

IN THE MUNICIPAL COURT OF THE
CENTRAL ORANGE COUNTY JUDICIAL DISTRICT
STATE OF CALIFORNIA

THE PEOPLE OF THE	)	TRANSCRIPT OF
STATE OF CALIFORNIA,	)	
	)	DISCOVERY
Plaintiff,	)	
	)	MOTION
vs.	)	
	)	HON. JOHN J. RYAN
RANDY STEVEN KRAFT,	)	
	)	JUDGE
Defendant.	)	
		Case No. 83CF00468

SEPTEMBER 12, 1983

MR. BRYAN BROWN, Deputy District Attorney,
appeared as counsel for the People.

MR. JAMES CLONINGER, Deputy District Attorney,
appeared as counsel for the People.

MR. DOUGLAS W. OTTO, Attorney at Law,
appeared as counsel for Defendant Kraft.

C. JANE HARMAN, Certified Shorthand Reporter,
Certificate Number 5266.



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1 September 12th, 1983

2 Santa Ana, California

3 ooOoo

4 THE BALIFF: Remain as you are and come to order. This
5 court is now in session. No smoking or talking, please.
6 Honorable John Ryan presiding.

7 THE COURT: People versus Randy Steven Kraft.

8 MR. BROWN: Bryan Brown for the People. We're ready to
9 proceed. We would ask leave of the Court to file an amended
10 complaint. We've served Counsel a copy.

11 MR. OTTO: Douglas W. Otto representing Mr. Kraft. And
12 we have received a copy of the amended complaint from the
13 prosecution. We're ready to proceed with the arraignment.

14 THE COURT: Let me take up a couple other preliminary
15 matters. One, there's been a request for extended media
16 coverage which is opposed by the defense. And that request is
17 denied.

18 There was also a request by the defense to close
19 the courtroom for preliminary motions. Specifically you wanted
20 the media excluded from the preliminary motions. That request
21 is denied.

22 Okay. Now, I have -- you have a copy of the
23 amended complaint?

24 MR. OTTO: Yes, I do, your Honor.

25 At this time, I would like to represent, I, Douglas
26 W. Otto represents Mr. Kraft on the -- for the amended



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1 concerned at at this stage of the proceedings, if we're going to
2 have to go investigating in other counties, if we're going to
3 have to start conducting investigations in other states to prove
4 offenses to which charges have or have not be filed but
5 certainly hear, for which there have been no convictions, what
6 we're going to have to do is start that stuff right now and
7 we're going to need to know what it is that's going on --

8 THE COURT: Mr. Otto, I have already agreed with you on
9 that, haven't I? Didn't I say you're entitled to it at the
10 earliest convenient -- I've said that.

11 MR. OTTO: Are you subsuming 75 and 76 under 74, then?

12 THE COURT: Yes, that's why I'm asking you. Are you
13 asking for anything different?

14 MR. OTTO: No, not in terms of reports.

15 THE COURT: Are you withdrawing 75 --

16 MR. OTTO: As long as they're included in 76, as long as
17 I know what the earliest possible time is.

18 THE COURT: It means prior to the preliminary
19 examination. Would you like it by prior to or next week --

20 MR. OTTO: No. That's fine.

21 THE COURT: Right now it is prior to the preliminary
22 examination. If you want it earlier, I'll give you an earlier
23 date. The prelim has been continued two weeks.

24 MR. OTTO: That's fine, your Honor.

25 THE COURT: Seventy-seven.

26 MR. CLONINGER: People object to any request for



1 discovery on 77, your Honor, on the grounds it is vague and
2 overly broad and appears to be irrelevant at this time to this
3 case and would constitute an oppressive burden on the People to
4 provide to the defendant.

5 MR. OTTO: Your Honor, I would ask for a finding as to
6 whether or not a showing that's been made in declarations has
7 been sufficient as to shift the burden to the People and ask
8 them to show us why it is burdensome and oppressive.

