

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 25, 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
OFFICIAL COURT REPORTER

S. WINGERD, CSR 6467

GARY M-----,

 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: GARY M-----, M-----.

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

DIRECT EXAMINATION

 BY MR. MC DONALD: Q. GARY, WE SPOKE EARLIER THIS
MORNING. AND YOU KNOW RANDY KRAFT, DON'T YOU?

 A. YES, I DO.

 Q. AND YOU UNDERSTAND WHAT THE PROCEEDINGS IS
ALL ABOUT TODAY?

 A. YES.

 Q. WE HAVE ASKED YOU TO COME HERE AND SHARE
YOUR OBSERVATIONS AND YOUR FEELINGS AND PERCEPTIONS OF
RANDY AS FAR AS YOU KNEW HIM, CORRECT?

 A. YES.

 Q. AND YOU AND RANDY WENT TO COLLEGE TOGETHER?

 A. THAT'S RIGHT.

 Q. WOULD YOU DESCRIBE TO THE JURY WHEN THAT
WAS?

 A. 1963 THROUGH '67. A SMALL SCHOOL IN
CLAREMONT.

Q. CLAREMONT MEN'S COLLEGE AT THAT TIME?

A. RIGHT, RIGHT.

Q. DID YOU LIVE IN THE SAME DORMITORY AS RANDY?

A. YES, WE DID, AS I RECALL FOR FOUR YEARS.

Q. THAT WAS GREEN HALL?

A. THAT'S RIGHT.

Q. NOW, PARTICULARLY I THINK IT WAS THE LAST YEAR OF YOUR SENIOR YEAR YOU WERE-- YOU HAD SPECIAL RESPONSIBILITIES AT GREEN HALL, CORRECT?

A. YES.

Q. WOULD YOU DESCRIBE TO THE JURY WHAT THAT WAS.

A. I WAS THE RESIDENT ASSISTANT, WHICH WAS SORT OF THE-- THE REPRESENTATIVE OF THE SCHOOL ADMINISTRATION WITHIN THE DORM. EACH DORMITORY HAD ONE, WHAT WE CALLED R.A. AND THAT WAS THE PERSON RESPONSIBLE FOR ENFORCING THE RULES OF THE SCHOOL; ESSENTIALLY NO BOOZE, NO WOMEN, NO NOISE DURING CERTAIN PERIODS, AND SORT OF BEING A BIG BROTHER FIGURE TO SOME OF THE YOUNGER STUDENTS AND A VARIETY OF OTHER ADMINISTRATIVE-TYPE TASKS FOR THE ADMINISTRATION.

Q. DID YOU HAVE SORT OF A LIAISON RESPONSIBILITY BETWEEN THE ADMINISTRATION AND GREEN HALL?

A. THAT'S RIGHT, YEAH. GREEN HAD BEEN--
THE COURT: WE USED TO CALL THEM DEN MOTHERS, I THINK.

MR. MC DONALD: I THINK IT'S A LITTLE MORE THAN THAT, YOUR HONOR.

THE WITNESS: DEN MOTHER MIGHT SUIT WELL.

BY MR. MC DONALD: Q. THAT'S HOW YOU GOT TO KNOW RANDY DURING THOSE FOUR YEARS, AND IN PARTICULAR YOU HAD EXTRA RESPONSIBILITIES, BUT ALONG WITH THOSE EXTRA RESPONSIBILITIES YOU GOT SOME EXTRA BENEFITS, TOO, DIDN'T YOU?

A. YES, I GOT ROOM AND BOARD.

Q. HOW IS IT THAT YOU WERE SELECTED AS THE RESIDENT ASSISTANT?

A. IT WAS A SELF-APPOINTED PROCESS, THEN YOU HAD TO GO THROUGH A REVIEW COMMITTEE OF PAST YEAR'S RESIDENT ASSISTANTS AND THE DEAN AND EVERYONE WOULD MAKE THE ROUNDS OF THE VARIETY OF R.A.'S, AND THEY WOULD SIT TOGETHER AND DECIDE WHICH GROUP OF NEW R.A.'S, THEY WANTED TO CHOOSE.

