

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE  
DEPARTMENT 30

HON. DONALD A. MC CARTIN, JUDGE PRESIDING

|                     |   |             |
|---------------------|---|-------------|
| THE PEOPLE OF THE   | ) |             |
| STATE OF CALIFORNIA | ) |             |
|                     | ) |             |
| PLAINTIFF,          | ) |             |
|                     | ) |             |
| VS.                 | ) | NO. C-52776 |
|                     | ) |             |
| RANDY STEVEN KRAFT, | ) |             |
|                     | ) |             |
| DEFENDANT.          | ) |             |
| _____               | ) |             |

REPORTER'S TRANSCRIPT  
JULY 18, 1989

APPEARANCES OF COUNSEL:

FOR THE PEOPLE: CECIL HICKS, DISTRICT ATTORNEY  
BY: BRYAN BROWN, DEPUTY

FOR THE DEFENDANT: C. THOMAS MC DONALD  
ATTORNEY AT LAW

SANDRA J. WINGERD, CSR 6467  
JODI HALE, CSR 3188  
OFFICIAL COURT REPORTERS

S. WINGERD, CSR 6467

SANTA ANA, CALIFORNIA -- TUESDAY, JULY 18, 1989

MORNING SESSION

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

THE COURT: GOOD MORNING, LADIES AND GENTLEMEN,  
COUNSEL. YOU MAY PROCEED, MR. MC DONALD.

MR. MC DONALD: THANK YOU, YOUR HONOR. WE'D CALL  
CAROL B-----.

THE CLERK: PLEASE STAND RIGHT THERE, RAISE YOUR  
RIGHT HAND.

CAROL B-----.,

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

THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR  
ME.

THE WITNESS: CAROL B-----, C-A-R-O-L,  
B-----.

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

DIRECT EXAMINATION

BY MR. MC DONALD: Q. CAROL, COULD YOU PULL THAT  
MICROPHONE JUST A LITTLE CLOSER TO YOU, MAKE SURE WE HEAR  
WHAT YOU HAVE TO SAY.

YOU'VE TESTIFIED ONCE BEFORE IN THIS MATTER?

A. YES.

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Q. ABOUT SPECIFIC DATES THAT RANDY WORKED?

A. YES, I HAVE.

Q. NOW, DURING THE INTERIM YOU'VE LEARNED THAT RANDY'S BEEN CONVICTED OF A NUMBER OF SERIOUS CAHRGES, HOMICIDES?

A. YES, I HAVE.

Q. YOU HAVE READ THE PAPER AND YOU HAVE HEARD ABOUT THAT?

A. YES, I DID.

Q. JUST SO YOU KNOW WHAT-- WHY WE'VE ASKED TO YOU COME BACK, THIS JURY IS GOING TO HAVE TO MAKE A DECISION AT THE END OF THE PRESENTATION ON WHETHER OR NOT TO KILL RANDY OR TO GIVE HIM LIFE IMPRISONMENT WITHOUT POSSIBILITY OF PAROLE. DO YOU UNDERSTANT THAT?

A. YES, I DO.

MR. BROWN: JUDGE, I OBJECT.

MR. MC DONALD: I'D LIKE TO APPROACH THE BENCH.

THE COURT: OVERRULED. YOU MAY CONTINUE.

MR. BROWN: I WOULD ASK THE COURT--

MR. MC DONALD: I'D LIKE TO APPROACH THE BENCH.

THE COURT: ALL RIGHT.

MR. BROWN: I WILL GO TO THE BENCH WITH YOU IF YOU CAN TALK HIM INTO IT.

MR. MC DONALD: THIS IS EXACTLY THE REASON I DON'T WANT A COLLOQUY GOING ON.

THE COURT: LET'S GO. MISS REPORTER.

(THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH:)

THE COURT: YOU WANT TO READ BACK THE LAST QUESTION, PLEASE.

(WHEREUPON THE RECORD IS READ BY THE REPORTER.)

THE COURT: YOUR OBJECTION.

MR. BROWN: MY OBJECTION IS THAT THAT STATEMENT ASSUMES FACTS NOT IN EVIDENCE, AND IT'S A PREJUDICIAL TYPE STATEMENT AND IT'S NOT A QUESTION. THE JURY DOESN'T KILL THE DEFENDANT. THEY RETURN A VERDICT AS TO WHETHER OR NOT HE SHOULD RECEIVE THE DEATH PENALTY OR LIFE IMPRISONMENT WITHOUT POSSIBILITY OF PAROLE.

THE COURT: WE WILL PHRASE WHETHER IT WILL BE THE JURY'S DECISION ON WHAT VERDICT TO RETURN. LET'S PUT IT IN THAT-- IS THAT ACCEPTABLE TO YOU, MR. MC DONALD?

MR. MC DONALD: NO, IT'S SUGAR COATING IT.

THE COURT: WELL, I HAVEN'T, AS I SAID, RUN INTO THIS PARTICULAR PROBLEM.

MR. BROWN: I WOULD REQUEST THE JUDGE ORDER MR. MC DONALD NOT TO REFER TO IT IN THAT WAY, I.E., THE JURY IS GOING TO DECIDE WHETHER THEY ARE GOING TO KILL THE DEFENDANT. THAT'S INAPPROPRIATE.

THE COURT: WELL, IT'S UP TO THE JURY TO MAKE A DECISION WHAT WOULD BE AN APPROPRIATE VERDICT, EITHER LIFE WITHOUT POSSIBILITY OF PAROLE OR IMPOSE THE DEATH PENALTY. I THINK PHRASING IT IN THAT LANGUAGE IS FAIR, AND I WILL

ASK MR. MC DONALD TO PUT IT, COUCH IT IN THOSE PARTICULAR TERMS. THANK YOU, GENTLEMEN.

( THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT. IN THE PRESENCE OF THE JURY:)

THE COURT: I WILL OVERRULE IT. THAT RULING WILL REMAIN AS FAR AS THIS WITNESS IS CONCERNED. YOU MAY CONTINUE.

BY MR. MC DONALD: Q. SO YOU UNDERSTAND WHAT THE JURY WILL HAVE TO DECIDE AT THE END OF THIS CASE, CAROL?

