

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 27, 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

OUT OF STATE, WILL BE IN AT 1:00 O'CLOCK. RATHER THAN GET IT IN THIS MORNING, WE WILL PUT IT ON AT 1:30 THIS AFTERNOON, SO THE MORNING WILL BE FAIRLY BRIEF.

TOMORROW MORNING WE'LL START UP 9:30
TOMORROW MORNING? WE WILL START UP AT 9:30 AND PROBABLY TAKE MOST OF THE MORNING, SO PLAN TO BE HERE. AND MONDAY WILL BE AT 9:00 O'CLOCK START UP WITH A SHORT DAY.

AND THE OTHER GOOD NEWS BAD NEWS IS MY BAILIFF IS ABSENT, WHICH IS GOOD NEWS. THE BAD NEWS IS HE'S A NEW FATHER AND IS GOING TO TAKE TWO WEEKS OFF.

WITH THAT IN MIND, YOU MAY PROCEED.

MR. MC DONALD: THANK YOU, YOUR HONOR.

THE CLERK: RAISE YOUR RIGHT HAND, SIR.

LOUIS JAMES P-----,

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: LOUIS JAMES P-----, L-O-U-I-S,
J-A--

THE CLERK: I AM SORRY, WHAT WAS THAT?

THE WITNESS: J-A-M-E-S, P-----.

THE COURT: BE SEATED, SIR, HOLD YOUR VOICE UP, IF YOU WOULD, SO THE JURY CAN HEAR YOU.

DIRECT EXAMINATION

BY MR. MC DONALD: Q. MORNING, LOUIS.

PRIOR TO COURT TODAY, WE HAD A DISCUSSION
WITH REGARD TO THE NATURE OF THESE PARTICULAR PROCEEDINGS.

A. YES.

Q. AND THE FACT THAT WE ARE TRYING TO HELP THE
JURY UNDERSTAND WHO RANDY IS AS A HUMAN BEING.

A. UH-HUH.

Q. AND YOU ARE RELATED TO RANDY INDIRECTLY,
AREN'T YOU?

A. YES.

Q. HOW IS THAT?

A. I AM MARRIED TO HIS NIECE.

Q. AND WHICH NIECE IS THAT?

A. IT'S HIS-- MELANIE-- IT'S HIS-- GOT QUITE
A FEW NIECES. IT'S THE OLDEST ONE IN THE L----' FAMILY.

Q. OLDEST DAUGHTER IN THE L---- FAMILY?

A. YES, THE OLDEST ONE.

Q. NOW WOULD YOU DESCRIBE TO THE JURY HOW YOU
FIRST MET MELANIE?

A. WHEN I WAS IN OKINAWA, JAPAN. I WAS IN THE
MARINE CORPS; SHE WAS ALSO IN THE MARINE CORPS. I MET HER
OVERSEAS.

Q. WHEN WAS THAT APPROXIMATELY?

A. ABOUT-- ABOUT 1981. ABOUT THE-- SOMEWHERE
IN BETWEEN JUNE AND JULY, SOMEWHERE IN THERE.

Q. AND AFTER THAT MEETING YOU BEGAN DATING, AND SUBSEQUENTLY YOU MARRIED.

A. YES.

Q. AND YOU CAME BACK TO THE UNITED STATES?

A. YES, I CAME BACK. SHE CAME BACK BEFORE I DID; THEN I CAME BACK IN '82.

Q. WHEN YOU RETURNED TO THE UNITED STATES, THAT'S WHEN YOU MET RANDY AND ALL THE VARIOUS MEMBERS OF RANDY'S FAMILY?

A. YES.

Q. WOULD YOU DESCRIBE TO THE JURY-- THIS IS OBVIOUSLY AN INTER-RACIAL MARRIAGE BETWEEN YOU AND MELANIE.

A. YES.

Q. WOULD YOU DESCRIBE TO THE JURY RANDY'S ATTITUDE AND HOW HE TREATED YOU WHEN YOU FIRST MET AND CAME INTO THE FAMILY.

A. HE ACCEPT ME LIKE THE REST OF THE FAMILY DID. THERE WAS NOTHING PREJUDICE, NOTHING LIKE THAT. JUST ACCEPT ME LIKE I WAS A PERSON. I AM A PERSON, BUT ACCEPT ME LIKE A PERSON. NO RACIAL NOTHING.