Q. WHAT WAS CLAREMONT-- CLAREMONT LIKE AS A SCHOOL DURING THE FOUR YEARS YOU WERE THERE?

A. IT UNDERWENT SOME CHANGES WHILE I WAS THERE. BUT AS WE BEGAN, YOU HAVE TO RECALL IT WAS A MEN'S COLLEGE, AND CLAREMONT WAS RATHER OUT IN THE BOONIES IN THOSE DAYS. IT WAS QUIET. IT WAS PEACEFUL.

IF SOMETHING HAPPENED, ALMOST ANYTHING WOULD HAPPEN THAT WAS A FORM OF EXCITEMENT, IT WAS A STRICT SCHOOL, HEAVY ACADEMIC EMPHASIS. SO MOST OF THE TIME GUYS

WERE SLOGGING AROUND IN LEVI'S AND SANDALS CARRYING BOOKS AND GOING OVER TO THE LIBRARY. OCCASIONALLY SOMETHING INTERESTING WOULD HAPPEN.

Q. HOW WAS-- NOW YOU WERE AWARE THAT RANDY WAS ELECTED THE DORM PRESIDENT THE LAST YEAR?

A. YES.

Q. HIS SENIOR YEAR. HOW DID THAT COME ABOUT? HOW IS THE PRESIDENT ELECTED?

A. IT'S A-- AS I RECALL, IT'S A SOCIAL FUNCTION, AND IF YOU WANTED TO BE PRESIDENT YOU WOULD SORT OF SELF-APPOINT YOURSELF AND WE WOULD HAVE ELECTIONS. THE PERSON WHO WAS CHOSEN TYPICALLY WAS THE ONE THAT THE MEMBERS OF THE DORM FELT MOST CONFIDENCE IN BEING ABLE TO MAINTAIN THE SPIRIT OF THE DORM. GREEN HALL WAS A UNIQUE DORM. WE WERE SORT OF THE BAD BOYS OF THE SCHOOL. BUT WE HAD A LOT OF SPIRIT AND A VARIETY OF SOCIAL FUNCTIONS AND IT WAS, AS I RECALL, IT FELL TO THE PRESIDENT TO KEEP THAT ALIVE.

AND RANDY'S SELECTION, I BELIEVE, INDICATED THE CONFIDENCE OF THE MEMBERS THAT HE COULD CARRY FORWARD WITH THE TRADITION OF GREEN HALL. AND AS I RECALL, HE DID.

Q. WHAT DO YOU MEAN THE BAD BOYS OF THE SCHOOL?

A. WELL, BY COMPARISON WITH THE OTHER DORMS, WE TEND TO BE A LITTLE BIT ROWDIER, A LITTLE BIT NOISIER. BY TODAY'S STANDARDS, CERTAINLY NOTHING WE EVER DID WOULD

QUALIFY AS PARTICULARLY BLACK MARK ON ANYONE'S RECORD. BUT NEVERTHELESS, WE WERE KIND OF SINGLED OUT AS BEING THE FELLOWS THAT HAD TO BE WATCHED MOST CLOSELY. WE WERE MORE LIKELY TO START A WATER FIGHT OR STEREO WAR OR IMPROMPTU BEER BUST OR SOMETHING LIKE THAT THAN MOST OF THE OTHER DORMS.

Q. SPEAKING OF ACTIVITIES THE DORM MIGHT ENGAGE IN, DO YOU REMEMBER A CHARITABLE DRIVE THAT RANDY AND SOME OF THE OTHERS WERE INSTRUMENTAL IN ORGANIZING?

A. YES, I DO. IT WAS THE LITTLE MISS SMILES DRIVE.

Q. LITTLE MISS SMILES?

A. LITTLE MISS SMILES.

Q. HOW DID IT GET ITS NAME?

A. AS I RECALL-- AND AGAIN, IT'S 25 YEARS, AGO-- WE HAD READ IN THE NEWSPAPER OF AN ABANDONED CHILD THAT WAS ABOUT THREE YEARS OLD AND THERE HAD BEEN AN ARTICLE, AND THE DISTINGUISHING FEATURE OF THIS LITTLE GIRL WAS THAT DESPITE HER STRESS, SHE WAS CONSTANTLY SMILING. AND I BELIEVE THE PRESS HAD DUBBED HER LITTLE MISS SMILES.

