
21 DURING THE WEEK -- OR DURING A WEEK?

22 A. FOUR OR FIVE TIMES A WEEK.

23 Q. DID YOU EVER SEE KEITH ALIVE AFTER THAT TIME
24 THAT YOU SAW HIM GOING OFF IN MR. KRAFT'S CAR?

25 A. NO.

26 Q. WOULD YOU DESCRIBE THAT CAR FOR US, MR.

19345

1 DITMAR?

2 A. IT WAS A WHITISH CREAM MUSTANG WITH A DARK
3 VINYL TOP.

4 Q. AND AT THAT TIME, HOW WOULD YOU HAVE
5 DESCRIBED MR. KRAFT AS FAR AS AGE AND HEIGHT, ET CETERA?
6 DO YOU REMEMBER THAT?

7 A. FIVE-SEVEN, FIVE-EIGHT, APPROXIMATELY 28, 30
8 YEARS OLD.

9 Q. WHAT WAS MR. KRAFT WEARING THAT NIGHT?

10 A. JEANS, KIND OF A LEVI-TYPE JACKET.

11 Q. NOW, AT SOME POINT AFTER YOU LAST SAW KEITH
12 ALIVE, DID YOU MAKE AN EFFORT TO LOCATE THIS SAME CAR THAT
13 MR. KRAFT HAD TAKEN KEITH AWAY IN?

14 A. YES, WE DID.

15 Q. WOULD YOU TELL US WHAT KIND OF EFFORT YOU
16 MADE IN THAT RESPECT?

17 A. AFTER WORK WE'D GO OUT AT NIGHT AND DRIVE
18 AROUND, LOOKING FOR THE SAME VEHICLE.

19 Q. HOW MANY DIFFERENT TIMES DID YOU DO THAT,
20 SIR?

21 A. I BELIEVE FOUR OR FIVE TIMES.

22 Q. AND AT SOME POINT DID YOU EVENTUALLY FIND
23 THAT VEHICLE?

24 A. YES, WE DID.

25 Q. WOULD YOU TELL US THE CIRCUMSTANCES
26 SURROUNDING YOUR FINDING OF THE VEHICLE?

19346

1 A. WE WERE -- MYSELF AND RANDY COOPER WERE
2 DRIVING AROUND AND LOOKING FOR THE CAR. AND WE CAME UPON
3 A CAR THAT LOOKED IDENTICAL TO THE ONE THAT WAS -- WE SAW
4 THAT EARLY MORNING.

5 Q. WHERE DID YOU FIND THAT?

6 A. TO TELL YOU THE TRUTH, I CAN'T REALLY
7 REMEMBER THE ACTUAL STREET. IT WAS IN LONG BEACH. NOT
8 FAR FROM BELMONT SHORE AREA.

9 Q. WAS IT GAVIOTA AND FIRST STREET, OR DO YOU
10 RECALL?

11 A. IT WAS RIGHT AT FIRST STREET. IT WAS ON
12 FIRST STREET, I BELIEVE. ON THE CORNER.

13 Q. DID YOU REPORT THAT FINDING TO THE LONG
14 BEACH POLICE DEPARTMENT?

15 A. YES, WE DID.

16 Q. DID YOU ALSO AT THAT TIME GET THE LICENSE
17 PLATE OF THAT CAR?

18 A. YES, WE DID.

19 Q. DID YOU REPORT THAT ALSO TO THE LONG BEACH
20 POLICE DEPARTMENT?

21 A. YES.

22 Q. CAN YOU GIVE US AN IDEA WITH RESPECT TO
23 TIME, DATE, THAT YOU SAW THAT CAR? YOU MIGHT NOT BE ABLE
24 TO PUT A DATE ON IT. GIVE US THE NUMBER OF DAYS
25 APPROXIMATELY THAT HAVE LAPSED, IF YOU COULD, FROM -- JUST
26 ROUGHLY.

19347

1 A. IT HAD TO BE AT LEAST A WEEK, SEVEN DAYS.

2 Q. ARE YOU HAZY ON THAT?

3 A. YEAH.

4 Q. LET ME SHOW YOU 145-A, B, C AND D. DOES
5 THAT APPEAR TO BE THE CAR THAT YOU SAW MR. KRAFT TAKE
6 KEITH CROTWELL AWAY IN?