Q. YOU'VE SEEN OPPOSITE REACTION, HAVEN'T YOU?

A. YES.

Q. HAVE YOU SEEN SOME BIGOTRY IN YOUR DAYS?

A. YEAH.

Q. NOT ONLY TOWARDS YOU BUT TO OTHER BLACKS IN

PARTICULAR, BUT OTHER RACIAL GROUPS?

A. YES, BOTH SIDES. ORIENTALS AND ALL THAT STUFF, EVERYTHING ELSE.

Q. YOU NEVER SAW ANY OF THAT ON RANDY'S PART, DID YOU?

A. NO.

Q. NOW, DURING THE COURSE OF YOUR CAREER WITH THE MARINE CORPS AND JUST LIVING AS A HUMAN BEING, HAVE YOU HAD THE OPPORTUNITY TO SEE VIOLENT PEOPLE?

A. YES.

Q. HAVE YOU HAD THE OPPORTUNITY TO SEE PEOPLE THAT USE DRUGS AND ABUSE DRUGS?

A. YES.

Q. HAVE YOU HAD THE OPPORTUNITY TO SEE PEOPLE THAT ARE NOT ONLY DISRESPECTFUL, BUT MEAN SPIRITED TOWARDS OTHER HUMAN BEINGS?

A. YES.

Q. WHAT ABOUT VIOLENCE? HAVE YOU EVER SEEN RANDY KRAFT VIOLENT?

A. NO.

Q. HAVE YOU EVER SEEN HIM UNKIND OR MEAN SPIRITED TOWARDS ANY INDIVIDUAL?

A. NO.

Q. HAVE YOU EVER SEEN HIM USE DRUGS, ABUSE DRUGS, OR OFFER YOU DRUGS?

A. NO.

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Q. NOW, YOU FIRST MET MELANIE IN '81, SO YOU KNEW RANDY FROM SHORTLY AFTER YOUR RETURN, WHICH WAS WHEN?

A. IN '82, 1982.

Q. SO YOU KNEW HIM '82 AND '83.

A. YES.

Q. MOST OF YOUR CONTACTS WITH RANDY IN FAMILY GATHERINGS?

A. WELL, YEAH. HE ALSO STOPPED BY THE HOUSE A COUPLE TIMES. I MET HIM LIKE THAT. AS A MATTER OF FACT, THE FIRST TIME I MET HIM, HE STOPPED OVER THE L-----' HOUSE WAS WHEN I FIRST MET HIM. BUT ALSO SEEN HIM AT THE OTHER GATHERINGS, THE HOLIDAY GATHERINGS AND STUFF.

Q. ALWAYS MAKE IT A POINT TO COME UP AND TALK TO YOU?

A. YES.

Q. ASK HOW YOU ARE?

A. YES.

Q. ASK HOW YOU ARE DOING AS FAR AS CAREER-WISE AND OTHER THINGS THAT WERE IMPORTANT TO YOU?

A. YES.

Q. WHAT DID YOU THINK WHEN YOU READ ABOUT RANDY'S ARREST?

A. I WAS SHOCKED. DIDN'T BELIEVE IT. STILL DON'T BELIEVE IT, BUT I WAS SHOCKED.

Q. THAT WASN'T THE MAN YOU KNEW.

A. NO.

EXAMINATION

BY THE DEFENDANT: Q. HI, LOUIS.

A. GOOD MORNING, RANDY.

Q. AT THE TIME THAT I WOULD SEE YOU AT THE
L-----', RESIDENCE OR AT ANY OF THE FAMILY GET TOGETHERS,
DID I SHOW AND UNUSUAL INTEREST IN THE UNITED STATES
MARINE CORPS?