A. YES, I DO.

Q. WE HAVE ASKED YOU TO COME IN TODAY AND SHARE YOUR VIEWS ON RANDY WITH REGARD TO WHO HE IS AS FAR AS A HUMAN BEING. DO YOU UNDERSTAND THAT?

A. YES.

Q. NOW, YOU'VE HAD A NUMBER OF CONTACTS WITH RANDY OFFER THE YEARS; IS THAT CORRECT?

A. YES.

Q. CAN YOU TELL US WHEN YOU FIRST HAD-- MADE THE ACQUAINTANCE OF RANDY?

A. WELL, HE CAME IN AS COMPUTER ANALYST, AND AT FIRST I WAS NOT TO WORK ON THE COMPUTER. AND SHORTLY AFTER THAT I BELIEVE HE MADE A TWO-WEEK VACATION TO MEXICO. AND DURING THAT TIME, SINCE NONE OF THE FIVE OF US WHO OPERATED THE COMPUTER OR THE FOUR OF THEM AT THAT TIME KNEW TOO MUCH ABOUT IT, ONE OF THE GIRLS BLEW IT AND LOST THE WHOLE ACCOUNTS RECEIVABLE. SO WHEN HE CAME BACK,

WE HAD TO RESCONSTRUCT THE ACCOUNTS RECEIVABLE.

AND AT THAT TIME I WAS TAKEN IN TO WORK DIRECTLY WITH HIM; AND FROM THAT TIME ON, RANDY INSTRUCTED ME IN THE PROCEDURES THAT I COULD USE AND THE HELP THAT HE GAVE ME--EXCUSE ME.

Q. ARE YOU NERVOUS?

A. YES.

Q. JUST RELAX. NO ONE HERE WANTS YOU TO FEEL UNCOMFORTABLE. YOU ARE TALKING TO THE JURY, YOU ARE TALKING TO US. JUST RELAX. YOU ARE JUST SHARING WHAT OBSERVATIONS YOU MADE. OKAY? GO AHEAD.

A. SO HE WAS THE ONE WHO BASICALLY TRAINED ME. I WAS TRAINED BY I.B.M WHO I CONSIDER A FINE COMPUTER, BUT NOT THEIR INSTRUCTORS TOO MUCH.

Q. OKAY.

A. AND IT WAS THROUGH RANDY THAT I LEARNED TO DO THE THINGS THAT I COULD DO ON THE COMPUTER. AND WHEN I WAS HERE BEFORE, I GAVE A TOTAL OF THE HOURS THAT I WORKED WITH HIM--

Q. THERE WERE LOTS OF THEM, WEREN'T THERE?

A. -- AT THE COMPANY. BUT IT DOESN'T INCLUDE THE TELEPHONE CALLS.

Q. WHAT DO YOU MEAN BY THAT?

A. RANDY, IF I GOT INTO A PROBLEM, IF I DID IT OR ANOTHER GIRL HIT THE WRONG BUTTON, WE COULDN'T GO FORWARD OR BACKWARD, EITHER. SO HE WOULD COME IN-- I

WOULD CALL HIM ON THE PHONE, AND HE COULD TALK ME-- HE COULD ASK ME WHAT THE COMPUTER SAID ON THE SCREEN, AND I WOULD TELL HIM. AND HE COULD TELL ME WHAT TO TELL THE COMPUTER THROUGH THE KEYBOARD, AND THEN THROUGH THIS-- THERE WAS SOMETIMES TWO AND THREE-- HOUR CALLS WHERE HE COULD RECONSTRUCT WITHOUT EVER BEING IN THE OFFICE. AND THAT WAS NOT INCLUDED IN MY TESTIMONY LAST TIME.

Q. OKAY. HOW WAS HE ON THE OTHER END OF THE PHONE WHEN YOU ARE CALLING HIM ASKING HIM TO SOLVE PROBLEMS FOR YOU?

A. VERY, VERY PATIENT. LIKE HE WASN'T TALKING TO A SENIOR CITIZEN. HE WAS VERY CALM AND COLLECTED, AND I WASN'T. AND HE WOULD QUIET ME DOWN AND GET ME THROUGH THESE DIFFICULT PERIODS.

Q. OKAY. NOW, IN ADDITION TO THESE TELEPHONE ESSENTIALLY TALKING YOU THROUGH THE PROCESS, YOU WORKED WITH HIM DAY TO DAY, TOO?

A. YES.

Q. FOR A GIVEN PERIOD OF TIME.

A. YES.

Q. WHAT YEAR WAS THAT AGAIN DID YOU FIRST START, APPROXIMATELY?

A. I DON'T REMEMBER EXACTLY WHEN HE CAME IN. HE HAD BEEN WORKING THERE MAYBE SIX MONTHS, BUT I THINK IT WAS IN-- I AM NOT GOOD ON DATES.

Q. JUST APPROXIMATELY.

A. SEVENTY-- MAYBE '68, EVEN.

Q. AND THEN YOU'VE HAD--

A. NO, IT WAS AFTER-- IT WAS IN THE '70'S.

Q. EARLY '70'S?

A. YES.

Q. NOW, IN ADDITION TO WORK CONTACT AND THE RELATIONSHIP YOU HAVE HAD WITH RANDY, HAVE YOU HAD ANY OTHER CONTACT WITH HIM?

A. OH, YES. I'VE BEEN TO HIS HOME. MY DAUGHTER MADE SOME LEAD GLASS WINDOWS FOR HIS KITCHEN CABINETS. IT WAS A VERY NICE HOME. IT WAS VERY NICE PLACE. EVERYTHING WAS VERY FRIENDLY.

Q. HAS HE BEEN TO YOUR HOME?

A. YES, YES. I HAD HIM OVER. YES, I HAD HIM OVER FOR DINNER.

Q. DINNER?

A. DINNER, YES.

Q. ON MORE THAN ONE OCCASION?

A. I THINK TWO. AND--

Q. DID YOU LEARN ANYTHING ABOUT RANDY'S EATING HABITS--

A. YES, HE'S A VEGETARIAN.

Q. SO YOU HAD TO PREPARE SPECIAL DISHES FOR HIM?

A. DIDN'T KNOW WHAT TO DO. ALREADY HAD DINNER READY. SO WE PUNTED, YOU KNOW. THERE WAS ENOUGH THAT HE



COULD EAT AND MAINTAIN-- BUT--IT WAS CERTAINLY A MEAT DINNER. IT WAS SPAGHETTI.