7 A. YES.

8 Q. NOW, DURING THIS PERIOD OF TIME THAT YOU HAD
9 KNOWN KEITH CROTWELL, DID YOU BECOME FAMILIAR WITH HIS
10 ATHLETIC ABILITY?

11 A. YES.

12 Q. CAN YOU TELL US WHAT HIS ABILITIES WERE WITH
13 RESPECT TO SWIMMING?

14 A. HE WAS AN EXCELLENT SWIMMER.

15 Q. HOW DID YOU FORM THAT OPINION, SIR?

16 A. WE HAD DONE A LOT OF BODY SURFING AND
17 SURFING.

18 Q. AND HOW ABOUT HIS JUST ATHLETIC ABILITY IN
19 GENERAL?

20 A. IT WAS GREAT.

21 Q. WAS HE A STRONG INDIVIDUAL?

22 A. YEAH, HE WAS VERY STRONG.

23 Q. CAN YOU GIVE US AN IDEA -- YOU CAN SAY VERY
24 STRONG, BUT WE DON'T KNOW WHAT THAT MEANS. CAN YOU GIVE
25 US AN IDEA WHAT YOU MEAN BY THAT, THAT WE COULD ALL
26 UNDERSTAND?

19348

1 A. HE, AS FAR AS I WAS CONCERNED, HE COULD HAVE
2 BEEN A PROFESSIONAL BALL PLAYER OR ANYTHING LIKE THAT.

3 Q. WHAT KIND OF BALL ARE YOU TALKING ABOUT?

4 A. BASEBALL.

5 Q. BASEBALL. WOULD HE BE ABLE TO -- DID YOU
6 FORM AN OPINION AS TO WHETHER HE COULD HANDLE HIMSELF AS
7 FAR AS DEFEND HIMSELF IN A FIGHT OR ANYTHING LIKE THAT IF
8 IT HAD COME TO HIM?

9 A. YEAH, HE SHOULD HAVE BEEN ABLE TO HANDLE
10 HIMSELF FINE.

11 MR. BROWN: THANK YOU VERY MUCH, MR. DITMAR. MR.
12 MC DONALD MAY HAVE SOME QUESTIONS.

13 CROSS EXAMINATION *

14 BY MR. MC DONALD: Q. MR. DITMAR, IT'S DITMAR, NOT
15 MARKS, RIGHT?

16 A. DITMAR.

17 Q. WHAT TIME DID YOU ARRIVE AT BIG JOHN'S?

18 A. I BELIEVE IT WAS AROUND 8:00 O'CLOCK.

19 Q. 8:00 P.M.?

20 A. YES.

21 Q. YOU ARRIVED WITH RANDY COOPER?

22 A. YES.

23 Q. WHERE HAD YOU COME FROM?

24 A. FROM OUR APARTMENT COMPLEX.

25 Q. WERE THE TWO OF YOU LIVING TOGETHER AT THAT
26 TIME?

19349

1 A. NO.

2 Q. SEPARATE, BUT YOU LIVED IN THE SAME COMPLEX?

3 A. YEAH. HIS APARTMENT WAS RIGHT ABOVE MINE.

4 Q. AND WHO WAS THERE BESIDES THE PEOPLE YOU'VE
5 MENTIONED? YOU MENTIONED KEITH HADN'T ARRIVED YET AT THAT
6 TIME, BUT SOME OTHER INDIVIDUALS WERE THERE THAT YOU KNOW.
7 WHO WAS THAT?