A. NO.

THE DEFENDANT: THAT'S ALL. THANK YOU.

MR. BROWN: NO QUESTIONS.

THE COURT: THANK YOU, SIR.

MR. BROWN: THANKS FOR COMING IN.

MR. MC DONALD: THANK YOU, LOUIS.

MR. MC DONALD: DOUGLAS G-----.

THE CLERK: RAISE YOUR RIGHT HAND, SIR.

NEWTON DOUGLAS G-----,

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

 THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND
SPELL IT, PLEASE.

 THE WITNESS: NEWTON DOUGLAS G-----,
G-----.

 THE CLERK: YOU MAY BE SEATED IN THE WITNESS STAND,
MR. G-----.

DIRECT EXAMINATION

BY MR. MC DONALD: Q. YOU GO BY DOUG.

A. YES, I DO.

Q. DOUG, WE HAVE HAD A CONVERSATION THIS MORNING TO HELP YOU ORIENT-- BECOME ORIENTED AS TO THESE PROCEEDINGS AND HELP YOU UNDERSTAND THAT THIS JURY IS GOING TO DETERMINE WHETHER OR NOT ESSENTIALLY RANDY RECEIVES THE DEATH PENALTY OR LIFE WITHOUT POSSIBILITY OF PAROLE.

A. THAT'S CORRECT.

Q. SO WE ASK YOU TO COME HERE TODAY TO SHARE YOUR OBSERVATIONS, FEELINGS, AND PERCEPTIONS OF RANDY KRAFT DURING THE TIME PERIOD YOU KNEW HIM. CORRECT?

A. CORRECT.

Q. NOW, THE TIME YOU KNEW RANDY WAS YOU WERE BOTH STUDENTS AT CLAREMONT MEN'S COLLEGE?

A. THAT'S CORRECT.

Q. AND WOULD YOU TELL THE JURY FIRST OF ALL HOW YOU FIRST GOT TO KNOW RANDY?

A. I STARTED MY FRESHMAN YEAR AT CLAREMONT MEN'S COLLEGE IN THE FALL OF 1964. RANDY WAS IN THE CLASS IMMEDIATELY AHEAD OF ME. WE WERE AT-- WE WERE IN THE SAME DORMITORY, GREEN DORM. AND I JUST GOT TO KNOW EANDY THROUGH THE NORMAL COURSE OF DORM LIFE.

Q. OKAY. SPEAKING OF NORMAL DORM LIFE, WOULD YOU DESCRIBE TO THE JURY THE TYPE OF SCHOOL CLAREMONT WAS

DURING THAT TIME AND ALSO WHATEVER YOU CAN RECALL OF THE DORM LIFE ITSELF.

A. CLAREMONT WAS A MEN'S COLLEGE. THERE WERE 800 STUDENTS, ALMOST ALL OF US WERE TAKING POLITICAL SCIENCE OR ECONOMICS OR ACCOUNTING, BUSINESS RELATED COURSES. IT WAS A VERY DIFFICULT SCHOOL TO GET INTO, IT WAS VERY DEMANDING. IT WAS A LOT OF WORK.

THE GREEN DORM WAS PART OF A GROUP OF FOUR OF THE OLDER DORMS. AND IT COST LESS TO STAY THERE, SO THE PEOPLE THAT WERE THERE MOSTLY WERE SCHOLARSHIP STUDENTS, AND WE DIDN'T HAVE A LOT OF STUFF GOING ON OUTSIDE, SO OUR SOCIAL LIFE TENDED TO BE FOCUSED AROUND THE DORM. SO WE GOT TO KNOW EACH OTHER FAIRLY WELL.

Q. IN FACT, DURING THE TIME YOU WERE THERE, YOUR JUNIOR YEAR, RANDY'S SENIOR YEAR, YOU ACTUALLY SHARED THE SAME ROOM WITH RANDY?