Q. WHAT ABOUT VACATIONS? HAVE YOU EVER TRAVELED WITH RANDY?

A. YES, YES.

Q. WHY DON'T YOU TELL THE JURY ABOUT YOUR TRAVELS WITH--

A. WELL, WE WENT TO COLOMA. WE LEFT FROM SAN FERNANDO VALLEY THAT'S OUTSIDE OF SACRAMENTO. THEY HAVE WHITE WATER RIVER RAFTING. WE WENT DOWN THE AMERICA RIVER, AND THERE WERE ABOUT 80 PEOPLE ON THE TRIP.

THERE WERE FIVE OF US THAT WERE TOGETHER. MY GRANDDAUGHTER, A FRIEND DOTTY, JEFF, AND RANDY AND MYSELF. AND WE HAD A DELIGHTFUL TRIP. AND I-- FELT LIKE A PROUD MOTHER. HE WAS VERY WELL ACCEPTED BY THE REST OF THE GROUP. I HAD GONE MANY TIMES BEFORE. BUT HE WAS VERY WELL ACCEPTED, AND WE HAD A MARVELOUS TIME.

AND HE WAS VERY-- DOTTY AND I WERE BOTH ELDERLY-TYPE WOMEN, AND HE WAS VERY KIND AND CONSIDERATE AND HELPFUL THROUGH THE WHOLE-- AND WATER RAFTING IS-- GETTING INTO A RAFT IS A LITTLE DIFFICULT IF YOUR LEGS ARE SHORT, AND IT WAS NICE. IT WAS VERY PLEASANT. THE WHOLE THING WAS VERY, VERY NICE.

Q. SO HE DIDN'T IGNORE YOU BECAUSE YOU HAPPEN TO BE A SENIOR CITIZEN?

A. OH, NO. NO. THAT'S-- YOU KNOW. I WORK

WITH PEOPLE THAT ALWAYS PUT ME OFF KIND OF IN A CORNER LIKE.

Q. LIKE BECAUSE YOU'VE REACHED A CERTAIN AGE?

A. RIGHT. I WAS OVER THE HILL, YES. I NEVER HAD THAT SORT OF THING. THAT KIND OF TREATMENT FROM HIM EVER. IT WAS ALWAYS-- I FELT HIS EQUAL. IT WAS-- IT WAS NICE. HE WAS VERY KIND, CONSIDERATE, VERY PATIENT AND A VERY GOOD TEACHER, I FELT, BECAUSE I DIDN'T FEEL INCOMPETENT AT ANY TME, AND I KNOW THAT I WAS-- NOW. BUT HE NEVER GAVE ME THAT FEELING AT ANY TIME. HE WAS VERY NICE.

Q. ONE OF THE-- AS I SAY, AT THE END OF THIS HEARING, THE JURY IS GOING TO HAVE TO MAKE A DETERMINTATION ON WHETHER OR NOT TO IMPOSE LIFE WITHOUT POSSIBILITY OF PAROLE OR THE DEATH PENALTY. I SAY KILLING RANDY. BUT SUGAR COATING IT, SOME PEOPLE WOULD LIKE YOU TO SAY-- HEAR THE DEATH PENALTY.

ONE OF THE OPTIONS IS LIFE WITHOUT POSSIBILITY OF PAROLE. WHAT DO YOU THINK OF RANDY? HOW DO YOU THINK HE MIGHT MAKE A CONTRIBUTION FROM WITHIN THE INSTITUTION AS A TEACHER, FOR INSTANCE?

A. IF THEY WERE TO DEATH PENALTY, THEY WOULD LOSE A VERY BRILLIANT MIND. A VERY KIND AND A VERY GOOD TEACHER. I HAVE OFTEN WONDERED WHY THE PRISON DID NOT USE HIS CAPABILITIES AT ANY TIME, BECAUSE I'VE CERTAINLY WORKED UNDER MANY, MANY COMPUTER INSTRUCTORS, AND I

COULDN'T -- I COULDN'T ASK FOR A BETTER TEACHER. IT WAS MARVELOUS.

AND THE FACT THAT THE MAN COULD HELP ME JUST OVER THE TELEPHONE AND NOT BE THERE AT ALL AND HAVE THE ABILITY TO TELL ME AND TO RELAY MY MESSAGE AS I RELAYED TO HIM AND TO BE ABLE TO GET ME BACK INTO AN OPERATING PROCEDURE ON A COMPUTER WHEN I DON'T KNOW SOMETIMES ONE BUTTON FROM THE OTHER AND CERTAINLY NOT THE LANGUAGE THAT THE COMPUTER SPEAKS, AND FOR HIM TO BE ABLE TO RELATE AND BRING ME BACK INTO AN OPERATING POSITION, KIND OF LIKE WAS MARVELOUS, YES.

I CAN'T-- I CAN'T THINK OF ANYTHING OR ANY SITUATION WHERE I COULD HAVE BEEN DEALT BETTER WITH AND BEEN ABLE TO OPERATE IN THE FASHION THAT I DID WITHOUT HIS ASSISTANCE. MY GOD, I COULDN'T HAVE DONE IT.

Q. DID YOU EVER SEE HIM VIOLENT OR ANGRY OR AGITATED AT YOU?

A. WELL, OF COURSE HE GOT PROVOKED WITH US. HE HAD NON COMS. WE DIDN'T KNOW WHAT WE WERE DOING. HE WOULD SPECIFICALLY WRITE DOWN DIRECTIONS, AND WE'D PUSH WRONG BUTTONS ANYHOW. CAN YOU IMAGINE THAT THE MAN WOULDN'T GET EXASPERATED?

BUT HE NEVER PUT US DOWN FOR THAT. HE NEVER-- I WAS GOING TO SAY SCOLDED. I DIDN'T EXACTLY MEAN THAT. HE NEVER CRITICIZED US FOR OUR BLUNDERS.

