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1 MR. BROWN: WHILE MR. PELLA IS COMING, GENTLEMEN, I
2 HAVE SOME PROPOSED JURY INSTRUCTIONS THAT I WILL GIVE MR.
3 MC DONALD A COPY OF.

4 THE COURT: SWEAR THE WITNESS, PLEASE.

5 THE CLERK: RAISE YOUR RIGHT HAND, SIR.

6 MICHAEL T. PELLA, *

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

10 THE CLERK: STATE YOUR FULL NAME FOR THE COURT AND
11 SPELL YOUR LAST NAME, PLEASE.

12 THE WITNESS: MICHAEL T. PELLA, P-E-L-L-A.

13 THE CLERK: YOU MAY BE SEATED IN THE WITNESS STAND,
14 MR. PELLA.

15 DIRECT EXAMINATION(402) *

16 BY MR. MC DONALD: Q. MR. PELLA, WHAT'S YOUR
17 OCCUPATION, SIR?

18 A. POLYGRAPH EXAMINER.

19 Q. FOR WHO?

20 A. LONG BEACH CITY POLICE DEPARTMENT.

21 Q. HOW LONG HAVE YOU BEEN SO EMPLOYED?

22 A. EIGHTEEN YEARS.

23 Q. WHAT YEAR DID YOU BEGIN?

24 A. 1971.

25 Q. PRIOR TO THAT TIME WERE YOU ALSO A POLYGRAPH
26 EXAMINER?

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1 A. YES, SIR, I WAS.

2 Q. WHEN DID YOU FIRST BEGIN THAT CAREER?

3 A. 1969.

4 Q. WHERE -- WHERE ARE YOUR POLYGRAPHS
5 CONDUCTED, PHYSICALLY, WITHIN THE CITY OF LONG BEACH?

6 A. PUBLIC SAFETY BUILDING ROOM 376.

7 Q. WHAT OTHER AGENCIES ARE LOCATED IN THAT
8 BUILDING?

9 A. POLICE DEPARTMENT, CITY PROSECUTOR'S OFFICE,
10 VARIOUS OTHER DEPARTMENTS.

11 Q. OKAY. DO YOU KNOW AN OFFICER BY THE NAME OF
12 BELL?

13 A. YES, SIR, I DO.

14 Q. HOW DO YOU KNOW HIM?

15 A. HE IS THE SERGEANT IN CHARGE OF HOMICIDE
16 DETAIL.

17 Q. MR. PELLA, DO YOU HAVE RECOLLECTION OF
18 CONDUCTING A POLYGRAPH EXAMINATION ON JUNE 9TH, 1975 ON AN
19 INDIVIDUAL BY THE NAME OF JEFF GRAVES?

20 A. I HAVE NO RECOLLECTION OF THE CASE. I
21 LOOKED IT UP IN THE FILE, AND I APPARENTLY GAVE HIM A
22 POLYGRAPH EXAMINATION.

23 MR. MC DONALD: OKAY. COULD WE MARK THIS AS
24 DEFENDANT'S NEXT IN ORDER, PLEASE.

25 THE CLERK: D-141.

26 (DEFENDANT'S D-141 - MARKED FOR I.D.)

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1 BY MR. MC DONALD: Q. I'D LIKE TO SHOW YOU A
2 DOCUMENT. WOULD YOU DESCRIBE WHAT IT IS AND TELL THE
3 COURT ITS PURPOSE, PLEASE?

4 A. THAT IS A PORTION OF A POLYGRAPH LOG WHICH I
5 KEPT ON POLYGRAPH EXAMINATIONS WHICH I CONDUCTED.

6 Q. DOES THAT LOG INDICATE THAT YOU ADMINISTERED
7 A POLYGRAPH EXAMINATION TO JEFF GRAVES?

8 A. YES, SIR, IT INDICATES THAT I GAVE HIM A
9 POLYGRAPH TEST ON THE 9TH OF JUNE 1975. IT WAS THE 13TH
10 CASE OF THE MONTH, IT WAS 208TH CASE OF THE YEAR.