8 A. THE ONLY ONES THAT WERE THERE WERE MYSELF,
9 KEITH WAS THERE, AND KENT MAY HAD COME IN.

10 Q. KEITH WAS THERE WHEN YOU ARRIVED, I AM
11 SORRY. IS THAT WHAT YOU ARE SAYING?

12 A. YEAH, I BELIEVE HE WAS ALREADY IN THE POOL
13 HALL.

14 Q. WHO WAS HE WITH?

15 A. I REALLY DON'T REMEMBER.

16 Q. WHAT OTHER INDIVIDUALS THAT YOU KNEW WERE
17 THERE THAT EVENING?

18 A. NONE.

19 Q. NOW, YOU'D BEEN DOING QUITE A BIT OF
20 DRINKING THAT EVENING, HADN'T YOU?

21 A. YEAH, WE HAD BEEN DRINKING.

22 Q. WHERE?

23 A. INSIDE THE POOL HALL.

24 Q. AND OUTSIDE THE POOL HALL?

25 A. I DON'T REALLY REMEMBER DRINKING OUTSIDE THE
26 POOL HALL, BUT IT'S POSSIBLE.

19350

1 Q. WHAT ABOUT AT YOUR -- PRIOR TO ARRIVING AT
2 BIG JOHN'S?

3 A. NO.

4 Q. PARDON?

5 A. NO, WE HADN'T BEEN DRINKING.

6 Q. WHAT ABOUT DRUGS?

7 A. NO.

8 Q. DIDN'T TAKE ANY?

9 A. NO.

10 Q. WHAT ABOUT MARIJUANA?

11 A. NO.

12 Q. ANYBODY SMOKING MARIJUANA THERE THAT YOU
13 REMEMBER?

14 A. NOT THAT I REMEMBER.

15 Q. NOW, YOU'VE -- YOU'VE MADE A NUMBER OF
16 STATEMENTS AT A LOT OF DIFFERENT TIMES TO POLICE AND
17 PROSECUTORIAL AUTHORITIES ABOUT WHAT YOU SAW THAT EVENING,
18 HAVEN'T YOU?

19 A. YES.

20 Q. 1975, SEVERAL TIMES AFTER 1975, 1983, HOW
21 ABOUT TODAY? WERE YOU INTERVIEWED TODAY?

22 A. I WASN'T REALLY INTERVIEWED.

23 Q. WHO DID YOU TALK WITH TODAY?

24 A. I THINK HIS NAME'S ROBERT. THEY JUST HAD ME
25 IN A ROOM.

26 Q. DID HE DISCUSS WITH YOU WHAT YOUR TESTIMONY

19351

1 WAS GOING TO BE?

2 A. (SHAKES HEAD.)

3 Q. DID YOU TELL HIM --- PARDON?

4 A. JUST, YOU KNOW. HOW THINGS WERE GOING TO
5 WORK, WHEN THEY'D BRING ME UP, WHAT TIME.

6 Q. YOU REVIEW ANY POLICE REPORTS?

7 A. YES.

8 Q. NOW, APPARENTLY AT SOME POINT IN THE EVENING
9 YOU FELT THAT YOU HAD CONSUMED SO MUCH THAT YOU DECIDED TO
10 GO LAY DOWN IN MR. COOPER'S PICKUP TRUCK, CORRECT?

11 A. YES.

12 Q. AND ESSENTIALLY, ALL THE PEOPLE YOU WERE
13 WITH THAT NIGHT HAD BEEN DRINKING PRETTY HEAVILY, HADN'T
14 THEY?

15 A. I CAN ONLY SPEAK FOR MYSELF, BUT EVERYBODY
16 WAS DRINKING.

17 Q. YOU COULD SEE WHAT THEY LOOKED LIKE. THEY
18 WERE CLEARLY -- THERE WERE SIGNS THAT THEY HAD BEEN
19 DRINKING?

20 A. YES.

21 Q. WHAT TIME DID YOU GO TO SLEEP IN THE BACK OF
22 THE PICKUP?

23 A. IT WAS BETWEEN 11:00 OR 12:00.

24 Q. WERE YOU ALONE IN THE PICKUP?

25 A. YES.

26 Q. DO YOU KNOW WHAT TIME YOU AWOKED?

19352

1 A. NO, I AM NOT REAL SURE WHAT TIME IT WAS.

2 Q. BUT THAT'S APPARENTLY WHEN THE PICKUP CAME
3 TO A STOP?

4 A. YEAH.

5 Q. IN FRONT OF YOUR APARTMENT?

6 A. YEAH. I WAS -- I WOKE BEFORE THAT, TOO.

7 Q. WERE YOU? DO YOU KNOW WHAT TIME THAT WAS?

8 A. NO.

9 Q. I WONDER IF YOU COULD STEP TO THE DIAGRAM
10 BOARD FOR US AND HELP US UNDERSTAND THIS PARKING LOT THAT
11 WE'VE BEEN TALKING ABOUT. AND WAIT TILL I MOVE THIS THING
12 FIRST.