I THINK ONE TIME HE SAID TO ME "WHAT DID YOU

DO THAT FOR?" IN ABOUT THAT TONE OF VOICE. THAT'S ABOUT THE WORST IT REALLY GOT WITH ME. HE CERTAINLY HAD REASON TO UPBRAID ME FOR ANY NUMBER OF TIMES, BECAUSE I WOULD SIT THERE AND PUSH THE WRONG BUTTONS.

NO, I NEVER SAW HIM IN ANYTHING BUT A VERY FINE PERSON. AT ANY TIME. NO, I NEVER SAW HIM REALLY-- PROVOKED, BUT NOT EXASPERATED. NOT TO THAT STAGE.

Q. OKAY. NOW, YOU UNDERSTAND THESE PEOPLE HERE ARE GOING TO HAVE TO MAKE A DECISION AT THE END OR AT LEAST NOT HAVE TO MAKE A DECISION, BUT AT LEAST THEY WILL BE CONSIDERING THIS DECISION AT THE END OF THIS HEARING. WOULD YOU LIKE TO SPEAK TO THEM AND TELL THEM YOUR FEELINGS ABOUT RANDY AND WHY LIFE WITHOUT POSSIBILITY OF PAROLE IS THE DECISION THEY SHOULD RENDER?

A. WELL, I COULD PROBABLY SIT AND TALK TO YOU FOR HOURS, AND IT WOULD SOUND LIKE I WAS-- YOU KNOW-- I CAN'T DO ANYTHING BUT TELL YOU THAT HE WAS A MARVELOUS PERSON TO WORK WITH.

I'VE NOT WORKED-- AND I HAVE WORKED FOR 45-- MAYBE LONGER, OKAY? AND I'VE WORKED A LONG TIME AND I HAVE NEVER, EVER, BEEN SO INSTRUCTED AND SO NICELY TREATED AND NOT-- I CAN'T THINK OF THE WORD-- NOT BE PUT DOWN CONSTANTLY BY SOMEBODY OR UPBRAIDED TERRIBLY FOR MISTAKES THAT WE ALL MAKE. EVERYBODY MAKES MISTAKES. I MADE THEM, AND HE WOULD SIMPLY TRY TO HELP ME OUT OF DIFFICULT SITUATIONS.

AND I AM SURE HE UNDERSTOOD THAT I WAS IN A VERY STRESSFUL POSITION AND I HAD PEOPLE ON ME ALL THE TIME REGARDING THE COMPUTER FOR MANY, MANY DIFFERENT KINDS OF REPORTS.

AND I CAN TELL YOU TRUTHFULLY THAT HAD I NOT BEEN THERE WITH RANDY, I WOULD NEVER HAVE SURVIVED THE NUMBER OF YEARS THAT I DID AT THAT COMPANY OR-- IT WAS AS PLEASANT TO BE AROUND HIM AS IT HAS BEEN AND WAS. AND I CAN ONLY HOPE THAT MAYBE SOME OF WHAT I FEEL HAS COME ACROSS TO YOU GUYS. I HOPE.

THAT'S ALL.

Q. OKAY. WHEN RANDY WOULD COME TO WORK, DID HE BRING MATERIALS WITH HIM?

A. YES, YES, HE-- WELL, HE HAD-- HE WOULD COME IN WITH PART OF IT WAS ART WORK THAT HE CARRIED AROUND IN SOMETHING.

Q. AND PART OF IT WAS BUSINESS WORK RELATED--

A. OTHER, YES OF COURSE. BECAUSE DON'T FORGET THAT HE WAS CONSULTING WITH TWO OR THREE DIFFERENT FIRMS. AND IF THEY CALLED HIM AND HE WAS AT OUR PLACE, OR IF I CALLED HIM AND HE WAS AT THEIR PLACE, HE HAD TO HAVE SOME KIND OF REFERENCE, I WOULD THINK. DID HAVE.

Q. CAROL, WITHOUT LOOKING AT THE INTERIOR OF WHAT'S BEEN MARKED AS EVIDENCE ITEM 38, IS THIS THE TYPE OF MATERIAL RANDY WOULD BRING INTO WORK-- TYPE OF BINDER?

A. YEAH, I RECOGNIZE REALLY THE YELLOW LEGAL

SHEETS.

Q. WHAT ABOUT THIS TYPE OF PORTFOLIO HOLDER?

A. I WOULD SUPPOSE-- I REALLY DON'T-- I KNOW HE BROUGHT WORK WITH HIM, BUT FOR ACTUALLY IDENTIFYING, NO, I COULN'T DO THAT.

Q. DID YOUR DAUGHTER KNOW RANDY?

A. YES. MY GRANDDAUGHTER TOO.

Q. HOW OLD IS YOUR GRANDDAUGHTER?

A. TWENTY. WELL, SHE WASN'T 20 THEN. THAT WAS-- WE WENT ON THE RAFTING TRIP I GUESS IN '72. SO I HAVE KNOWN RANDY LONGER THAN '70'S, HUH? YEAH.

Q. OF COURSE RANDY KNEW EVERYBODY AT YOUR WORK?

A. YES, YES.

Q. DO YOU KNOW, HAVE YOU HEARD OF ANYONE THAT HAD MADE AN OBSERVATION OF RANDY BEING VIOLENT OR DISCOURTEOUS OR UNCARING TO ANOTHER HUMAN BEING?

A. OH, NO. IN MOST-- AND I CAN SAY THIS-- MOSTLY THE PEOPLE THAT I WORK WITH AND THAT HE WAS WORKING WITH STILL FEEL LIKE I DO, YEAH.

Q. THEY HAVE FONDNESS FOR HIM?

A. YES, YES. HE WAS VERY NICE. I NEVER SAW-- I NEVER HEARD A DEROGATORY REMARK ABOUT HIM FROM ANY OF THE MEN OR WOMEN THAT HE WORKED WITH CLOSELY OR EVEN PARTIALLY. NO, I NEVER HEARD ANYTHING.