9 THE COURT: How is it relevant?

10 MR. OTTO: Your Honor, we -- my client is being charged
11 with -- with crimes where there's a particular way in which the
12 crimes are supposed to have occurred which incriminates him.

13 Seems to me that he has the right to show that
14 there are other crimes out there which are more similiar to the
15 crimes which he is charged or less similiar to the crimes with
16 which he is charged. Including other prosecutions that have
17 gone on, other suspects that may have been investigated and that
18 kind of information. Particularly in this kind of case, where
19 the allegations turn on that kind of evidence.

20 It seems to me that my client is entitled to know
21 what other evidence is out there which is similiar or dissimilar
22 to that with which is he is charged.

23 THE COURT: Okay. Correct me if I'm wrong, but you're
24 showing is on page 5 of your declaration in support of the
25 motion; is that correct?

26 MR. BROWN: That's correct. It's number 7. Is the Court



1 looking at lines 11 through 15, approximately?

2 THE COURT: No. I have -- you have -- what are you on?

3 MR. CLONINGER: There are two different declarations,
4 your Honor.

5 MR. BROWN: I'm on the supplemental declaration.

6 MR. OTTO: Do you have the supplemental declaration?

7 THE COURT: Yes.

8 MR. BROWN: We take exception to the statements Mr. Otto
9 has made on page 5 of the supplementary declaration. And that
10 was one of the purposes for which -- we would ask to call Mr.
11 Otto as a witness.

12 THE COURT: Which line are you at?

13 MR. BROWN: Eleven through 15, approximately.

14 THE COURT: Paragraph sub 7?

15 MR. BROWN: Yes.

16 MR. OTTO: We're looking at the supplemental declaration,
17 your Honor.

18 THE COURT: Yes.

19 MR. OTTO: I'm sorry, we're on page 5.

20 THE COURT: Yeah, page 5 of the supplemental.

21 MR. OTTO: Your Honor, if we're going to discuss this I
22 would like to do this either at the bench or in camera.

23 THE COURT: We're not going to discuss it right now.
24 Right now -- right now, there's just no showing.

25 MR. OTTO: Including the information in the supplemental
26 declaration, your Honor?



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1 THE COURT: Well, you're talking -- you're asking for
2 task force information; is that right?

3 MR. OTTO: Yes, your Honor.

4 THE COURT: And then you go over here and you're talking
5 about the Bonin case.

6 MR. OTTO: Well, your Honor, paragraph 6, which commences
7 on page 4 -- at line 26 specifically talks about a declaration
8 by Officer St. John of the Los Angeles Police Department who is
9 supposedly head of the Strangler Task Force on an affidavit that
10 he executed.

11 THE COURT: You're asking me to take judicial notice of
12 cases and there's no copies of the cases. I don't know what you
13 want me to take judicial notice of. I'll take judicial notice
14 there have been prosecutions.

15 MR. OTTO: And the files of those cases.

16 THE COURT: They're not here in this court and you know
17 what the obligations of Counsel are who are asking the Court to
18 take judicial notice. How can I take judicial notice of the
19 cases if there are no --

20 MR. OTTO: I'm sorry, I didn't have time during the noon
21 hour and --

22 THE COURT: I will take judicial notice there have been
23 two prosecutions; one in Los Angeles County and one here. And
24 two convictions.

25 MR. BROWN: May I inquire, also, your Honor?

26 THE COURT: Uh-huh.



1 MR. BROWN: Prior to inquiring, is the Court, then, going
2 to leave --

3 THE COURT: I'm not finished with 75 -- no, 77 et al.

4 MR. BROWN: Seventy-seven. I have some comments to make
5 if the Court cares to entertain those. However, if the Court is
6 going to refuse them, I'm going to withhold my comments in the
7 effort of saving time.

8 THE COURT: I just don't see how 77 is helpful to you.
9 That's -- or relevant or anything else.

10 MR. OTTO: Well, your Honor, I'm trying to find out the
11 method in which this group operated. And it seems to me if I
12 can find that information, that it will help me determine the
13 investigations -- the method of investigation and whether
14 there's --

15 THE COURT: Okay. The way they operated, I think, is
16 irrelevant. I may be wrong, but I'm just out front telling you.
17 Seventy-seven is refused.