13 (INTERRUPTION IN PROCEEDINGS.)

14 THE WITNESS: WANT ME TO JUST DRAW THE PARKING LOT?
15 BY MR. MC DONALD: Q. YEAH, WHY DON'T YOU START
16 WITH THAT. DRAW THE PARKING LOT, PUT IN THE POOL THAT
17 YOU'VE MENTIONED. PUT IN BIG JOHN'S.

18 (WITNESS COMPLIES.)

19 THE WITNESS: THIS IS BIG JOHN'S HERE.

20 BY MR. MC DONALD: Q. LET'S PUT "JOHN." WHY
21 DON'T YOU WRITE "JOHN" RIGHT ON THERE. AND "POOL."

22 NOW, IS THERE A STREET THAT RUNS ALONGSIDE
23 BIG JOHN'S?

24 A. THERE'S A STREET THAT COMES IN HERE.

25 Q. WHAT STREET WOULD THAT BE?

26 A. I AM NOT REAL SURE WHAT THE STREET IS HERE.

19353

1 OCEAN RUNS ALONG HERE.

2 Q. OKAY. LET'S JUST PUT OCEAN. IS THAT OCEAN
3 BOULEVARD?

4 A. I AM NOT SURE IF IT'S OCEAN BOULEVARD OR
5 NOT.

6 Q. AND THE ACTUAL OCEAN WOULD BE --

7 A. YEAH.

8 Q. -- TO THE TOP OF THE DIAGRAM?

9 A. THIS IS THE BEACH AND THE OCEAN'S --

10 Q. LET'S PUT "BEACH" UP HERE.

11 NOW, YOU SAY SOMETIME IN THE EARLY MORNING
12 HOURS YOU RETURNED BACK TO THIS AREA. HOW DID YOU GET
13 BACK INTO THE PARKING LOT?

14 A. I BELIEVE WE CAME THROUGH HERE. THERE WAS
15 AN ENTRANCE HERE, ENTRANCE THERE, AND ONE DOWN HERE.

16 Q. OKAY.

17 A. WE CAME THROUGH HERE.

18 Q. WHY DON'T YOU PUT A LITTLE ARROW ON THE TOP
19 OF THAT SO THE RECORD REFLECTS YOUR ENTRANCE.

20 NOW, WHEN YOU CAME BACK IN THERE, WHERE WAS
21 THIS WHITISH COLORED MUSTANG THAT YOU HAVE DESCRIBED FOR
22 US?

23 A. I BELIEVE IT WAS LIKE RIGHT IN HERE
24 SOMEWHERE (INDICATING).

25 Q. AND WAS THE FRONT OF IT POINTED TOWARDS THE
26 BEACH?

19354

1 A. YES, IT WAS.

2 Q. OKAY. WHY DON'T WE JUST TO MAKE SURE WE
3 UNDERSTAND.

4 THE COURT: WHY DON'T YOU MAKE A LITTLE SYMBOL FOR
5 A CAR THERE, IF YOU WOULD.

6 MR. MC DONALD: PUT A LITTLE POINT ON IT LIKE THAT.
7 INDICATING ITS DIRECTION.

8 BY MR. MC DONALD: Q. NOW, WHEN YOU CAME IN THAT
9 ENTRANCE, FIRST THING YOU SAW APPARENTLY WAS KEN MAY
10 GETTING OUT OF THAT VEHICLE?

11 A. YES.

12 Q. AND YOU SAW THIS INDIVIDUAL THAT YOU'VE
13 DESCRIBED AS MR. KRAFT ALSO ON THE PASSENGER SIDE OF THE
14 VEHICLE, CORRECT?