11 Q. DOES THE LOG INDICATE WHO ASKED YOU TO
12 ADMINISTER THAT POLYGRAPH EXAMINATION?

13 A. YEAH, IT WAS REQUESTED BY SERGEANT DELL OF
14 THE HOMICIDE DETAIL.

15 Q. DID -- WHERE WOULD THAT EXAMINATION HAVE
16 BEEN CONDUCTED?

17 A. IN ROOM 376 OF THE PUBLIC SAFETY BUILDING IN
18 LONG BEACH.

19 Q. SAME BUILDING THAT THE POLICE DEPARTMENT'S
20 LOCATED IN?

21 A. THAT IS THE POLICE DEPARTMENT, YES, SIR.

22 MR. MC DONALD: THAT'S THE FOUNDATION, YOUR HONOR.

23 THE COURT: WELL, WHAT DO I DO? WHERE DOES THAT --

24 MR. MC DONALD: EXCUSE ME.

25 THE COURT: WHAT IS THE RELEVANCY, WHERE DO I GO
26 WITH THAT?

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1 MR. MC DONALD: IT GOES TO THE TESTIMONY THAT WAS
2 PRESENTED BY OFFICER BELL, YOUR HONOR.

3 THE COURT: I HATE TO SOUND DUMB, BUT I CAN'T
4 RECALL WHAT OFFICER BELL TOLD US.

5 MR. MC DONALD: IT WAS YESTERDAY, YOUR HONOR. JUST
6 KIDDING.

7 OFFICER BELL TESTIFIED THAT HE HAD NO
8 CONTACT WITH MR. GRAVES, NO POLYGRAPH EXAMINATION WAS
9 ADMINISTERED OR REQUESTED ON HIS PART OF MR. GRAVES. AND
10 TO HIS KNOWLEDGE, MR. GRAVES NEVER WENT TO THE POLICE
11 DEPARTMENT.

12 MR. BROWN: IT'S ABSOLUTELY IRRELEVANT. FALLS
13 WITHIN 352. AND IT ALSO FALLS, IF THE COURT HAS AN
14 EVIDENCE CODE UP THERE, 351.1. SPECIFICALLY EXCLUDES THE
15 POLYGRAPH EVIDENCE.

16 MR. MC DONALD: WE ARE NOT GOING INTO THE RESULTS,
17 YOUR HONOR, OF THE EXAMINATION. AND IN FACT, WE ARE --

18 THE COURT: IT'S TO IMPEACH OFFICER BELL?

19 MR. MC DONALD: CORRECT.

20 THE COURT: ISN'T IT ON AN ISSUE THAT I WOULD BE
21 HARD PRESSED TO THINK THAT HE WOULD IN FACT RECALL -- YOU
22 WANT TO CALL OFFICER BELL BACK AND GO INTO THE AREA MORE
23 IN DETAIL, I DON'T KNOW WHAT THE RELEVANCY IS. WHETHER HE
24 DID OR DIDN'T ADMINISTER A TEST TO AN INDIVIDUAL, I
25 WOULDN'T ALLOW IT IN.

26 MR. MC DONALD: YOUR HONOR, THE PROBLEM IS IF THE

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1 COURT REMEMBERS, WHICH I DON'T KNOW IF IT DOES OR NOT, BUT
2 WE HAD A MAJOR PROBLEM WITH BOTH OFFICER WOODWARD AND
3 OFFICER BELL. I SPECIFICALLY WENT INTO WHETHER OR NOT
4 THEY TOOK CERTAIN STEPS TO CORROBORATE THE STATEMENTS THAT
5 WERE GIVEN BY MY CLIENT, AND ONE OF THOSE STEPS WOULD HAVE
6 BEEN TO HAVE INTERVIEWED AND INTERROGATED HIS ROOMMATE AT
7 THE TIME BECAUSE MR. KRAFT TOLD HIM HIS ROOMMATE, THAT IS
8 TO SAY JEFF GRAVES, WENT DOWN TO THE MISSION VIEJO AREA TO
9 RENDER AID TO HIM BECAUSE HIS CAR WAS EITHER DISABLED OR
10 SOME WAY STUCK OFF -- IN THE MISSION VIEJO AREA.