18 MR. OTTO: And, your Honor, the showing I'm trying to
19 make with regard to that, is that it seems to me that in order
20 to have any meaningful understanding in what it is they did, one
21 has to know how it is they went about doing it.

22 THE COURT: Is that right?

23 MR. OTTO: That's what I think.

24 THE COURT: I'm not following you, Mr. Otto. It's on the
25 record and 77 is refused.

26 MR. CLONINGER: People object to 78 --



1 THE COURT: It's refused for a lot of reasons, Mr. Otto.
2 It's too broad; it's vague. In other words, it's an order
3 that's almost unenforceable.

4 And besides, if you clean it up to specify, if
5 there is such a thing, Strangler Task Force, I still think you
6 haven't made a showing that that information is relevant. The
7 reasons why they started or how they operated.

8 Seventy-eight.

9 MR. CLONINGER: People object to that on the same grounds
10 specified in 77, your Honor.

11 THE COURT: Mr. Otto.

12 MR. OTTO: This takes it from how it is that they operate
13 to what it is that they investigated. Which I submit is very
14 relevant to the cases here because we're talking about the types
15 of crimes where there was a lot of similiar crimes committed
16 over an extensive period of time and there's various --

17 THE COURT: Let me just ask a couple questions. Am I
18 wrong in assuming that some of the crimes investigated by a task
19 force which is being called the Strangler Task Force, were not
20 related to Mr. Bonin, but are related to Mr. Kraft? Is there in
21 existence any such investigation?

22 MR. BROWN: I'm personally not aware there is such a
23 thing as a Strangler Task Force. If there was, it was way
24 before my time. Not attempting to dating, your Honor. I've had
25 contacts with Mr. St. John in the Bonin prosecution and to my
26 knowledge he never told me that he was the president of the



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1 Southern California Strangler Task Force.

2 I've been advised by Sergeant Storm there was a
3 Hillside Strangler Task Force. It doesn't have anything to do
4 with Bonin or Kraft but involved the Hillside Stranglings in Los
5 Angeles.

6 THE COURT: Mr. Otto.

7 MR. OTTO: Your Honor, I have information from Mr.
8 Charvet who has offered to come in and be a witness if we would
9 like him to, that such an organization existed, that it involved
10 something like 26 law enforcement agencies in five Southern
11 California counties.

12 What they did was disseminate information which is
13 organized in notebooks now, perhaps on a by-year basis
14 concerning investigations of similiar homicides committed by an
15 individual or different individuals where they tried to
16 coordinate the information because of the similarities among the
17 crimes. That that information is available, it's been
18 discovered in other similiar-type cases, including the Bonin
19 case, and it is relevant to this investigation and this
20 prosecution because Mr. Kraft is -- is now charged with some of
21 those offenses that were under investigation by -- or at least
22 had information designated by this task force.

23 I understand, Mr. Charvet tells me that he has seen
24 a matrix chart that was developed as to the common
25 characteristics or these offenses or these various offenses and
26 that that was provided to him by people who were affiliated with



1 the Strangler Task Force. Whether I have the exact name
2 correct -- the reason I put it in parenthesis was that I don't
3 know what the official title was.

4 It seems to me if the crimes my client is charged
5 with are dissimilar in significant ways -- or similiar --
6 similiar to other crimes that are out there, that he should know
7 that. And that if there are others that are suspects in those
8 other crimes or if there is information who points to other
9 individuals that committed crimes very similiar to the crimes
10 with which my client is charged, that I need to know that
11 information in order to do investigation with regard to his
12 guilt or innocence. And I need to do that on my own. I don't
13 need to have the prosecution tell me that these are all the
14 cases that are ready at this time. That I need to do that
15 independently.