AND SOMEONE-- COULD HAVE BEEN RANDY, IT COULD HAVE BEEN BILL MC WILLIAMS OR A FEW OTHERS, CAME UP WITH THE IDEA THAT WE SHOULD SPONSOR A DRIVE TO RAISE SOME MONEY FOR THE BENEFIT OF THIS LITTLE GIRL. SO WE PUT ON I SUPPOSE YOU'D CALL IT A BIKE-A-THON WHERE WE HAD AN OLD

RAMSHACKLE BICYCLE AND WE ALSO HAD OUR GREEN HALL INSIGNIA. WE HAD AN OLD PITH HELMET WE WORE AND WE RODE AROUND THE MAIN LIBRARY ON A 24-HOUR BASIS FOR TWO OR THREE DAYS PLAYING-- WE HAD A RECORD PLAYER PLAYING HANDEL'S MESSIAH WHILE WE ARE WERE DOING ALL THIS. AND WE HAD A BOX ON THE BACK AND PEOPLE WHO WERE INTERESTED WOULD RUN ALONG AND CHASE US AND STICK MONEY IN THE BOX.

AND I DON'T RECALL HOW MUCH WE RAISED, BUT IT WAS-- IT WAS A FAIR SUM. AND I RECALL THAT THAT WAS SOMEHOW PASSED ON TO THE AUTHORITIES IN THE NAME OF THAT CHILD, LITTLE MISS SMILES.

Q. NOW, DURING THE FOUR-YEAR PERIOD OF TIME THAT YOU KNEW RANDY, UNDOUBTEDLY YOU SAW HIM DRINK?

A. I IMAGINE I DID, YES. I IMAGINE HE SAW ME DRINK.

Q. YOU EVER SEE ANY CHANGE IN PERSONALITY WHEN RANDY HAD BEEN DRINKING?

A. NOT THAT I RECALL ANY MORE THAN ANY OF THE REST OF US. YOU DRINK, YOU GET DRUNK. WHEN YOU ARE A YOUNG MAN 18, 19 OR 20, YOU MAY GET A LITTLE ROWDIER THAN YOU OTHERWISE WOULD HAVE BEEN. YOU MAY GET A LITTLE LOUDER, AND I THINK WE ALL TENDED TO DO THAT. BUT IN TERMS OF FUNDAMENTAL PERSONALITY CHANGES, NO.

Q. WHAT ABOUT VIOLENCE? DID YOU EVER SEE RANDY VIOLENT?

A. NO. NO.

Q. DID YOU EVER SEE HIM AGGRESSIVE WITH ANY OF THE OTHER STUDENTS?

A. NOT A BIT.

Q. HOW ABOUT DRUGS? DRUGS COMMON ON THE CAMPUS THEN?

A. I-- I MAY HAVE BEEN NAIVE, BUT I CANNOT RECALL ANY INSTANCE OF ANY DRUG ON THE CAMPUS DURING MY ENTIRE FOUR YEARS.

Q. PARTICULARLY THE LAST YEAR YOU HAD BEEN LOOKING FOR IT?

A. AS R.A., I WASN'T OUT TRYING TO FIND TROUBLE. IF TROUBLE WAS UNAVOIDABLE-- I MEAN FOR INSTANCE, DRINKING. I DIDN'T GO IN AND SPY ON PEOPLE TO SEE WHETHER OR NOT THIS 19 OR 20-YEAR-OLD HAS A CAN OF BEER. BUT IF IT WAS UNAVOIDABLE THAT I HAPPENED INTO A ROOM AND THE DUMMY WAS SITTING THERE WITH A CAN OF BEER, I HAD NO CHOICE BUT TO WRITE HIM UP.

DRUGS DIDIN'T OCCUR TO ME. I DIDN'T LOOK FOR DRUGS. I WASN'T AWARE OF DRUGS. I WASN'T THINKING DRUGS. IT JUST-- IT WAS A DIFFERENT ERA.

Q. NOW, SOME PERIOD OF TIME YOU READ IN THE NEWSPAPER OF RANDY'S ARREST AND THE VARIOUS CHARGES HE WAS FACING?

A. YES.

Q. WHAT WAS YOUR REACTION WHEN YOU READ THAT?

A. I WAS ABSOLUTELY, TOTALLY STUNNED.

Q. WAS THE BEHAVIOR OR THE INDIVIDUAL BEING DESCRIBED ANYTHING LIKE THE INDIVIDUAL THAT YOU KNEW DURING THOSE FOUR YEARS OF COLLEGE?