11 OFFICER BELL TESTIFIED THAT HE DID NOT
12 INTERVIEW MR. GRAVES; HE DID NOT ASK THAT MR. GRAVES COME
13 TO THE POLICE DEPARTMENT; HE DID NOT OBVIOUSLY ASK THAT
14 ANY POLYGRAPH --

15 THE COURT: IN OTHER WORDS -- I WILL -- AS I SAID,
16 WE CAN GO INTO THE FACT THAT OFFICER -- THAT HE INDICATED
17 HE DIDN'T -- WHAT DID HE SAY, NEVER FOLLOWED UP AND NEVER
18 TALKED TO MR. GRAVES?

19 MR. MC DONALD: THAT'S WHAT OFFICER BELL'S
20 TESTIFIED TO.

21 THE COURT: THIS INDIVIDUAL -- WANT TO BRING IN
22 RECORDS THAT SHOW THAT HE DID IN FACT INVE -- TALK TO MR.
23 GRAVES, WE CAN GET THAT IN; BUT I AM NOT GOING TO GET INTO
24 THE LIE DETECTOR ASPECT OF IT.

25 MR. MC DONALD: SEE, PART OF THE PROBLEM, YOUR
26 HONOR, IS WE ALL KNOW THAT A POLYGRAPH EXAMINATION

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1 CONSISTS OF ASKING THE INDIVIDUAL RELEVANT QUESTIONS TO
2 ATTEMPT TO SUBSTANTIATE THE TRUTH OF WHAT THE INDIVIDUAL
3 HAS SAID. HE SAYS THAT HE NEVER HAD CONTACT WITH MR.
4 GRAVES. HE SAYS THAT MR. GRAVES NEVER CAME DOWN TO THE
5 POLICE DEPARTMENT. HERE WE HAVE OFFICER PELLA TESTIFYING
6 UNDER OATH THAT THIS REFERRAL TO TEST MR. GRAVES WAS FROM
7 HOMICIDE SERGEANT BELL.

8 THE COURT: WELL, AS I SAID, WE CAN AVOID THE
9 REFERENCE TO THE LIE DETECTOR TEST. SEEMS TO ME YOU WANT
10 TO GO IN, SAY HE'S EMPLOYED BY THE CITY OF LONG BEACH AND
11 HE HAS THE RECORDS, AND HIS RECORDS SHOW THAT IN FACT HE
12 DID INTERVIEW MR. GRAVES OR WHATEVER IT IS. BUT WE DON'T
13 HAVE TO GET THE LIE DETECTOR TEST. THAT JUST SENDS THE
14 JURY OFF ON TO ALL SORTS OF FANTASYLAND ABOUT IF HE PASSED
15 THE EXAM OR IF HE DIDN'T PASS THE EXAM AND ALL THAT.

16 SO WE CAN CLEAN IT UP IF YOU WANT IT IN, BUT
17 I AM NOT GOING TO GET INTO THE LIE DETECTOR ASPECT OF IT.

18 MR. BROWN: WELL, EVEN ONE THING BEYOND THAT, MY
19 RECOLLECTION IS THAT THE STATEMENT COUNSEL MAKES NOW THAT
20 HE ATTRIBUTES TO SERGEANT BELL IS ONE THAT MIKE WOODWARD
21 TESTIFIED TO. IT WAS WOODWARD THAT WAS TESTIFYING ABOUT
22 THAT. I DON'T RECALL BELL SAYING ANYTHING ABOUT GRAVES
23 NOT COMING DOWN TO THE POLICE DEPARTMENT.