15 A. YES.

16 Q. AND YOU SAW MR. MAY FALL?

17 A. YES.

18 Q. DID YOU SEE -- WHERE WAS MR. MAY WHEN HE
19 FELL?

20 A. THE DOOR WAS OPEN HERE, AND HE WAS RIGHT OUT
21 LIKE THIS (INDICATING).

22 Q. HOW FAR AWAY FROM THE AUTOMOBILE?

23 A. NOT VERY FAR.

24 Q. AND WHERE WAS MR. KRAFT?

25 A. STANDING LIKE RIGHT ABOUT HERE.

26 Q. HE WAS --

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1 A. THE DOOR WAS OPEN TO THE DOOR.

2 Q. I SEE.

3 WOULD YOU PUT A LITTLE "K" THERE, PLEASE.

4 (WITNESS COMPLIES.)

5 BY MR. MC DONALD: Q. AND PUT A LITTLE "H"
6 INDICATING WHERE MR. MAY WAS.

7 (WITNESS COMPLIES.)

8 BY MR. MC DONALD: Q. YOUR TRUCK IS PULLING IN THE
9 DRIVEWAY, YOU SEE MR. MAY FALL, THEN DO YOU SEE MR. -- THE
10 GENTLEMAN YOU DESCRIBED AS MR. KRAFT WALK TO THE DRIVER'S
11 SIDE OF THE VEHICLE?

12 A. YES.

13 Q. AND YOU SEE HIM GET INTO THE VEHICLE?

14 A. YES.

15 Q. WHERE WAS YOUR CAR POSITIONED WHEN YOU
16 OBSERVED MR. CROTWELL?

17 A. WE WERE COMING UP AND WE WERE RIGHT ABOUT ON
18 THE SIDE HERE HEADING TOWARDS HIM.

19 Q. OKAY. WHY DON'T YOU DRAW A LITTLE SQUARE
20 WHERE YOUR VEHICLE WOULD HAVE BEEN. THAT WOULD BE MR.
21 COOPER'S TRUCK?

22 A. YES.

23 Q. LET'S PUT A LITTLE -- WOULD IT BE POINTED IN
24 THIS DIRECTION?

25 A. YEAH.

26 Q. LET'S PUT A LITTLE SYMBOL THAT WAY SO WE

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1 KNOW WHERE WE ARE AT. THAT INDICATES WHERE YOU WERE WHEN
2 YOU SAW MR. CROTWELL?

3 A. RIGHT.

4 Q. OKAY. YOU CAN RETAKE YOUR SEAT.

5 THEN YOU SAW MR. KRAFT GET INTO THE VEHICLE
6 AND DRIVE OUT OF THE PARKING LOT?

7 A. YES, HE DROVE --

8 Q. WHICH DIRECTION DID HE DRIVE?

9 A. WENT DOWN THIS WAY HERE AND WENT OUT THE END
10 EXIT.

11 Q. TOWARDS THE LEFT OF THE DIAGRAM?

12 A. RIGHT.

13 Q. AND IT WOULD BE TOWARDS THE LEFT --

14 A. RIGHT HERE.

15 Q. I AM NOT SURE WHICH DIRECTION WE ARE TALKING
16 ABOUT HERE. DO YOU KNOW NORTH --

17 A. THERE'S AN ENTRANCE HERE AND AN ENTRANCE
18 HERE. SEAL BEACH WOULD BE DOWN HERE, AND THE JETTY'S
19 HERE, AND THE YACHT CLUB WOULD BE DOWN HERE.

20 Q. LET'S PUT AN "E" ON THE DIAGRAM INDICATING
21 THIS IS THE EXIT THAT YOU SAW THE MUSTANG LEAVE THE
22 PARKING LOT.

23 THEN YOU STOPPED AND ASSISTED MR. MAY?

24 A. YES.

25 Q. CORRECT?

26 A. YES.

1 Q. DO YOU RECALL IN ONE OF YOUR INTERVIEWS IN
2 1975, DO YOU RECALL TELLING OFFICER WOODWARD THAT YOU WERE
3 AWAKENED AT 3:00 TO 4:00 A.M. THAT MORNING, THAT'S WHEN
4 YOU DISCOVERED THAT NEITHER KEN MAY NOR MR. CROTWELL WAS
5 WITH YOU?