A. NO.

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

EXAMINATION

BY THE DEFENDANT: Q. HELLO, CHIP.

A. HI, RANDY.

Q. WHEN YOU WERE IN COLLEGE, YOU WERE KNOWN AS CHIP?

A. THAT'S RIGHT.

Q. THAT'S THE NAME I KNOW YOU BY.

A. RIGHT.

Q. LET ME ASK YOU A COUPLE QUESTIONS ABOUT GREEN HALL. TRY TO DEFEND OUR HONOR EVEN AT THIS LATE DATE.

WAS THERE A TROPHY AT C.M.C. CALLED THE O'KEEFE TROPHY?

A. YES, THERE WAS. I BELIEVE-- 25 YEARS IS A LONG TIME-- I THINK IT HAD SOMETHING TO DO WITH THE DORM THAT DISPLAYED THE MOST SCHOOL SPIRIT AND COHESIVENESS, AND ALSO THERE WAS A FACTOR OF REPRESENTING THE SCHOOL ITSELF IN SOME POSITIVE WAY.

Q. WOULD IT BE FAIR TO SAY THE DIFFERENT AREAS ENCOMPASSED BY COLLEGE LIFE THERE WAS ACADEMICS, ATHLETICS, SPRING SING--

A. THAT'S RIGHT.

Q. ALL THESE THINGS THERE WERE COMPETITIONS?

A. THAT'S RIGHT. WE DID HAVE A SPRING SING COMPETITION, AND THERE WAS THE-- I FORGET WHAT WE CALLED, THAT QUESTION FORUM THAT PEOPLE COMPETED IN, I DON'T RECALL THE NAME OF THAT. YEAH, THERE WERE A VARIETY-- ALSO THE HOMECOMING FLOATS AND THINGS LIKE THAT, YES.

Q. SO, THE O'KEEFE TROPHY SORT OF REPRESENTED THE BEST DORM ON CAMPUS?

A. WE WERE THE BEST DORM.

Q. GREEN HAD WON IT THREE OUT OF THE PAST FOUR YEARS?

A. YEAH.

Q. I FORGET--

A. IT WAS AN INSTITUTION WITH GREEN HALL.

Q. THAT WAS SORT OF OUR MOTIVATION IN OUR SENIOR YEAR WAS TO WIN THAT TROPHY ONE MORE YEAR?

A. YES.

Q. AND WE DID?

A. YEAH.

THE DEFENDANT: THANK YOU.

MR. MC DONALD: THAT'S IT.

CROSS EXAMINATION

BY MR. BROWN: Q. SIR, HAVE YOU SEEN MR. KRAFT SINCE 1967?

A. I MAY HAVE SEEN HIM ONCE IN 1968; I CAN'T

RECALL FOR SURE.

Q. WHAT IS YOUR OCCUPATION?

A. I AM A TRANSPORTATION PLANNER.

Q. WHO ARE YOU EMPLOYED BY?

A. SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS.

Q. HAVE YOU HAD ANY PROFESSIONAL CONTACT WITH
MR. KRAFT?

A. NO.

Q. NONE AT ALL?

A. NO.

MR. BROWN: THANK YOU.

THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

HARLO L-----,

 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: HARLO L-----.

 THE CLERK: PLEASE SPELL YOUR NAME FOR ME.

 THE WITNESS: HARLO, H-A-R-L-O, L-----, L-----
CAPITAL B-----.

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

DIRECT EXAMINATION

BY MR. MC DONALD: Q. MR. L-----, WHAT'S YOUR OCCUPATION, SIR?

A. I AM A RETIRED SCHOOL TEACHER.

Q. HOW LONG WERE YOU EMPLOYED AS A SCHOOL TEACHER?

A. THIRTY YEARS.

Q. AND FOR A PERIOD OF TIME YOU TAUGHT AT WESTMINSTER HIGH SCHOOL.

A. YES.

Q. THAT'S WHERE YOU CAME TO BE FAMILIAR WITH AND KNOW RANDY KRAFT.

A. UH-HUH, YES, IT IS.

Q. IN FACT, YOU WERE RANDY KRAFT'S TENNIS TEACHER, WEREN'T YOU?

A. TENNIS COACH, UH-HUH.

Q. TENNIS COACH. DO YOU REMEMBER RANDY?

A. YES, I DO.

Q. DO YOU REMEMBER HOW LONG YOU WERE HIS COACH?

A. WELL, I CAN RECALL CERTAINLY ONE YEAR AND MUST HAVE BEEN TWO, BECAUSE I LOOK BACK AND HE HAS TWO LETTERS, JUNIOR VARSITY AND VARSITY, SO IT HAD TO BE TWO YEARS.