24 THE COURT: WHY DON'T WE DO THIS IN AN ABUNDANCE OF
25 CAUTION. KEEP THIS OFFICER ON CALL. CERTAINLY -- YOU
26 GENTLEMEN CAN EVEN STIPULATE THAT THE RECORDS TO SHOW HE

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1 WENT DOWN TO THE LONG BEACH POLICE DEPARTMENT OR WENT
2 SOMEWHERE, GET IT IN THAT WAY. AS I SAID, I WILL HAVE TO
3 GET THE TESTIMONY -- I DON'T HAVE ANY IDEA WHAT WOODWARD
4 OR BELL OR WHAT MADE THE STATEMENT.

5 MR. BROWN: I SPECIFICALLY REMEMBER WOODWARD SAYING
6 SOMETHING TO THAT EXTENT.

7 MR. MC DONALD: I KNOW MR. WOODWARD DID, MR. BROWN,
8 BUT ALSO MR. BELL WAS ASKED WHETHER OR NOT HE HAD CONTACT
9 WITH MR. GRAVES, AND WHETHER OR NOT HE HAD FOLLOWED UP ON
10 TRYING TO CORROBORATE THE STATEMENTS THAT MR. KRAFT HAD
11 TOLD HIM ON A TAPE RECORDED CONVERSATION.

12 THE COURT: WELL, AS I SAID, ONCE WE CLEAN IT UP, I
13 WILL ALLOW IT IN WITH REGARD TO -- WITH THE UNDERSTANDING
14 WE WON'T REFER TO LIE DETECTOR TESTS OR ANYTHING OF THAT
15 NATURE. HIS OCCUPATION AS FAR AS --

16 MR. MC DONALD: I CAN ASK HIM QUESTIONS AVOIDING
17 THE POLYGRAPH OR LIE DETECTOR, IF THAT'S A PROBLEM.

18 THE COURT: I WILL ASSUME WE CAN LET IT COME IN IF
19 WE AVOID THOSE QUESTIONS. YOU GENTLEMEN CAN CLEAN IT UP
20 IN CLOSING ARGUMENT OR CALL MR. BELL BACK OR WHATEVER YOU
21 WANT. I DON'T RECALL -- LET IT IN TO ACCOMMODATE THE
22 WITNESS WHILE HE'S HERE, AND I CAN ALWAYS STRIKE IT LATER
23 IF IT APPEARS TO BE A PROBLEM WITH THE UNDERSTANDING WE
24 WILL HAVE NO REFERENCE TO HIS EMPLOYMENT OR THE LIE
25 DETECTOR TEST IN ANY WAY.

26 DOES THAT TAKE CARE OF THE PROBLEM, MR.

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1 BROWN?

2 MR. BROWN: YES, SIR.

3 THE COURT: OKAY. THANK YOU, SIR. AND WILL YOU
4 PLEASE NOT REFER TO YOUR OCCUPATION OR BRING UP ABOUT LIE
5 DETECTOR TEST, WILL YOU AVOID THAT?

6 THE WITNESS: YES, SIR.

7 THE COURT: OKAY. THANK YOU, AND WE WILL BRING THE
8 JURY IN.

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

11 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. I
12 APOLOGIZE FOR THE DELAY, BUT YOU HAVE BEEN MORE THAN KIND.
13 I THINK YOU EXPECT THEM AS A MATTER OF COURSE. I
14 APOLOGIZE FOR THE HOLD UP THIS MORNING.

15 AND WITH REGARD TO MRS. JOWDY, JUROR NUMBER
16 FOUR, SHE HAS BEEN EXCUSED BY THE COURT FOR PERSONAL
17 REASONS, AND I DON'T WANT YOU LADIES AND GENTLEMEN TO
18 SPECULATE OR GO ANY FURTHER IN THAT REGARD.

