

1 RECALL MR. ST. JOHN.

2 THE COURT: IF YOU WOULD TAKE THE STAND, PLEASE.
3 YOU ARE STILL UNDER OATH. YOU MAY PROCEED, MR. MERWIN.

4 JOHN ST. JOHN, +
5 RECALLED AS A WITNESS ON BEHALF OF THE DEFENSE WAS FURTHER
6 EXAMINED AND TESTIFIED AS FOLLOWS:

7 MR. MERWIN: THANK YOU, YOUR HONOR.

8 DIRECT EXAMINATION +
9 BY MR. MERWIN:

10 Q MR. ST. JOHN, LET ME SHOW YOU A COPY OF YOUR
11 LOG AGAIN, A PORTION OF IT. I WILL INVITE YOUR ATTENTION
12 TO THE ENTRY OPPOSITE 6-25-76 THAT I HAVE HIGHLIGHTED IN
13 YELLOW. WOULD YOU JUST READ THAT TO YOURSELF?

14 A YES.

15 Q AND THEN THE ENTRY OPPOSITE 6-28-76 WHICH I
16 HAVE HIGHLIGHTED IN YELLOW.

17 A YES.

18 Q DOES IT APPEAR FROM THOSE TWO THAT YOU HAD
19 ASSIGNED OR SOMEONE ASSIGNED THE NUMBER LP 0345 TO THE
20 LATENT PRINT THAT MR. TROUP PRESENTED YOU?

21 A YES.

22 Q DOES IT ALSO APPEAR THAT THE PARTIAL PRINT
23 THAT MR. TROUP GAVE YOU, LP 0345, WAS COMPARED WITH A
24 PARTIAL PRINT FROM A BOTTLE FOUND AT THE HALL CRIME SCENE?

25 MR. BROWN: I OBJECT TO THAT QUESTION. IT'S VAGUE
26 AND AMBIGUOUS.

1 MR. MERWIN: MAYBE I MISPHRASED IT. I THINK I DID.

2 THE COURT: I WILL SUSTAIN THE OBJECTION.

3 BY MR. MERWIN:

4 Q WOULD YOU TAKE A LOOK AT THESE TWO ENTRIES
5 AGAIN TOGETHER ON THE SAME PAGE OF YOUR JOURNAL. DOES IT
6 APPEAR FROM THE ENTRY THAT I'M POINTING TO NOW THAT THE
7 PARTIAL PRINT ON THE BOTTLE FOUND AT THE HALL CRIME SCENE
8 WAS COMPARED WITH LP 0345 AND WAS FOUND TO BE NEGATIVE?

9 A NO. I DON'T -- I DON'T THINK IT MEANS THAT.

10 Q WHAT DO YOU THINK IT MEANS?

11 A WELL, I DON'T THINK THE ENTRY THAT IS DATED
12 ON 6-25-76 AT 1600 IS RE -- IS RELATED TO THE ENTRY ON
13 6-28 AT TEN O'CLOCK, IF THAT'S WHAT YOU ARE TRYING TO SAY.
14 MAYBE I MISUNDERSTAND YOUR QUESTION.

15 Q THAT'S WHAT I AM ASKING.

16 A I THINK THEY ARE TWO DIFFERENT ENTRIES. YOU
17 ARE TALKING ABOUT TWO DIFFERENT THINGS.

18 Q OKAY. LET'S LOOK AT ANOTHER DOCUMENT THAT WE
19 HAVE JUST BEEN HANDED FROM THE CUSTODIAN OF RECORDS. DO
20 YOU RECOGNIZE WHAT THIS DOCUMENT IS, A PHOTOCOPY OF A
21 LEDGER OF SOME SORT?

22 A APPARENTLY IT'S A -- IT'S SORT OF A, I WOULD
23 GUESS A LOG THAT IS MAINTAINED BY LATENT PRINTS.

24 THE COURT: I DON'T WANT TO INTERRUPT. I DON'T
25 WANT YOU TO GUESS. IF YOU KNOW YOU CAN ANSWER IT, BUT --

26 THE WITNESS: WELL, NO. I REALLY DON'T KNOW WHAT

1 IT IS.

2 BY MR. MERWIN:

3 Q LET ME --

4 A I DON'T THINK I HAVE HAVE SEEN IT BEFORE.

5 Q OKAY. DO YOU SEE THIS ONE LINE ON THIS
6 PHOTOCOPY OF A LEDGER HERE? IT'S ALREADY BEEN DESCRIBED
7 IN TESTIMONY BEFORE YOU RETOOK THE BENCH, 0345.