A. THAT'S CORRECT, WE WERE ROOMMATES.

Q. HOW DID THAT COME ABOUT?

A. AT THE END OF THE SOPHOMORE YEAR, EACH OF US WERE ALLOWED TO CHOOSE SOMEONE TO BE A ROOMMATE FOR THE NEXT YEAR, AND IF WE DIDN'T MAKE A CHOICE OR EXPRESS A PREFERENCE, THE SCHOOL WOULD GO AHEAD AND DO IT FOR US. BUT I CHOSE RANDY. I WANTED TO BE RANDY'S ROOMMATE.

Q. WHY?

A. WELL, I LIKED RANDY. I HAD KNOWN HIM FOR A COUPLE YEARS, AND HE WAS A VERY STABLE, STRAIGHT AHEAD

TYPE GUY. SOMEBODY I FELT I COULD GET ALONG WITH; AND THAT IF PROBLEMS CAME UP IN THE COURSE OF DAY-TO-DAY LIFE, AS THEY DO WHEN YOU LIVE IN CLOSE PROXIMITY WITH SOMEBODY, I WAS CONFIDENT WE COULD WORK THEM OUT TOGETHER. HE WASN'T A REAL SELFISH PERSON OR HAVE A HUGE EGO THAT WOULD GET IN THE WAY. HE WAS JUST SOMEBODY I FELT I COULD GET ALONG WITH.

Q. DURING THE LAST YEAR, RANDY'S LAST YEAR AT LEAST, HE WAS ALSO THE DORM PRESIDENT, WASN'T HE?

A. THAT'S CORRECT.

Q. WHAT DO YOU RECALL ABOUT HIS TENURE AS THE DORM PRESIDENT AND WHAT TYPE OF ACTIVITIES WERE GOING ON AT THE SCHOOL?

A. WELL, THE-- THE POST OF DORM PRESIDENT WAS-- IT'S NOT A VERY-- IT'S-- WASN'T A VERY ELEGANT THING NECESSARILY, BUT IT GENERALLY WENT TO SOMEBODY WHO HAD GOTTEN TO KNOW THE MEN IN THE DORM AND WHO HAD EXPRESSED AN INTEREST IN PEOPLE AND WAS JUST KNOWN TO EVERYBODY AND WHO IS WILLING TO DO THE WORK, ORGANIZING SOCIAL ACTIVITIES AND THAT TYPE OF THING.

AND RANDY WAS WELL-KNOWN AND WELL-LIKED BY THE PEOPLE IN THE DORM, AND SO HE WAS-- THAT'S HOW HE GOT TO BE PRESIDENT. HIS ROLE, HIS FUNCTION PRIMARILY WAS TO SIMPLY PERIODICALLY GET ORGANIZED PARTIES.

THERE WAS ONE ROOM IN THE DORM, A BIG KIND OF ASSEMBLY-TYPE ROOM WHERE WE WOULD HAVE PARTIES FOR A KEG OR

SOMETHING, THAT TYPE OF THING. IF THERE WERE OTHER SOCIAL EVENTS IN CONJUNCTION WITH OTHER DORMS, SOME OF THE WOMEN'S COLLEGES THAT WERE IMMEDIATELY ADJACENT TO THE COLLEGE, THEN HE WOULD HAVE SOMETHING TO DO WITH THAT AS WELL.

Q. ALSO CHARITABLE ACTIVITIES?

A. CHARITABLE ACTIVITIES AS WELL. I THINK DURING RANDY'S-- WHILE HE WAS THE DROM PRESIDENT, I THINK THAT THERE WAS-- I CAN THINK OF AT LEAST ONE EVENT, SOME KIND OF A BIKE-A-THON OR SOMETHING, THAT WHERE PEOPLE WOULD MAKE DONATIONS DEPENDING ON HOW MANY TIMES SOMEBODY WENT AROUND A SPECIFIC AREA ON A BICYCLE, THAT KIND OF THING. I THINK RANDY ORGANIZED OR HELPED ORGANIZE THAT.

Q. OKAY. AFTER YOU GRADUATED FROM CLAREMONT, WHAT DID YOU DO EDUCATIONALLY SPEAKING?

A. WELL, I WAS IN THE ARMY FOR A COUPLE YEARS. AND THEN I WENT TO LAW SCHOOL AT THE UNIVERSITY ARIZONA FOR THREE YEARS. AND THEN I WENT INTO THE PRACTICE OF LAW.