Q. DURING THAT TWO-YEAR PERIOD OF TIME THAT RANDY WAS ON YOUR TENNIS TEAM, DO YOU EVER RECALL RANDY BEING VIOLENT WITH ANY OF THE TEAMMATES?

A. MY RECOLLECTION IS VERY GENERAL. AT THAT TIME, I WOULD CALL RANDY AS BEING A QUIET, QUIET TYPE OF AN INDIVIDUAL. I DON'T-- RECALL ANY ANGER OR OUTBURSTS OF VIOLENCE OR ANYTHING OF THAT TYPE DURING THAT PERIOD.

Q. DO YOU-- YOU'VE COACHED A LOT OF STUDENTS. TENNIS IS A VERY COMPETITIVE SUPPORT.

A. UH-HUH.

Q. AND YOU HAVE SEEN STUDENTS GET ANGRY WITH EITHER THEIR OWN PLAY OR TEAMMATES'S OR THE FRUSTRATION OF THE SITUATION. YOU'VE SEEN THAT, HAVEN'T YOU?

A. YES, I HAVE.

Q. BUT YOU NEVER SAW THAT IN RANDY, DID YOU?

A. TO THE BEST OF MY RECOLLECTION, I NEVER SAW THAT IN RANDY, NO.

Q. WAS HE A GOOD TENNIS PLAYER?

A. HE WAS ONE OF MY BETTER TENNIS PLAYERS HIS VARSITY YEAR. I DON'T KNOW EXACTLY WHERE; HE WAS PROBABLY IN THE TOP FOUR.

MR. MC DONALD: I DON'T KNOW IF RANDY HAS A QUESTION FOR YOU OR NOT.

EXAMINATION

BY THE DEFENDANT: Q. HOW YOU DOING, HARLO?

A. OKAY, RANDY.

Q. WHEN I WAS AT WESTMINSTER HIGH SCHOOL, IT WAS A FAIRLY NEW SCHOOL, WASN'T IT?

A. IT WAS NEW. SEE, HUNTINGTON BEACH HAD JUST CLOSED AND WESTMINSTER HAD JUST OPENED, UH-HUH.

Q. WOULD IT BE FAIR TO SAY THAT OUR TENNIS TEAM WASN'T THE BEST TENNIS TEAM IN THE LEAGUE?

A. THAT WOULD BE A VERY FAIR STATEMENT.

Q. NO DANGER OF WINNING THE CHAMPIONSHIP?

A. NONE WHATSOEVER.

Q. BUT WE HAD FUN.

A. WE DID.

MR. BROWN: NO QUESTIONS.

MR. MC DONALD: THANK YOU, MR. L-----.

THE COURT: THANK YOU, SIR.

MR. MC DONALD: LONNY S-----.

THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

LONNY S-----,

 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: LONNY S-----, L-O-N-N-Y,
S-----.

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

 DIRECT EXAMINATION

 BY MR. MC DONALD: Q. LONNY, YOU KNOW, RANDY

KRAFT?

A. I DO.

Q. WE SPOKE BRIEFLY THIS MORNING AND YOU UNDERSTAND THE PROCEEDINGS THAT ARE UNDERGOING RIGHT NOW?

A. I DO.

Q. AND I EXPLAINED TO YOU THAT THE JURY WAS INTERESTED IN WHATEVER INFORMATION YOU HAD WITH REGARD TO RANDY AND YOUR PERCEPTIONS OF HIM AS A HUMAN BEING, CORRECT?

A. THAT'S CORRECT.

Q. NOW, WHERE ARE YOU CURRENTLY EMPLOYED?

A. APPLE COMPUTER IN CUPERTINO.

Q. NOW, FROM 1981 TO 1982 WERE YOU EMPLOYED BY SIERRA ELECTRONICS?

A. I WAS.

Q. WAS THAT A DIVISION OF LEAR SIEGLER?

A. IT WAS.

Q. AND WHERE WAS THAT LOCATED?

A. MENLO PARK, CALIFORNIA.

Q. CAN YOU EXPLAIN TO THE JURY HOW YOU FIRST MET RANDY?

A. I CAN. WE WERE IN THE PROCESS--

Q. PULL THE MICROPHONE JUST A LITTLE CLOSER TO YOURSELF.

A. I WILL MOVE.

Q. OKAY.

A. WE WERE IN THE PROCESS OF INSTALLING A NEW COMPUTER AND NEW SYSTEMS FOR THE BUSINESS. AND RANDY WAS THE CORPORATE CONSULTANT, I GUESS, FOR LACK OF A BETTER TERM.