6 A. YES.

7 Q. DO YOU RECALL -- THAT'S WHAT TIME YOU TOLD
8 OFFICER WOODWARD?

9 A. THE TIME IS -- YOU KNOW -- I AM NOT QUITE
10 SURE ABOUT THE TIME. I KNOW IT WAS EARLY MORNING.

11 Q. OKAY. I WANT TO SHOW YOU A POLICE REPORT
12 FROM THE CITY OF LONG BEACH DATED MAY 20TH, 1975, OFFICER
13 WOODWARD IS THE REPORTING OFFICER. WOULD YOU JUST READ
14 THIS TO YOURSELF.

15 (WITNESS COMPLIES.)

16 BY MR. MC DONALD: Q. DOES THAT INDICATE THAT YOU
17 TOLD OFFICER WOODWARD THAT WHEN YOU AWOKE AND NOTICED THAT
18 NEITHER KEITH CROTWELL NOR KEN MAY WAS WITH YOU, WAS
19 SOMEWHERE BETWEEN 3:00 AND 4:00 P.M. IN THE MORNING?

20 A. YES.

21 Q. WHEN -- YOU SAY YOU DROVE AROUND FOR WHAT
22 SOUNDS LIKE A WEEK OR SO LOOKING FOR THIS VEHICLE THAT YOU
23 HAD SEEN THAT EVENING. HAD YOU EVER SEEN ANYBODY DRIVING
24 THAT VEHICLE?

25 A. NO.

26 Q. SO WHEN YOU LOCATED THIS -- DID YOU

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1 PERSONALLY FIND THIS VEHICLE ON FIRST STREET?

2 A. YES.

3 Q. AND RANDY COOPER WAS WITH YOU?

4 A. YES.

5 Q. AND DID YOU SEE ANYBODY DRIVING THAT
6 VEHICLE?

7 A. NO.

8 Q. DID YOU SEE ANYBODY IN AND AROUND THAT
9 VEHICLE?

10 A. NO.

11 MR. MC DONALD: COULD WE TAKE A BREAK?

12 THE COURT: SURELY.

13 YOU ARE ADMONISHED, LADIES AND GENTLEMEN,
14 IT'S YOUR DUTY NOT TO CONVERSE AMONG YOURSELVES, ANYONE
15 ELSE THE NATURE OR SUBJECT OF THIS TRIAL, FORM OR EXPRESS
16 ANY OPINION UNTIL IT'S FINALLY SUBMITTED TO YOU.

17 LET'S TAKE A RATHER SHORT BREAK. ABOUT A
18 12-MINUTE BREAK.

19 (RECESS TAKEN.)

20 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT
21 IN THE PRESENCE OF THE JURY:)

22 THE COURT: THANK YOU, LADIES AND GENTLEMEN. MR.
23 MC DONALD.

24 BY MR. MC DONALD: Q. MR. DITMAR, HOW TALL ARE
25 YOU, SIR?

26 A. FIVE-LLEVEN.

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1 Q. DO YOU REMEMBER TELLING AN INDIVIDUAL BY THE
2 NAME OF MR. PETERS THAT CAME OUT TO INTERVIEW YOU THAT
3 DURING THE COURSE OF THE EVENING YOU AND OTHER INDIVIDUALS
4 HAD BEEN SMOKING MARIJUANA IN ADDITION TO DRINKING THAT
5 EVENING?

6 A. NO, I DON'T RECALL.

7 Q. DO YOU KNOW WHO MR. PETERS IS?

8 A. NO, I DON'T REMEMBER HIS NAME.

9 Q. SO YOU DIDN'T TELL ANYBODY THAT?

10 A. I AM NOT SURE IF I DID OR NOT.

11 Q. POSSIBLE THAT YOU DID?

12 A. IT'S POSSIBLE.

13 Q. DID YOU TELL THE INDIVIDUAL, THE DEFENSE
14 INVESTIGATOR MR. PETERS THAT CAME OUT TO INTERVIEW YOU,
15 THAT THE AUTOMOBILE OF WHICH YOU'VE JUST DESCRIBED TO US
16 HAD A DARK OR BLACK INTERIOR?