16 MR. BROWN: Counsel, I think has some of his facts mixed
17 up with respect to his declaration on line 5, page 2. It
18 quotes, for example, "This declarant," meaning Mr. Otto, "is
19 informed and believes and therefore alleges that William George
20 Bonin is to be charged with offenses in Riverside and San
21 Bernardino and two additional offenses may be filed against him
22 in Los Angeles County."

23 After reading this affidavit I specifically called
24 the Deputy District Attorney in San Bernardino County, John
25 Coaches, I think it was this morning, and Mr. Coaches advised me
26 his office is not going to prosecute Mr. Bonin in San Bernardino



1 County because of the results in Los Angeles and Orange County.

2 So we see that Counsel is misinformed to some
3 extent with respect to this. I don't know where he got the
4 information. He alleges this on information and belief,
5 apparently.

6 MR. OTTO: Your Honor, I also checked on that information
7 over the noon hour and what I was told was that what was -- what
8 had happened was that at the end of the Los Angeles prosecution,
9 San Bernardino tried to arrange to prosecute their cases with
10 the Orange County cases and that fell through. There was an
11 initial effort to consolidate them and then they decided not to
12 do that. And San Bernardino has decided not to prosecute Mr.
13 Bonin, as Mr. Brown says, as the results obtained here.

14 That doesn't mean there aren't cases up there that
15 are similiar which may show us characteristics which would be
16 important to know about regarding the investigation here.

17 MR. BROWN: The man says in his affidavit under penalty
18 of perjury that Bonin is to be charged with offenses. Not there
19 are charges up there, that he is to be charged with offenses in
20 Riverside and San Bernardino County.

21 MR. OTTO: That's what I was told.

22 MR. BROWN: That's what the affidavit says. I'm saying
23 if the affidavit is in error here --

24 THE COURT: You're hiding the issue. I'm not sure that
25 all of you are zeroing in on the issue.

26 MR. CLONINGER: Can I be heard briefly?



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1 THE COURT: Yes.

2 MR. CLONINGER: If I understand the Court, the issue is
3 out of 78 and this discovery request, that despite what Mr. Otto
4 has said, he is asking for a list of all crimes, if there were
5 such a task force, investigated by it and he is asking the Court
6 nothing to connect it up of anything pending before the Court in
7 Mr. Kraft's case.

8 THE COURT:: That's closer to the issue before the Court.

9 MR. OTTO: Your Honor, the issue I'm trying to make is
10 that there are similarities, apparently, among the crimes with
11 which Mr. Kraft is charged, and I would like to know whether
12 those characteristics are shared by any of the crimes which were
13 investigated by the Strangler Task Force.

14 THE COURT: You're assuming, one, that the Strangler --
15 so-called Strangler Task Force investigated other homicides
16 which Mr. Bonin or others have not been charged with.

17 MR. OTTO: Yes. I believe that -- that there are other
18 outstanding, what are known as homosexual murders, in the
19 Southern California area which have not been resolved or
20 prosecuted at this point.

21 THE COURT: And your second assumption is that all of
22 these homicides have been committed with a unique modus
23 operandi --

24 MR. OTTO: Or unique --

25 THE COURT: -- and three, you're assuming then that if
26 there is an M.O. in this case, that it's similiar to those other



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1 cases which the task force believed were committed by a suspect
2 other than Mr. Kraft. Am I -- is that all the assumptions that
3 you're making for the Court to give you discovery?

4 MR. OTTO: Your Honor, I'm willing to try and make a
5 showing that there were similarities to the extent of the age of
6 the victims, the manner in which they were killed, the time
7 frames in which they were killed. The fact the killings of this
8 kind existed, I think, is amply shown by newspaper articles
9 which I provided at the end of my declaration which indicate
10 that these kinds of crimes went on.

11 It seems to me the showing I'm making entitles me
12 to discovery -- the dilemma we started to talk about before, is
13 the dilemma of asking for something that you suspect exists
14 based on information and belief, and at the same time having to
15 make a showing of sufficient information to get that
16 information. It's kind of a catch 22 situation. I'm trying to
17 show you that we need this information, and yet I don't have the
18 information to show you exactly why it is that I need that
19 information. All I can go is part way, and that's what I think
20 I've done with this information.