19 AND WE ARE GOING TO SELECT ONE OF THE
20 ALTERNATES TO REPLACE MRS. JOWDY WITHOUT FURTHER ADD,
21 WHICH IS A BAD WORD. WE WILL GO AHEAD AND INSTRUCT THE
22 CLERK TO SELECT AN ALTERNATE, PLEASE, TO REPLACE MRS.
23 JOWDY. AND WITH REGARD TO HER NOTES AND SO FORTH, I WILL
24 ORDER THEM SEALED BY THE COURT.

25 THE CLERK: CONNIE GOLDFARB.

26 THE COURT: MRS. GOLDFARB, IF YOU WILL TAKE YOUR

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1 PLACE AS JUROR NUMBER FOUR. WE WILL LEAVE MR. SANCHEZ,
2 WILL BE ALL BY HIMSELF THERE.

3 COUPLE OTHER THINGS WITH REGARD TO SCHEDULING
4 AND SO FORTH, I THINK I HAVE TOLD YOU THINGS THAT MAY OR
5 MAY NOT HAVE BEEN CORRECT IN THE PAST, BUT REALIZING YOU
6 HAVE SOME CONCERN OVER THE FACT THAT YOUR SCHEDULING HAS
7 BEEN UNFORTUNATELY SHORTER THAN YOU THINK IT SHOULD BE,
8 NUMBER ONE, IT'S -- AS I SAID THESE THINGS HAPPEN, AND I
9 WANT YOU TO -- IF YOU IN FACT FEEL THERE'S BEEN A PROBLEM
10 THAT WE HAVEN'T MOVED FORWARD, BLAME THE COURT AND NO ONE
11 ELSE. THE PROSECUTION, DEFENSE GET A FAIR TRIAL, SO I
12 DON'T WANT YOU TO SPECULATE OR WORRY ABOUT THAT.

13 WITH REGARD TO SCHEDULING, AFTER -- WE WILL
14 PROBABLY FINISH UP THIS MORNING SOMETIME BEFORE THE NOON
15 HOUR. WE HAVE ONE MOTION WE HAVE TO HEAR WHICH WILL TAKE
16 A LITTLE TIME THIS MORNING. YOU WILL BE IN RECESS.

17 BUT WHAT WE ARE GOING TO DO IS AGAIN TRYING
18 TO KEEP CONTINUITY IN THE CASE, SO YOU REALIZE AND IT'S
19 BEEN STRESSED TO YOU THAT EACH COUNT OF THE INFORMATION IS
20 TRIED BY ITSELF AND WE ARE TRYING TO KEEP SOME CONTINUITY
21 SO WE DON'T SUDDENLY PRESENT EVIDENCE ON COUNT NUMBER XII
22 AND SWITCH YOU BACK AND FORTH, WE HAVE ATTEMPTED TO DO THE
23 BEST WE CAN. THAT'S PART OF THE REASON FOR THE DELAY.
24 OVER THE PERIOD OF TIME -- YOU CAN IMAGINE OVER THE PERIOD
25 OF TIME ENCOMPASSED, WITNESSES DISAPPEAR AND ARE HARD TO
26 FIND AND LOCATE AND SO FORTH. SO THERE'S AN ONGOING

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1 PROBLEM FOR BOTH SIDES.

2 OUR SCHEDULE WILL BE WE WILL BE DARK AS FAR
3 AS YOU ARE CONCERNED TOMORROW AND FOR THE BALANCE OF THE
4 WEEK. AND NEXT WEEK IS MONDAY THE 13TH, AND IF ALL THINGS
5 GO AS HOPE, WE WILL BE IN SESSION MONDAY, TUESDAY,
6 WEDNESDAY AND THURSDAY OF NEXT WEEK, AND IT SHOULD BE A
7 FAIRLY FULL WEEK. THIS IS THE COURT -- I AM GUESSING AND
8 NOT GUARANTEEING -- I WOULD THINK THAT THE DEFENSE CASE
9 WILL CONCLUDE SURELY THIS MONTH. I AM CONFIDENT OF THAT.
10 AND IT MAY BE WINDING DOWN NOT BY THE END OF NEXT WEEK,
11 PROBABLY THE FOLLOWING WEEK.