17 A. YEAH. I BELIEVE IT WAS A DARK INTERIOR.

18 Q. NOW, WHEN YOU -- I AM STILL TRYING TO
19 UNDERSTAND YOUR SEARCH. YOURS AND MR. COOPER'S SEARCH FOR
20 THIS AUTOMOBILE.

21 HOW MANY TIMES DID YOU GO OUT LOOKING, WOULD
22 YOU SAY?

23 A. FIVE, SEVEN TIMES. SOMEWHERE IN THERE. I
24 DON'T REMEMBER EXACTLY.

25 Q. EXCUSE ME?

26 A. I DON'T REMEMBER EXACTLY HOW MANY TIMES.

1 Q. WAS IT ALWAYS JUST THE TWO OF YOU?

2 A. RANDY'S SISTER CAME WITH US.

3 Q. RANDY COOPER'S SISTER?

4 A. RANDY COOPER'S SISTER.

5 Q. DID SOMEBODY TELL YOU WHERE THIS AUTOMOBILE
6 WAS LOCATED THAT YOU ULTIMATELY TOLD THE POLICE ABOUT?

7 A. NO.

8 Q. THIS WAS SOMETHING YOU FOUND OUT ON YOUR
9 OWN?

10 A. YES.

11 Q. WAS RANDY'S SISTER WITH YOU ON THAT
12 PARTICULAR OCCASION?

13 A. I BELIEVE SHE WAS.

14 Q. WHEN YOU MADE THIS OBSERVATION, DID YOU GET
15 OUT OF YOUR VEHICLE THAT YOU WERE IN AND GO TAKE A LOOK AT
16 THE AUTOMOBILE THAT YOU HAD FOUND?

17 A. YES, I DID.

18 Q. WHAT DID YOU DO?

19 A. I JUST LOOKED AT THE CAR, CHECKED IT ALL
20 OVER, BASICALLY IT ---

21 Q. DID YOU GET INTO IT?

22 A. NO.

23 Q. HOW ABOUT RANDY? DID HE GET OUT ALSO AND
24 LOOK THE CAR OVER?

25 A. YES.

26 Q. AND YOU WAITED A PERIOD OF TIME BEFORE YOU

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1 TOLD THE POLICE ABOUT THIS OBSERVATION, DIDN'T YOU?

2 A. NO.

3 Q. DIDN'T YOU WAIT -- DIDN'T YOU MAKE THE
4 OBSERVATION, THEN GO DOWN A COUPLE DAYS LATER TO TELL THE
5 POLICE?

6 A. NO, IF I REMEMBER CORRECTLY, WE WENT DOWN
7 THE SAME EVENING.

8 Q. DID YOU? YOU REMEMBER WHO YOU SPOKE TO?

9 A. NO, I DON'T. NOT BY NAME.

10 Q. WANT TO SHOW YOU A POLICE REPORT DATED MAY
11 15TH, 1975, FROM LONG BEACH POLICE DEPARTMENT. AND JUST
12 READ TO YOURSELF THE AREA THAT IS BRACKETED.

13 (WITNESS COMPLIES.)

14 BY MR. MC DONALD: Q. DOES THE POLICE REPORT
15 INDICATE THAT YOU HAD MADE THE OBSERVATION TWO DAYS PRIOR
16 TO REPORTING IT TO THE POLICE?

17 A. YES, IT DOES.

18 Q. NOW, ON MAY 27TH, 1975, YOU WERE INTERVIEWED
19 BY AN OFFICER BY THE NAME OF WOODWARD, CORRECT?

20 A. YES.

21 Q. AND HE SHOWED YOU SOME PHOTOGRAPHS?

22 A. YES.

23 Q. AND YOU PICKED OUT A PHOTOGRAPH THAT YOU
24 BELIEVED LOOKED LIKE THE INDIVIDUAL YOU SAW THAT EVENING
25 THAT WASN'T MR. KRAFT; IS THAT RIGHT?