21 THE COURT: I disagree, but unfortunately you may have a
22 majority in San Francisco who would agree with you. That is, as
23 far as what you mean by showing. But you have to make some
24 effort to make a showing. And you have to make some effort to
25 describe exactly what it is that you want.

26 So let's look at 78 once again and address what



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1 you've requested in 78. Is there such a thing as an official
2 group known as the Strangler Task Force or anything remotely
3 resembling that?

4 MR. BROWN: Not that I know of.

5 MR. CLONINGER: To the best of my knowledge there is not.

6 THE COURT: All right. What -- is the information that
7 Mr. Otto is relying on, is -- could that be described as
8 meetings of homicide investigators from various departments
9 sharing information?

10 MR. BROWN: I don't know what he's relying on. He's
11 apparently, at least he says he's talked to Mr. Charvet.

12 THE COURT: Well, perhaps you should get Mr. Charvet down
13 here and we'll have a further hearing.

14 MR. BROWN: That's a good idea.

15 THE COURT: Because right now, you see, you want me to
16 assume too much, Mr. Otto. I think I know what it is you're
17 getting at. It may be that you're entitled to some information,
18 I'm not forming an opinion right now. There are too many
19 assumptions.

20 Okay. So I can't order something that's not there.
21 So let's --

22 MR. OTTO: Detail what it is, your Honor, you would like
23 me to do. What are the assumptions that I'm making --

24 THE COURT: Specify what you want and make a showing that
25 you're entitled to it.

26 Seventy-eight, 79, 80, 81, 82 -- now, what, who's



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1 Kearny?

2 MR. BROWN: Patrick Wayne Kearny, he is known
3 euphemistically as the trash bag murderer. Homosexual killing,
4 young males between the age 15, 25 --

5 THE COURT: Is 82 related to 78 through 81?

6 MR. OTTO: Yes, it is.

7 THE COURT: In other words, if there is a task force,
8 your information is that they also investigated the homicide
9 which Mr. Kearny has been --

10 MR. OTTO: I believe it is, your Honor -- the reason I
11 asked for the proceedings in the ways that this group operated,
12 was because I don't know whether they went out en masse to
13 investigate these crimes or whether they disseminated
14 information to various departments.

15 There's a specific newspaper article that I have
16 written here by Larry Wilborne, which talks about various
17 investigators from, I think, Garden Grove, Seal Beach, Buena
18 Park and the Orange County Sheriff's Department spending time at
19 the Buena Park Police Station discussing the similarities in the
20 killings, "in the ritualistic slaying of a dozen young men
21 between 1972 and 1975." I mean ... it seems to me that
22 something is going on out there. I don't know what it is. I
23 doubt if they're having tea.

24 THE COURT: Why stop with California? Why not go to
25 Nevada, New Mexico, Texas or Washington, Utah, Wyoming; any
26 police agency whatsoever that's investigated killings of young



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1 males between '70 and '83. You have to make a showing, Mr.
2 Otto. You just can't say I want it because it may be out
3 there --

4 MR. OTTO: Your Honor --

5 THE COURT: Specify what it is and make a showing.

6 MR. OTTO: The reason I stopped at Southern California in
7 particular is because that's what I'm thinking I'm making a
8 showing in regard to it. Based on information and belief that I
9 have that somebody was disseminating this information, that
10 people were meeting over time discussing similarities over these
11 various types of killings and I want to know what it was that
12 they did and if these crimes were similiar in any way to the
13 crimes in which my client was charged.

14 THE COURT: Seventy-eight through 81 are refused without
15 prejudice. The same with 82.

16 Eighty-three, I don't understand. That's refused
17 without prejudice.

18 Eighty-four is refused without prejudice.

19 Eighty-five is refused without prejudice.

20 Eighty-six is refused without prejudice --

21 MR. OTTO: Your Honor, with regard to 86, I believe I
22 made a specific showing that such a matrix --

23 THE COURT: No. You said you had a conversation with
24 some defense attorney who probably had a conversation with
25 somebody else who may have received information with yet
26 somebody else.