THE COURT: SHOWS A DISTINCT LACK OF JUDGEMENT.

BY MR. MC DONALD: Q. NOW, AFTER YOUR EXPERIENCE AND LIVING WITH RANDY DURING ESSENTIALLY THOSE THREE TO FOUR YEARS AT CLAREMONT, YOU DIDN'T MAINTAIN SOCIAL CONTACTS WITH HIM. DID YOU?

A. NO, I DIDN'T.

Q. BUT DURING THAT PERIOD OF TIME YOU HAD

PLENTY OF OPPORTUNITY TO SEE HIM, COME IN CONTACT WITH HIM, MAKE PERCEPTIONS ABOUT HIM, FEELINGS, AND EVALUATE HIM AS A HUMAN BEING?

A. I BELIEVE I DID, YES.

Q. WHAT WERE THOSE PERCEPTIONS?

A. WELL, I FELT THAT RANDY AT THAT TIME, THE TIME THAT I KNEW HIM, WAS A VERY SENSITIVE PERSON, A VERY CARING PERSON, SOMEBODY WHO WOULD REALLY GO OUT OF HIS WAY TO HELP PEOPLE THAT HE THOUGHT REALLY NEEDED HIS HELP.

I RECALL THAT WHEN HE WAS DORM PRESIDENT, I RECALL THAT SOME OF THE-- A COUPLE OF FIRST YEAR STUDENTS, FRESHMEN, WERE HAVING TROUBLE GETTING ORIENTED TO CLAREMONT, WHICH WAS NOT AN UNUSUAL SITUATION.

IT WAS A VERY DEMANDING PLACE, COULD BE A VERY COLD PLACE. AND RANDY VERY MUCH TRYING TO REASSURE THE PEOPLE, SAY WE ALL GO THROUGH THIS STUFF; AND IF YOU JUST WORK THROUGH IT, WORK THROUGH, YOU WILL MAKE IT.

HE WAS-- HE REALLY TRIED TO HELP PEOPLE, AS I SAY, WHO-- THAT HE FELT NEEDED HIS ASSISTANCE. BUT HE DIDN'T FORCE HIMSELF ON PEOPLE. HE WASN'T THAT KIND OF A DO-GOODER TYPE PERSON. WHERE HE FELT THAT HIS HELP COULD BE OF ASSISTANCE, HE WAS WILLING TO HELP.

Q. YOU'VE LEARNED SUBSEQUENTLY THAT RANDY'S BEEN CONVICTED OF A NUMBER OF HOMICIDES.

A. THAT'S CORRECT.

Q. IS THERE ANYTHING IN THE RANDY THAT YOU

KNEW, PERSONALITY THAT YOU KNEW, OR THE CARING, SENSITIVE PERSON THAT YOU HAVE DESCRIBED THAT ON REFLECTION NOW YOU CAN THINK ABOUT, THERE WAS SOMETHING STRANGE, THERE WAS SOMETHING WEIRD, THERE WAS SOMETHING WHATEVER THAT WOULD GIVE YOU A CLUE THAT HE WAS CAPABLE OF THESE TYPE OF OFFENSES?

A. YOU KNOW, ABOUT-- I THINK IT WAS TWO AND A HALF YEARS AGO OR THREE YEARS AGO I GOT A CALL FROM A DEPUTY IN THE ORANGE COUNTY SHERIFF'S DEPARTMENT WHO JUST TOLD ME WHAT GENERALLY WAS GOING ON AND WANTED INFORMATION ABOUT WHAT I KNEW ABOUT RANDY. AND TOLD ME GENERALLY WHAT THE SITUATION WAS.