AND AT THE VERY END, RANDY WAS TO BE-- HE WAS CONSULTING ON A PURCHASE OF THE NEW MACHINE WHICH WAS

BIGGER THAN THE ONE WE WERE USING, AND WE HAD TO GO TO A LARGER MACHINE. AND HE WENT ON SEVERAL OF THE TRIPS.

I REMEMBER PARTICULARLY ONE TO SANTA BARBARA WHERE HE WENT WITH MOST OF THE OFFICIALS-- V.I.P.'S OF OUR COMPANY, OFFICERS, AND COMPUTER RELATED WORKING PARTNERS THAT WENT TO SANTA BARBARA FOR A STUDY OF A MACHINE THEY HAD UP THERE. I DON'T KNOW WHICH ONE. WE FINALLY WENT FROM THE 32 TO THE 36. AND HE WAS AN ACTIVE PART OF THAT.

Q. OKAY. THE POINT IS YOU HAVE HAD CONTACT WITH DOZENS AND DOZENS OF EMPLOYEES, YOUR OWN FAMILY, FRIENDS, MANY OF WHICH HAVE KNOWN RANDY OVER THE YEARS AND YOU HAVE HEARD UNIFORMLY A FONDNESS FOR RANDY.

A. YES, YES. I HAVE NEVER HEARD ANYTHING SPOKEN OF HIM THAT WAS IN THE LEAST DEROGATORY. NEVER HAVE.

MR. MC DONALD: THANK YOU.

THE COURT: MR. BROWN, ANY QUESTIONS?

MR. BROWN: THANKS FOR COMING IN, MRS B----. NO QUESTIONS.

MR. MC DONALD: EXCUSE ME A MINUTE, RANDY WOULD LIKE TO ASK YOU A QUESTION.

EXAMINATION

BY THE DEFENDANT: Q. HI, CAROL.

BEFORE I BEGAN WORKING WITH J.L. YOU HAD ALREADY GOTTEN THE COMPUTER FROM I.B.M.? DO YOU RECALL?

A. YES.

Q. AND THERE WAS ANOTHER CONSULTANT WHO WORKED BEFORE I WORKED WITH J.L.

A. YES.

Q. WHEN I.B.M. SOLD THE COMPUTER TO J.L. PRODUCTS, DID THEY TRY TO GIVE SOME HELP TO THE MANAGEMENT TO DECIDE WHO SHOULD OPERATE THE NEW COMPUTER?

A. YES.

Q. WHAT DID THEY DO WITH THAT RESPECT?

A. WE HAD TO TAKE TESTS.

Q. AS TO YOUR APTITUDE?

A. YES.

Q. IT WAS--

A. THEY WEREN'T GOING TO GIVE ME THE TEST BECAUSE OF MY AGE.

Q. THERE WAS YOURSELF, THEN THERE WERE YOUNGER PEOPLE WHO WERE THE CLERKS. YOU WERE THE HEAD BOOKKEEPER, IS THAT RIGHT?

A. YES.

Q. BUT YOU DID ULTIMATELY TAKE THE TEST?

A. YES, AND I PASSED.

Q. YOU GOT THE HIGHEST SCORE?

A. THAT'S RIGHT.

Q. BUT STILL THE MANAGEMENT OF J.L. THOUGHT PERHAPS SOME OF THE PROBLEMS THEY WERE HAVING WITH THE COMPUTER WAS BECAUSE YOU WERE MORE OR LESS IN CHARGE; IS



THAT TRUE?

A. YES.

Q. AND THAT WAS BECAUSE OF YOUR AGE?

A. YES.

Q. WHEN I STARTED WITH J.L., DID WE  
SORT OF BEGIN TO TURN THAT AROUND?

A. YES, WE DID. YES, WE DID. IT WAS STRICTLY  
THROUGH WORKING WITH YOU THAT J.L. FINALLY ACCEPTED ME  
AS-- TO WORK IN THE COMPUTER. OTHERWISE I WOULD HAVE  
BEEN RELEGATED TO THE BACK ROOM, I GUESS. BECAUSE--  
BECAUSE OF MY AGE, YES. AND THE ONLY THING THAT I GOT ANY  
CONSIDERATION FOR WAS THE FACT THAT EVEN OVER COLLEGE  
STUDENTS OR MEN WHO HAD GRADUATED FROM COLLEGE, I STILL  
SCORED THE HIGHEST.

Q. THANK YOU.

MR. MC DONALD: THANKS, CAROL.

THE COURT: MR. BROWN, ANYTHING?

MR. BROWN: NO. THANK YOU FOR COMING IN.

THE COURT: THANK YOU, YOU ARE EXCUSED. THANK YOU,  
MA'AM.

MR. MC DONALD: NEXT WITNESS WOULD BE RUSSELL  
C-----.

THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

R. WINGERD, CSR 6467

RUSSELL C-----,

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

THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR  
ME.

THE WITNESS: IT'S RUSSELL C-----, R-U-S-S-E-L-L,  
C-----.

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

DIRECT EXAMINATION

BY MR. MC DONALD: Q. MORNING, MR. C-----.

A. MORNING.

Q. LET ME CALL YOU RUSSELL, IF I MAY, PLEASE.

A. FINE.

Q. RUSSELL, WE HAVE DISCUSSED EARLIER IN THE  
MORNING AND BOTH ON MY CONVERSATION WITH YOU AND ALSO YOUR  
READINGS OF THE PAPER YOU HAVE LEARNED THAT RANDY'S BEEN  
CONVICTED OF A NUMBER OF HOMICIDES?

A. THAT'S CORRECT.

Q. AND YOU REALIZE THAT THIS JURY HERE HAS TO  
DETERMINE WHICH OF TWO PENALTIES TO IMPOSE UPON RANDY,  
LIFE WITHOUT POSSIBILITY OF PAROLE OR THE DEATH PENALTY,  
WHICH WILL ULTIMATELY KILL RANDY, YOU UNDERSTAND THAT?

A. THAT'S CORRECT.

Q. WE'VE ASKED YOU TO COME IN AND SHARE WITH

RANDY-- EXCUSE ME, WITH THE JURY WHAT YOU KNOW ABOUT RANDY. AND APPARENTLY FOR A PERIOD OF TIME YOU AND HE WERE STUDENTS AT CLAREMONT MEN'S COLLEGE?