8 A YES.

9 Q NOW, WOULD THAT APPARENTLY REFER TO A LATENT
10 PRINT BEARING THAT NUMBER?

11 A YES, IT APPEARS SO.

12 Q AND THE NEXT COLUMN THERE'S A, THE NAME SWAN,
13 WOULD THAT APPEAR TO INDICATE THAT THAT LATENT PRINT WAS
14 GIVEN TO MR. SWAN TO EXAMINE IT?

15 A EITHER THAT OR HE WAS LOGGING THE
16 INFORMATION, ONE OF THE TWO.

17 Q THE NEXT COLUMN SAYS H-O-M-I, WHICH I ASSUME
18 IS AN ABBREVIATION FOR HOMICIDE?

19 A YES.

20 Q AND IN PARENTHESES IT SAYS ST. JOHN HANDLING,
21 END PARENTHESES. WOULD THAT SUGGEST TO YOU THAT WAS A, A
22 LATENT PRINT GIVEN TO MR. SWAN TO ASSIST YOU IN
23 INVESTIGATION OF A HOMICIDE?

24 A YES.

25 Q AND THE LATENT COLUMN SAYS NOT IN BOOK. WHAT
26 WOULD THAT INDICATE TO YOU?

1 A I DON'T KNOW WHAT THAT MEANS.

2 Q OKAY. NOW, IF WE GO BACK TO THESE OTHER
3 ENTRIES, YOU CAN SEE IN THE ENTRY OPPOSITE JUNE 28TH, 1976
4 A REFERENCE TO LP 0345, CORRECT?

5 A YES.

6 Q AND THAT'S THE SAME NUMBER THAT WAS, WAS
7 SHOWN ON THE FAR LEFT COLUMN ABOVE; IS THAT CORRECT?

8 A YES.

9 Q AND THAT, THAT WAS APPARENTLY PROCESSED ONE
10 WAY OR THE OTHER BY MR. SWAN?

11 A YES.

12 Q ON YOUR BEHALF?

13 A YES.

14 Q TO AID YOU IN THE INVESTIGATION OF A
15 HOMICIDE?

16 A YES.

17 Q LET'S LOOK BACK AT THE PREVIOUS ENTRY
18 6-25-76. WHEN YOUR NOTE INDICATES PARTIAL PRINT ON BOTTLE
19 FOUND AT HALL CRIME SCENE NEGATIVE, IS IT REFERRING TO LP
20 0345 AND MR. SWAN'S EXAMINATION?

21 A I DON'T KNOW. I DON'T KNOW WHETHER THAT'S --
22 I JUST CAN'T ANSWER THAT. I DON'T KNOW WHAT THAT MEANS.

23 Q OKAY. SO IT MAY BE REFERRING TO THAT OR IT
24 MAY BE REFERRING TO A DIFFERENT EXAMINATION BY MR. SWAN?

25 A COULD BE OR IT COULD NOT BE. I, I -- I HAVE
26 NO INDEPENDENT KNOWLEDGE OF REALLY WHAT THAT MEANS.

1 Q OKAY.

2 MR. MERWIN: THANK YOU, SIR.

3 I HAVE NOTHING FURTHER.

4 THE COURT: MR. BROWN.

5 MR. MERWIN: I WOULD ASK THAT MR. ST. JOHN REMAIN
6 ON CALL THROUGH THE DISTRICT ATTORNEY'S OFFICE.

7 THE COURT: ALL RIGHT.

8 MR. MERWIN: THANK YOU, SIR.

9 THE COURT: ANYTHING FURTHER?

10 MR. BROWN: NO, SIR.

11 THE COURT: THANK YOU, SIR. YOU WILL BE EXCUSED.
12 HOW ABOUT THE OTHER GENTLEMEN THAT WAS WAITING?

13 MR. MERWIN: DON LANE. THANK YOU. I APPRECIATE
14 YOUR LETTING ME CALL HIM NOW.

15 THE CLERK: PLEASE STAND AT THE END OF COUNSEL
16 TABLE. RAISE YOUR RIGHT HAND.

17 DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY YOU
18 ARE ABOUT TO GIVE IN THE CASE NOW PENDING BEFORE THIS
19 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
20 THE TRUTH SO HELP YOU GOD?

21 THE WITNESS: I DO.

22 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR
23 ME?

24 THE WITNESS: DONALD MARK LANE, L-A-N-E.

25 THE CLERK: THANK YOU. PLEASE TAKE THE WITNESS
26 STAND.