AND I'VE-- I HAVE HAD A LOT OF TIME TO REFLECT ON THAT BECAUSE IT JUST-- IT'S COMPLETE-- THOSE FOUR YEARS OF MY LIFE KIND OF-- PUTS A COMPLETELY DIFFERENT LIGHT ON IT. BUT I JUST-- I CAN'T THINK OF A SINGLE INSTANCE IN THE TIME THAT I KNEW RANDY WHERE HE WAS VIOLENT OR TOWARD ANYBODY OR-- YOU KNOW, WOULD-- I MEAN, EVEN BEING OVERTLY AGGRESSIVE AND MEAN TOWARD ANYBODY. I CAN'T THINK OF A SINGLE INSTANCE IN THE TIME THAT I KNEW HIM THAT THAT HAD HAPPENED.

SO NO, I'VE GIVEN THE MATTER A LOT OF THOUGHT, AND I CAN'T THINK OF A SINGLE THING IN MY REMEMBRANCE OF RANDY THAT WOULD LEAD ME TO BELIEVE THAT-- OR LEAD ME TO HAVE BEEN ABLE TO PREDICT THAT THIS KIND OF THING WOULD HAVE HAPPENED.

MR. MC DONALD: I THINK RANDY WOULD LIKE TO TALK TO YOU.

EXAMINATION

BY THE DEFENDANT: Q. HELLO, DOUG.

A. HELLO.

Q. IS CLAREMONT WERE YOU IN R.O.T.C.?

A. YES.

Q. DO YOU RECALL WHETHER OR NOT I WAS?

A. YES.

Q. CAN YOU DESCRIBE WHAT R.O.T.C. IS?

A. IT'S THE RESERVE OFFICERS TRAINING CORPS.

IT'S A MEANS BY WHICH PEOPLE WHO ARE GOING TO COLLEGE CAN GET MILITARY TRAINING WHILE THEY ARE IN COLLEGE, THEN UPON GRADUATION ARE COMMISSIONED INTO THE ARMED FORCES, AND THEN GO ON TWO YEARS OF ACTIVE DUTY.

Q. DO YOU RECALL OUR ROOM AT GREEN HALL?

A. YES.

Q. I KNOW IT'S STRETCHING YOUR MEMORY, BUT-- DO YOU RECALL ANY STOP SIGN OR STOPLIGHT THAT MIGHT HAVE BEEN IN THE ROOM?

A. YES, I DO.

Q. AND WHOSE WAS THAT?

A. YOURS.

Q. AND DO YOU RECALL WHERE I GOT IT?

A. I DON'T.

Q. DO YOU RECALL ANY POSTERS OR PHOTOGRAPHS

THAT MIGHT HAVE BEEN ON THE WALL?

A. NO.

Q. DO YOU RECALL WHETHER OR NOT I HAD ANY PREOCCUPATION WITH THE MARTIAL ARTS, THE CHUCK NORRIS, BRUCE LEE KIND OF--

A. NOT THAT I RECALL.

Q. ANY PREOCCUPATION WITH WEAPONS OR THAT SORT OF THING?

A. NO. YOU KNOW, MY RECOLLECTION WAS IN FACT ONE OF THE REASONS THAT-- ONE OF THE REASONS THAT I WANTED-- SELECTED YOU FOR A ROOMMATE WAS I KNEW I WAS GOING INTO R.O.T.C. AND THIS WAS 19-- THE END OF 1966. EARLY 1967, AND THIS WAS NOT VERY WELL THOUGHT OF BY A LOT OF PEOPLE, IT WAS NOT A VERY-- BUT I FELT THAT YOU WERE AMONG THE MORE NONJUDGMENTAL PEOPLE, AT LEAST AS FAR AS THIS KIND OF THING WAS CONCERNED. ALTHOUGH I KNEW YOU DIDN'T AGREE WITH THIS SITUATION, I FELT THAT I WOULDN'T BE MADE TO FEEL BAD ABOUT IT.