A. YES, THAT'S CORRECT.

Q. WERE YOU THERE THE ENTIRE FOUR YEARS WITH RANDY?

A. YES. FROM 1963 UNTIL 1967.

Q. OKAY. AND WERE YOU BORN IN CALIFORNIA?

A. YES, I WAS BORN IN SAN FRANCISCO, AND I GREW UP IN THE SAN FRANCISCO BAY AREA.

Q. THEN YOU CAME SOUTH TO GO TO CLAREMONT?

A. THAT'S RIGHT.

Q. WHAT WAS THE-- WHEN YOU CAME SOUTH TO STUDY AT CLAREMONT, WHAT WAS THE HOUSING ARRANGEMENT?

A. I WAS LIVING ON CAMPUS, AS THE VAST MAJORITY OF THE STUDENTS DO. I WAS-- IN GREEN HALL, ONE OF THE DORMITORIES AT CLAREMONT. AND I GUESS THERE WAS APPROXIMATELY 50 OR 60 STUDENTS THAT WERE HOUSED IN THAT DORMITORY.

Q. NOW, GREEN HALL WASN'T A FRATERNITY, WAS IT?

A. NO, IT WAS NOT.

Q. IT WAS AN ACTUAL STUDENT HOUSING THAT WAS PROVIDED BY THE COLLEGE ITSELF?

A. THAT'S RIGHT.

Q. AND YOU WERE THERE THE FULL FOUR YEARS AND SHARED THAT DORMITORY, NOT THAT ROOM NECESSARILY, BUT THAT

DORMITORY WITH RANDY?

A. THAT'S RIGHT. NOW, WE HAD THE OPTION OF CHANGING RESIDENCE HALLS WHATEVER, BUT I CHOSE TO REMAIN IN GREEN HALL THE ENTIRE FOUR YEARS, AND SO DID RANDY. AND MANY, MANY OTHER STUDENTS THAT WERE IN OUR CLASS CHOSE TO REMAIN THERE BECAUSE OF THE COMRADSHIP, I GUESS, THE SPIRIT THAT WE HAD BUILT UP AMONG THE STUDENTS THAT LIVED IN THAT PARTICULAR RESIDENCE HALL.

Q. SPEAKING OF THE SPIRIT OR COMRADSHIP THAT HAD BUILT UP, DID YOU INVOLVE DURING THE COURSE OF THE ACADEMIC YEAR ACTIVITIES WITH-- AMONG EACH OTHER AND ALSO PERHAPS FOR OTHER PEOPLE LIKE CIVIC ACTIVITIES?

A. CERTAINLY DID. THE STUDENTS WITHIN THE DORMITORY SOCIALIZED, WE PARTIED TOGETHER, WENT TO-- SPORTS ACTIVITIES TOGETHER, WE DID VARIOUS COMMUNITY ACTIVITIES TOGETHER.

WE ALSO HAD A FORM OF DORM GOVERNMENT. AND VARIOUS RESIDENTS WOULD HOLD VARIOUS OFFICES IN THE DORM.

Q. CAN YOU TELL US A LITTLE BIT ABOUT THIS DORM GOVERNMENT?

A. WE'D HAVE-- I CAN'T EVEN REMEMBER HOW WE HAD IT STRUCTURED. I KNOW WE DID HAVE A DORM PRESIDENT, AND AMONG THE FUNCTIONS OF THE DORM PRESIDENT WAS TO ORGANIZE SOCIAL ACTIVITIES FOR THE DORM.

RANDY WAS OUR DORM PRESIDENT DURING OUR SENIOR YEAR. I IMAGINE WE PROBABLY HAD OTHER OFFICERS

PROBABLY. VICE PRESIDENT AND TREASURERS, BUT I CAN'T RECALL EXACTLY HOW WE HAD IT STRUCTURED. I THINK I HAD ONE OF THE OFFICES AS SECRETARY OR TREASURER ONE OF THOSE YEARS. I CAN'T REMEMBER FOR SURE.

BUT WE WOULD DO THINGS. WE WOULD HAVE PARTIES. WE WOULD DO THINGS SUCH AS HAVE COMPETITION AMONG DORMS, INTRAMURAL-TYPE COMPETITIONS IN VARIOUS SPORTS. QUIZZES. WE HAD A DORM BOWL THAT WAS SORT OF THE EQUIVALENT OF T.V.'S COLLEGE BOWL. WE'D FILL THE TEAM ON. WE WOULD HAVE ENTRIES IN THE HOMECOMING PARADE THAT WE WOULD DECORATE.

AND-- ONE OF THE THINGS THAT GREEN HALL WAS KNOWN FOR WAS THAT WE WERE ALL ACTIVE PARTICIPANTS IN THIS TYPE OF INTRAMURAL ACTIVITY.

Q. HOW ABOUT CHARITABLE EVENTS? DID YOU AND RANDY AND THE OTHER MEMBERS OF GREEN HALL GET INVOLVED AT ALL IN ANY CHARITABLE EVENTS?

A. THERE WERE SOME THINGS WE DID. FOR INSTANCE, ONE YEAR WE HAD A BICYCLE RIDING, I GUESS YOU CALL A MARATHON. WE KEPT-- GOT A BICYCLE AND DECIDED WE WERE GOING TO KEEP IT MOVING DAY AND NIGHT FOR AN ENTIRE WEEK TO GENERATE SOME PUBLICITY AND TO RAISE SOME FUNDS. THIS WAS JUST PRIOR TO CHRISTMAS.

AS I RECALL, RANDY WAS ONE OF THE PEOPLE WHO HELPED US ORGANIZE THAT EVENT, AND WE KEPT THE BICYCLE GOING AROUND THE BLOCK THAT THE COLLEGE LIBRARY WAS ON.

WE COLLECTED DONATIONS, AND I CAN'T REMEMBER THE FIGURE OFFHAND, BUT I BELIEVE IT WAS SEVERAL HUNDRED DOLLARS THAT WE HAD THEN USED TO DONATE SOME FOOD AND PRESENTS FOR FAMILY-- FOR I BELIEVE IT WAS A FAMILY. I CAN'T REMEMBER IF IT WAS ONE FAMILY OR A GROUP OF FAMILIES THAT WERE IN THE AREA.