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1 MR. OTTO: He says he saw it.

2 THE COURT: You get him down here and he can tell us what
3 he saw and how it is relevant. This particular individual has
4 already defended Bonin -- is that correct?

5 MR. OTTO: Yes.

6 THE COURT: So he may be able to shed some light on it.
7 Right now I'm not sure what it is that you want. And Mr. Brown
8 and Mr. Cloninger are indicating that they don't know what it is
9 that you want.

10 Am I right or wrong on that, Mr. Brown, Mr.
11 Cloninger?

12 MR. BROWN: I don't.

13 MR. CLONINGER: I have indicated I am not aware of any
14 task force. I'm not aware of any matrixes or computer printouts
15 of any strangling-type killings.

16 THE COURT: Eighty-seven, refused without prejudice.

17 MR. CLONINGER: I should clarify what I represented to
18 the Court. The Bonin case I did see a large matrix of
19 information on each specific victim listing similarities and
20 they all pertained to Mr. Bonin.

21 THE COURT: Were the homicides in the Bonin case similar
22 enough to the homicides in this case that you have an M.O.
23 problem?

24 MR. BROWN: No. These are very unique.

25 THE COURT: That's why I said there's no showing yet.
26 M.O. is a word of art.

1 MR. OTTO: I know that, your Honor.

2 THE COURT: Being eighteen years old, sexually molested
3 and murdered is not an M.O. in any stretch of the imagination.

4 THE COURT: Eighty-eight.

5 MR. OTTO: In regard to 87 for one minute. I'm talking
6 about meetings referred to by any press, and if there is any
7 notes or reports as a result of that meetings, I would like to
8 have those.

9 THE COURT: What does Eric Church, Gregory Nelson, Robert
10 Duvall have to do with this case?

11 MR. OTTO: They're all victims in the case.

12 MR. CLONINGER: Your Honor, it is impossible from the
13 wording in 87 to know how the prosecution would go about indeed
14 trying to comply with this. We have already represented to the
15 Court we don't know the formal organization of any task force,
16 yet this would require us to obtain reports from meetings of
17 unknown people.

18 MR. BROWN: Church was killed in January of '83. Nelson
19 and Duvall were killed February 12th of '83. And Counsel in 87
20 wants notes concerning them from 1977?

21 THE COURT: That's why I was a little confused.

22 Mr. Otto.

23 MR. OTTO: I have reference in a document that I have
24 concerning Mr. Kearny about meetings among representatives in
25 Orange County with regard to homosexual murders committed prior
26 to that 1977 meetings and additional specific reference to a



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1 February meeting 1983 to discuss the similarities about the
2 murders of Church, Duvall and Nelson. That's what's intended
3 there, your Honor.

4 THE COURT: Okay. Eighty-seven is refused without
5 prejudice.

6 Eighty-eight.

7 MR. BROWN: Wyatt Loggins is the victim.

8 MR. CLONINGER: Seems to be covered by our orders already
9 in existence on physical evidence, your Honor.

10 THE COURT: Is Wyatt Loggins one of the victims named in
11 this case?

12 MR. OTTO: Yes, sir.

13 THE COURT: Isn't that already covered?

14 MR. OTTO: Yes, your Honor.

15 THE COURT: Are you withdrawing 88?

16 MR. OTTO: I'll withdraw it, yes. As long as it's
17 covered by the reports.

18 THE COURT: Eighty-nine. That's ordered.

19 Ninety.

20 MR. CLONINGER: Object to that on the grounds that
21 there's no showing of relevance, your Honor.

22 MR. OTTO: Your Honor, at the time that the defendant was
23 stopped, there's a question as to the condition of Mr. Gamble
24 who was in the car with the defendant at the time that the car
25 stop was made the Highway Patrol, who communicated with the
26 Sheriff's Department, the Sheriff's Department communicated with



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