AND AT THAT TIME, I WAS THE CONTROLLER OF THE COMPANY RESPONSIBLE FOR THE BULK OF THE SYSTEMS THAT WERE TO BE INSTALLED INITIALLY. AND HE CAME UP FROM SANTA MONICA, AND THAT'S HOW WE MET.

Q. OKAY. BY COMING UP FROM SANTA MONICA, THE CORPORATE HEADQUARTERS OF LEAR SIEGLER WAS LOCATED IN SANTA MONICA.

A. THAT'S CORRECT.

Q. HE ESSENTIALLY CAME UP TO AID SIERRA ELECTRONICS IN GETTING THEIR SYSTEM UP AND WORKING OUT WHATEVER PROBLEMS EXISTED.

A. THAT'S CORRECT.

Q. TO AID THE IN-HOUSE PEOPLE.

A. RIGHT.

Q. NOW, FOR THAT YEAR PERIOD OF TIME, YOU WORKED FAIRLY CLOSELY WITH RANDY, DIDN'T YOU?

A. I DID.

Q. IS IT FAIR TO SAY THAT OVER 90 PERCENT OF THE TIME THAT RANDY WAS THERE, YOU WERE WORKING WITH HIM?

A. THAT'S A FAIR STATEMENT, YES.

Q. DESCRIBE TO THE JURY HOW RANDY GOT ALONG WITH PEOPLE UP THERE AT SIERRA ELECTRONICS.

A. AS I TOLD YOU EARLIER, THERE WAS NOBODY TO MY KNOWLEDGE THAT HE DID NOT GET ALONG WITH. HE WAS CERTAINLY LIKED BY ALL THE PEOPLE THAT I CAME IN CONTACT WITH, AND THAT WAS THE WHOLE COMPANY, IN ESSENCE.

AND THE PEOPLE CHARGED WITH THE RESPONSIBILITY TO GET THIS SYSTEM IMPLEMENTED ACTUALLY LOOKED FORWARD TO HIS VISITS.

Q. WERE YOU UNDER SOME TIME PRESSURES DURING THIS PERIOD OF TIME?

A. WE WERE. WE HAD-- AS I RECALL, WE HAD ABOUT A YEAR TO GET MOST OF THE SYSTEMS UP AND RUNNING. IT WAS A CANNED PACKAGE FROM I.B.M., AND WE HAD A NEED TO CUSTOMIZE IT BECAUSE WE HAD A REASONABLY GOOD SYSTEM PRIOR TO THIS CONVERSION, AND I THINK EVERYBODY'S CONCERN WAS THAT WE WERE TO NOT LOSE ANYTHING THAT WE HAD.

Q. SOUNDS LIKE MIGHT HAVE BEEN AN OPPORTUNITY FOR FRUSTRATIONS TO TAKE PLACE UP THERE AND TENSIONS TO TAKE PLACE BECAUSE OF THOSE TIME CONSTRAINTS; IS THAT FAIR?

A. THAT'S MORE THAN FAIR.

Q. DURING THAT PERIOD THAT YOU WERE WORKING WITH RANDY, 1981 TO 1982, DID YOU EVER SEE HIM VIOLENT?

A. NEVER.

Q. YOU EVER SEE HIM AGGRESSIVE?

A. NEVER.

Q. YOU EVER SEE HIM DISRESPECTFUL OF ANOTHER

HUMAN BEING?

A. NO, AND I WOULD HAVE TO SAY JUST THE OPPOSITE. HE WAS VERY--VERY CONSCIOUS THAT HE WAS IN A SENSITIVE SITUATION. HE WAS FROM CORPORATE, AND ANYBODY THAT WORKS KNOWS YOU DON'T PARTICULARLY LOOK FORWARD TO SEEING CORPORATE FOLKS. AND HE WAS VERY SENSITIVE TO THAT.