Q. IN THE WHAT AREA?

A. IN THE LOCAL AREA AROUND THE COLEGE.

Q. SO THE WHOLE PURPOSE WAS TO DO WHAT YOU COULD TO HELP SOME NEEDY FAMILY DURING THE CHRISTMAS TIME?

A. THAT'S RIGHT.

Q. NOW, YOU KNEW RANDY FOUR YEARS DURING THAT PERIOD OF TIME. YOU HAD NUMEROUS SOCIAL CONTACTS WITH HIM AND ESSENTIALLY YOU LIVED WITH HIM. LIVED WITH HIM IN THE SENSE OF BEING IN THE SAME BUILDING?

A. THAT'S RIGHT.

Q. YOU MUST HAVE SEEN HIM ON A DAILY BASIS.

A. YES, THAT'S RIGHT.

Q. DID YOU EVER SEE RANDY VIOLENT?

A. NOT THAT I CAN RECALL, NO.

Q. DO YOU THINK YOU WOULD RECALL IT--

A. SURE WOULD.

Q. HOW WOULD YOU-- HOW WOULD YOU-- WHAT OBSERVATION DID YOU MAKE ABOUT RANDY AS A HUMAN BEING? FOR INSTANCE, WAS HE A CARING PERSON, BASED ON THE OBSERVATIONS YOU MADE?

A. YES, HE CERTAINLY WAS. I THINK HE WAS VERY EASY TO GET TO KNOW AND TO BEFRIEND AND TO TALK TO AND TO BECOME FRIENDS WITH. I GUESS CERTAINLY WHEN I FIRST READ IN THE NEWSPAPER ABOUT THIS WHOLE SERIES OF INCIDENTS, I WAS VERY, VERY SHOCKED, VERY, VERY SURPRISED.

Q. THIS WASN'T THE RANDY THAT YOU KNEW?

A. THAT'S CORRECT. THAT COMPLETELY WAS-- THE LEAST LIKELY PERSON THAT I WOULD SUSPECT THAT WOULD BE ACCUSED OF THIS.

MR. MC DONALD: RUSSELL, RANDY WOULD LIKE TO ASK YOU A QUESTION.

EXAMINATION

BY THE DEFENDANT: Q. HI, RUSSELL.

A. HI, RANDY.

Q. BEEN AWHILE.

A. YES, IT HAS.

Q. HOW LONG HAS IT BEEN SINCE YOU'VE SEEN ME?

A. I DON'T THINK I'VE SEEN YOU SINCE GRADUATION, 1967.

Q. THAT'S QUITE AWHILE. YOU LOOK JUST THE SAME.

A. THANK YOU. YOU DO, TOO.

Q. WHEN WE WERE IN GREEN HALL AND EVEN BEFORE I WAS DROM PRESIDENT, WE WENT ON ACTIVITIES, RIGHT?

A. YES, THAT'S RIGHT.

Q. DID WE GO ON CAMPING TRIPS?

A. YES, WE DID. I CAN THINK OF TWO IN PARTICULAR DURING SEMESTER BREAK BETWEEN THE FALL SEMESTER AND THE SPRING SEMESTER.

THE FIRST ONE THAT I REMEMBER PARTICULARLY WAS DURING OUR JUNIOR YEAR OF COLLEGE, AND SEMESTER BREAK WE CHOSE TO GO TO THE GRAND CANYON. WE GOT A GROUP OF PEOPLE TOGETHER AND WE WENT IN VARIOUS STAGES AS OUR FINAL EXAMS ENDED. AND WE RENDEZVOUSED.

IN MY CASE AS I RECALL I RENDEZVOUSED WITH YOU IN FLAGSTAFF AND WE DROVE UP TO THE GRAND CANYON, PARKED THE CARS AND HIKE DOWN TO THE BOTTOM OF THE GRAND CANYON AND CAMPED DOWN THERE. THERE MUST HAVE BEEN ABOUT EIGHT OR NINE OR TEN OF US, I DON'T REMEMBER THE EXACT COUNT. WE HIKE DOWN THERE, CAMPED OVERNIGHT.

BEING JANUARY OR FEBRUARY, I GUESS, WHICH WAS BETWEEN SEMESTERS, THE WEATHER WAS COLD. WE HAD A MISERABLE TIME THERE AT THE GRAND CANYON.

THEN WE HIKE BACK OUT THE NEXT DAY AND IT TOOK US ALL DAY. IT WAS AFTER DARK BEFORE MOST OF US GOT OUT OF THE CANYON. WE WERE SO MISERABLE WITH THAT WHOLE EXPERIENCE THAT THE FOLLOWING YEAR, WHICH WAS OUR SENIOR YEAR, WE DECIDED WE WANTED TO GO SOMEPLACE THAT WAS WARM, SO WE WENT TO DEATH VALLEY. AND AGAIN, WE GOT A GROUP OF PEOPLE TOGETHER AND WENT IN VARIOUS STAGES AND WENT CAMPING AT DEATH VALLEY.

I REMEMBER THE DEATH VALLEY TRIP THE MOST



NOTABLE THING THERE WAS, AS I RECALL, YOUR CAR RAN OUT OF GAS TWO TIMES.

Q. THAT'S POSSIBLE. I DON'T RECALL THAT.

IN GREEN HALL, DID YOU EVER SHARE A ROOM WITH ME?

A. NO, I NEVER DID. WE LIVED-- WE SHARED-- WE WERE IN THE SAME FOUR-ROOM SUITE TOGETHER DURING OUR SENIOR YEAR, AND I THINK THAT WE WERE ALWAYS-- I THINK THAT THERE WAS HOW MANY ROOMS IN THE WHOLE DORM? POSSIBLY-- LET ME THINK. THIRTY ROOMS, PERHAPS IN THE WHOLE DORM, SO-- IT'S JUST A TWO-STORY DORMITORY, SO WE WERE NEVER VERY FAR.