26 A. THEY DIDN'T TELL ME WHETHER OR NOT I PICKED

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1 OUT THE RIGHT PERSON OR NOT.

2 Q. LIKE TO SHOW YOU A POLICE REPORT DATED MAY
3 27TH, 1975, AND JUST READ TO YOURSELF THIS PARAGRAPH HERE.

4 (WITNESS COMPLIES.)

5 BY MR. MC DONALD: Q. DOES THAT REPORT INDICATE
6 YOU WERE SHOWN SIX PHOTOGRAPHS AND THAT YOU PICKED OUT
7 PHOTO NUMBER 1 AND NUMBER 5 AND THAT YOU SAID THE GUY WAS
8 STOCKY LIKE THIS ONE, POINTING TO PHOTO NUMBER 1, BUT I
9 DON'T REMEMBER IF HE HAD A MUSTACHE OR NOT. AND YOU
10 RELATED THAT YOU WEREN'T SURE ABOUT NUMBER 5, BUT HE
11 LOOKED LIKE THE SUBJECT, ALSO. IS THAT WHAT THE REPORT
12 SAYS?

13 A. THAT'S WHAT IT SAYS.

14 Q. THEN ON MAY 20TH, 1975, DID YOU TELL OFFICER
15 WOODWARD THAT THE INDIVIDUAL THAT YOU SAW THAT EVENING WAS
16 A MALE CAUCASIAN, 27 TO 28 YEARS OLD, SHORT AND STOCKY
17 BUILD, POSSIBLY FIVE-SEVEN TO FIVE-NINE, WITH SHORT HAIR
18 OVER THE EARS TYPE HAIRCUT, POSSIBLY BLOND, NEAT HAIR?

19 A. YEAH.

20 Q. DID YOU ALSO TELL MR. CROTWELL, SR. THAT THE
21 INDIVIDUAL THAT YOU SAW THAT EVENING WAS SHORT AND STOCKY?

22 A. I DON'T REMEMBER THAT.

23 Q. DID YOU TALK WITH MR. CROTWELL, SR. ABOUT
24 THE DESCRIPTION AND OBSERVATIONS YOU MADE THAT EVENING?

25 A. I DON'T REMEMBER TALKING WITH HIM.

26 MR. MC DONALD: THAT'S IT. THANK YOU, MR. DITMAR.

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1 THE COURT: MR. BROWN.

2 MR. BROWN: JUDGE, I DON'T HAVE ANYMORE QUESTIONS,
3 JUDGE.

4 THE COURT: THANK YOU, SIR.

5 MR. BROWN: MAY THE WITNESS BE EXCUSED?

6 THE COURT: YES.

7 MR. BROWN: WE'D CALL SERGEANT ROBERT BELL.

8 MR. MC DONALD: COULD WE APPROACH THE BENCH,
9 PLEASE, YOUR HONOR?

10 THE COURT: SURELY. WITH THE REPORTER?

11 MR. MC DONALD: IT INVOLVES SCHEDULING.

12 THE COURT: OH, I DON'T THINK WE HAVE TO.

13 (OFF RECORD DISCUSSION.)

14 THE COURT: LADIES AND GENTLEMEN, BEFORE THIS NEXT
15 WITNESS, WE HAVE AN EVIDENTIARY MATTER WE HAVE TO TAKE
16 CARE OF, SO UNFORTUNATELY, WE WILL SEND YOU ON YOUR WAY
17 EARLY.

18 SO IT'S YOUR DUTY NOT TO CONVERSE AMONG
19 YOURSELVES, ANYONE ELSE THE SUBJECT -- ANY SUBJECT
20 CONNECTED WITH THIS TRIAL, FORM OR EXPRESS ANY OPINION
21 UNTIL THE MATTER IS FINALLY SUBMITTED TO YOU.

22 WE WILL SEE YOU AT 9:15 TOMORROW. WE WILL
23 REMAIN IN SESSION, PLEASE.

24 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT
25 OUTSIDE THE PRESENCE OF THE JURY:)

26 THE COURT: IS THE JURY GONE? OUT OF THE PRESENCE