Q. HOW DID HE COMPARE WITH THE IN-HOUSE-- YOU HAD IN-HOUSE COMPUTER PEOPLE THERE.

A. WE DID. WE HAD PROGRAMMERS AND OPERATORS.

Q. HOW DID RANDY COMPARE TO THEM?

A. IF I'M HONEST, THERE WAS NO COMPARISON IN THAT HE COULD DO THINGS IN A COUPLE MINUTES THAT I COULDN'T GET DONE IN A COUPLE DAYS.

Q. UNDOUBTEDLY DURING THAT YEAR PERIOD OF TIME, YOU MUST HAVE SEEN RANDY OUTSIDE THE OFFICE, ON MEALS, FOR INSTANCE.

A. THAT'S CORRECT. WE WOULD SOMETIMES BE FORTUNATE ENOUGH TO GET A BREAK FROM LUNCH AND DINNER. SO, YES.

Q. SO YOU SAW HIM-- PRIMARILY YOUR CONTACTS WERE WITHIN THE OFFICE SETTING AND OUT ON SOCIAL OCCASIONS, GENERALLY FOR MEALS.

A. THAT'S CORRECT.

Q. WHAT-- WHAT DID YOU THINK WHEN YOU HEARD THAT RANDY WAS ARRESTED AND CHARGED WITH THESE OFFENSES?

A. WELL, I HEARD BY A PHONE CALL, AND MY REACTION WAS SHOCK AND DISBELIEF, AND I THOUGHT IT WAS SOMEBODY ELSE WITH THE SAME NAME. THAT'S WHAT I THOUGHT.

Q. WHAT'S YOUR FEELINGS TODAY?

A. STILL FEEL THE SAME.

Q. HAVE YOU TAKEN SOME TIME TO TRY TO REEXAMINE YOUR MEMORY TO SEE IF THERE WAS ANYTHING UNSUAL OR BIZARRE OR VIOLENT, ANYTHING THAT WOULD LEAD YOU TO HAVE BELIEVED HE WAS CAPABLE OF DOING THESE ACTS?

A. OBVIOUSLY, I HAVE THOUGHT ABOUT IT A GREAT DEAL, BECAUSE WE DID WORK CLOSELY. I THINK I KNOW HIM WELL, AS WELL AS ANY PROFESSIONAL ASSOCIATE. AND I'VE THOUGHT ABOUT IT A LOT, AND I STILL HAVEN'T CHANGED MY MIND. I'M STILL SHOCKED.

MR. MC DONALD: LONNY, RANDY WOULD LIKE TO TALK WITH YOU JUST FOR A MOMENT, PLEASE.

EXAMINATION

BY THE DEFENDANT: Q. HI, LONNY.

A. HI, RANDY.

Q. WAS IT USUAL OR FREQUENT AT SIERRA THAT WE WOULD WORK LONG HOURS?

A. I WOULD HAVE TO SAY SO.

Q. PUT IN SOME OVERTIME?

A. THAT'S AN UNDERSTATEMENT.

Q. OFTENTIMES WE'D WORK UNTIL WE GOT THE JOB DONE?

A. THAT'S CORRECT.

Q. THINKING BACK WITH ME IN ANY KIND OF SOCIAL SITUATION, HAVING DINNER OR LUNCH OR THAT SORT OF THING, DO YOU RECALL ME EVER MAKING ANY RACIAL JOKES OR SLURS, ANYTHING LIKE THAT?

A. NO.

Q. OR DOWNGRADING ANY GROUP OF PEOPLE LIKE THE POOR OR THE HOMELESS OR THAT SORT OF THING?

A. NO.

Q. WHEN WAS THE LAST TIME WE SAW EACH OTHER? ROUGHLY.

A. I HAVE TO SAY 1982. SOMETIME IN 1982.

THE DEFENDANT: THAT'S ALL. THANK YOU.

MR. BROWN: NO QUESTIONS.

THE COURT: THANK YOU, SIR.

THAT IT, MR. MC DONALD?

MR. MC DONALD: YES, YOUR HONOR.

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

THANK YOU, AND WE WILL SEE YOU TOMORROW AT 9:30. DON'T FORGET NEXT MONDAY IS 9:00 O'CLOCK. THANK YOU.

(EVENING RECESS.)

S. WINGERD, CSR 6467