Q. DID YOU HAVE OCCASION TO BE IN MY ROOM?

A. SURE. I VISIT-- WE'D VISIT IN EACH OTHER'S ROOMS FROM TIME TO TIME.

Q. CIRCULATED PRETTY FREELY?

A. THAT'S RIGHT. OUR DOORS WERE NEVER LOCKED.

Q. IN MY ROOM DID YOU EVER SEE ANY WEAPONS OF ANY KIND?

A. NO, I DON'T RECALL EVER SEEING WEAPONS.

Q. YOU EVER KNOW ME TO BE THE KIND OF PERSON THAT KEPT WEAPONS OR KEPT THAT KIND OF REGALIA?

A. NO, NOT AT ALL.

Q. DO YOU KNOW ME TO BE THE KIND OF PERSON WHO WAS-- HAD SOME SORT OF INTEREST IN THE MILITARY OR WARS, THAT KIND OF THING?

A. LET'S SEE NOW. I-- I BELIEVE THAT THE-- MY IMPRESSION-- I CAN'T REALLY THINK OF ANYTHING IN PARTICULAR, BUT MY IMPRESSION WOULD BE THAT WORLD WAT II AND MILITARISTIC-- I GET SORT OF A MILITARISTIC IMAGE OF YOU WHEN I THINK ABOUT-- ABOUT IT, BUT I CAN'T REALLY PLACE ANY PARTICULAR IMPLEMENT OR ANY PARTICULAR SIGN OR ANYTHING.

Q. DO YOU RECALL A STUDENT BY THE NAME OF DENNIS M----?

A. YES, I DO.

Q. AND DO YOU RECALL THAT WE HAD AN INTEREST IN PRUSSIANISM AND THAT SORT OF THING?

A. THAT'S RIGHT. YES. EXACTLY PRUSSIAN MILITARY HISTORY AND SO ON.

Q. RIGHT. BUT ARE YOU SAYING THAT I HAD THE SAME SORT OF INTEREST AS DENNIS?

A. MY IMPRESSION IS THAT-- THAT YOU MAY HAVE HAD SIMILAR INTEREST. BUT LIKE I SAY, I CAN'T REALLY PLACE ANYTHING-- ANY PARTICULAR SIGN OR SYMBOL TO THAT.

Q. NO UNIFORMS OR--

A. NO.

Q. -- BANNERS OR ANYTHING LIKE THAT?

A. NO, NOT THAT I CAN RECALL.

Q. DO YOU RECALL WHAT I HAD MY ROOM DECORATED WITH? ANY OF THE ODDS AND ENDS I MIGHT HAVE HAD AROUND? ANYTHING STAND OUT IN YOUR MEMORY?

A. LET ME THINK NOW. THERE WAS A PAINTING, A REMBRANDT PAINTING, AND I CAN'T EVEN REMEMBER THE NAME OF THE PAINTING. AND I DON'T EVEN KNOW IF THAT WAS YOURS OR ROOMMATE'S.

Q. DO YOU RECALL ANYTHING LIKE A STOP SIGN, A TRAFFIC SIGNAL?

A. AT ONE TIME I REMEMBER I WALKED IN YOUR ROOM, I BELIEVE IT WAS OUR SENIOR YEAR, AND THERE WAS A STOPLIGHT-- STOP SIGNAL, THE RED-AMBER-GREEN STOPLIGHT. AND I THINK YOU WERE JOKINGLY SAYING SOMETHING YOU SAW LYING BY THE SIDE OF THE ROAD THAT WAS IN A CRATE OR SOMETHING. I REMEMBER SEEING THAT IN YOUR ROOM.

Q. DO YOU RECALL THE FIRST TIME YOU EVER MET ME?

A. NO, I DON'T RECALL IN PARTICULAR THE FIRST TIME. I IMAGINE IT MUST HAVE BEEN DURING OUR FRESHMAN ORIENTATION WEEK DURING OUR FRESHMAN YEAR IN COLLEGE.

Q. THAT'S ALL. THANK YOU.

THE COURT: MR. BROWN, CROSS EXAMINATION.

MR. BROWN: WE HAVE AN INTERVIEW BOOK WITH THE WITNESS COMING UP; IT'S NOT HERE YET. CAN WE TAKE A RECESS? IT'S DOWNSTAIRS.

THE COURT: IT'S YOUR DUTY LADIES AND GENTLEMEN, NOT TO CONVERSE AMONG YOURSELVES, ANYONE ELSE THE NATURE OR SUBJECT OF THIS MATTER, FORM OR EXPRESS ANY OPINION UNTIL THE MATTER IS FINALLY SUBMITTED TO YOU.

THANK YOU, AND WHAT TIME? FIFTEEN, 20, 25?

MR. BROWN: THAT WOULD BE FINE. JUST ELEVATOR TIME.

THE COURT: TAKE A 20-MINUTE RECESS, PLEASE.

(RECESS.)

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

THE COURT: ON THE RECORD OUT OF THE PRESENCE OF THE JURY.

FIRST OF ALL, THERE'S A REQUEST FOR A STILL CAMERA. THE COURT'S TENTATIVELY GRANTED IT. I DON'T KNOW IF ANYONE WANTS TO ADD ANYTHING TO THE STILL CAMERA REQUEST. I THINK WE'VE COVERED IT. IF NOT, WE WILL MOVE ON TO ANOTHER AREA AND I DON'T KNOW WHERE, BUT WE WILL. GO AHEAD.

MR. BROWN: MR MC DONALD HAS REQUESTED A HEARING WITH RESPECT TO THE CROSS EXAMINATION OF MR. C----. AND IT CONCERNS THE HAVE YOU HEARD TYPE QUESTIONS. I DON'T KNOW IF THE COURT RECALLS OR NOT, BUT THE COURT, MR. MC DONALD AND MYSELF WERE INTERVIEWING PERSPECTIVE--

THE COURT: YOU WANT THE WITNESS EXCUSED?

MR. BROWN: IT DOESN'T MAKE ANY DIFFERENCE.

THE COURT: OKAY.

MR. BROWN: WE WERE INTERVIEWING PERSPECTIVE JURORS BACK ON AUGUST 23<sup>RD</sup>, 1988. AT THAT TIME ONE OF THE PERSPECTIVE JURORS WAS AN INDIVIDUAL BY THE NAME OF