Q. THE WAR WAS GETTING UNDER WAY AT THAT TIME, WASN'T IT?

A. YES.

Q. -- THIS IS A REAL STRETCHER OF THE MEMORY, BUT DO YOU RECALL THE BATHROOM SETUP--

A. YES.

Q. -- IN THE DORMS? ALL EIGHT MEN WOULD SHARE THE SAME--

A. THAT'S RIGHT.

Q. -- FACILITY; IS THAT RIGHT?

A. RIGHT.

Q. AND BASICALLY IT WAS DIVIDED HALF ON ONE SIDE OF THE BUILDING AND HALF ON THE OTHER SIDE?

A. THAT'S CORRECT.

Q. BUT ALL OUR TOLITRIES FOR THE FOUR PEOPLE THAT LIVED ON THE ONE HALF WERE KEPT IN A-- THERE WERE FOUR DIFFERENT MIRRORS WITH LITTLE MEDICINE CABINETS BEHIND THEM?

A. RIGHT.

Q. THIS IS MY QUESTION. DO YOU RECALL WHAT I USED FOR SHAVING AT THAT TIME? I KNOW THAT'S AN OFF-THE-WALL QUESTION, SORRY TO STRETCH YOUR MEMORY.

A. I-- I CAN'T-- SOMEBODY USED A STRAIGHT RAZOR. I CAN'T REMEMBER WHETHER IT WAS YOU OR NOT. I REALLY DON'T REMEMBER.

Q. OKAY, THAT'S FINE.

DO YOU RECALL THAT THE POSITION OF DORM PRESIDENT WAS ELECTED?

A. YES, IT WAS ELECTED.

Q. DO YOU HAPPEN TO RECALL THE ELECTION WHERE I WAS ELECTED DORM PRESIDENT BY ANY CHANCE-- TO THE EXTENT COULD YOU REMEMBER WHO I RAN AGAINST?

A. NO, I CAN'T.

Q. WOULD THE NAME MIKE DONOVAN REFRESH YOUR

MEMORY AT ALL?

A. SURE.

Q. WOULD YOU RECALL I RAN AGAINST HIM FOR THAT OFFICE?

A. YES.

Q. HOW WOULD YOU COMPARE MYSELF AND MIKE DONOVAN?

A. WELL, MIKE WAS A BIG, BURLY TYPE OF GUY, AND VERY-- NOT VERY REFINED. AND HE WAS PRETTY AGGRESSIVE AND-- WELL, THAT'S HOW I RECALL HIM, ANYWAY.

Q. HE WAS MORE OF THE PARTY HARDY TYPE--

A. RIGHT. RIGHT.

THE DEFENDANT: THAT'S ALL. THANKS.

THE COURT: MR. BROWN.

MR. BROWN: I DON'T HAVE ANY QUESTIONS.

THE COURT: THANK YOU, SIR. YOU ARE EXCUSED.

MR. BROWN: MAY THIS WITNESS REMAIN SUBJECT TO CALL?

THE COURT: SURE. THANK YOU, YOU ARE EXCUSED.

THE WITNESS: YOUR HONOR, I AM ABOUT TO GET ON A PLANE TO GO BACK TO PHOENIX; IS THAT GOING TO BE A PROBLEM?

THE COURT: THAT'S OKAY.

MR. BROWN: IF WE ARE JUST GOING TO BREAK-- ARE WE GOING TO BREAK RIGHT NOW? CAN WE JUST KEEP HIM HERE FOR JUST A LITTLE BIT UNTIL I CAN READ THAT REPORT.

THE COURT: OKAY. YOU WANT TO HANG AROUND FOR A COUPLE MINUTES. IF WE NEED YOU BACK, WE WILL ROUND UP THE JURORS, OTHERWISE THE JURORS CAN BE EXCUSED TILL 1:30.

OKAY. LADIES AND GENTLEMEN, YOU ARE ADMONISHED IT'S YOUR DUTY NO TO CONVERSE AMONG YOURSELVES, WITH ANYONE ELSE ANY SUBJECT CONNECTED WITH THIS TRIAL, FORM OR EXPRESS ANY OPINION UNTIL THE MATTER IS FINALLY SUBMITTED TO YOU. THANK YOU, WE WILL SEE YOU AT 1:30.

(NOON RECESS.)