12 THAT ISN'T SET IN STONE, AND THAT'S GUESSING
13 BECAUSE I DON'T KNOW IF MR. MC DONALD'S GOING TO CALL ME
14 AS A WITNESS OR NEXT TOMORROW MORNING. I REALLY DON'T
15 KNOW. AS I SAID, THE PEOPLE MAY PUT ON ADDITIONAL
16 WITNESSES AND SO FORTH.

17 BUT I WOULD THINK THAT THE DEFENSE WILL
18 CONCLUDE THEIR CASE IN THE NEXT COUPLE WEEKS AND WE WILL
19 PRETTY MUCH GO THROUGH TO A CONCLUSION STARTING NEXT
20 MONDAY.

21 IT BEING EASTER WEEK AND SO FORTH, I THINK I
22 BROUGHT IT UP, ANY PARTICULAR PROBLEM WITH NEXT WEEK IF --
23 YOU WILL BE DARK ON GOOD FRIDAY AND NEXT WEEK I THINK
24 STARTS INTO THE EASTER WEEK.

25 SO WE WILL PLAN ON CONTINUING ON THE NEXT
26 COUPLE WEEKS. I ASSUME ANYBODY HAVE ANY BIG PROBLEM OR

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1 SUDDENLY -- THAT SCHEDULING SOUND OKAY WITH EVERYBODY? WE
2 WILL BE IN SESSION 13 THROUGH 16 AND 20 THROUGH 23 -- 20TH
3 THROUGH THE 23RD, NO PARTICULAR PROBLEM. I WILL ASSUME
4 NONE.

5 AND ANYBODY HAVE ANY QUESTIONS THEY WANT TO
6 BRING UP, ANYTHING THAT'S TROUBLING THEM RIGHT NOW? AS I
7 SAID, UNFORTUNATELY WE HAD TO EXCUSE MRS. JOWDY, AND I
8 WANT TO INSTRUCT YOU NOT TO SPECULATE ABOUT THAT.

9 YES, MA'AM.

10 A JUROR: DO WE HAVE AN OPTION WHETHER OR NOT
11 EASTER WEEK IS GOOD OR NOT? WE DO HAVE CHILDREN HOME. IT
12 WOULD BE EASIER TO BE HOME.

13 THE COURT: I REALIZE YOU HAVE CHILDREN HOME EASTER
14 WEEK. AS FAR AS I KNOW, IS THAT GOING TO CAUSE ANY BIG
15 PROBLEM WITH ANYONE, THE WAY IT LOOKS NOW WE WILL BE GOING
16 THROUGH THAT WEEK. I WILL ASSUME THERE'S NOTHING WE CAN'T
17 HANDLE.

18 ANYTHING ELSE? NO PROBLEMS? NO PARKING
19 PROBLEM? NO BAD FOOD, NOTHING LIKE THAT?

20 OKAY, WE APPRECIATE YOUR ATTENTION, AND AS I
21 SAID, IF WE COULD MAKE MORE ROOM IN THE JURY BOX AND GET
22 MR. SANCHEZ IN THE JURY BOX, WE WOULD BE ALL SET. HAVE
23 YOU ALL ENCLOSED. THANK YOU VERY MUCH FOR YOUR
24 CONSIDERATION.

25 GENTLEMEN, ANYTHING ELSE I SHOULD BRING UP TO
26 THE JURY OR THE COURT'S ATTENTION?

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1 MR. BROWN: DOES THE COURT WANT TO HAVE THE CLERK
2 SWEAR THE NEW JUROR?

3 THE COURT: I JUST BROUGHT THAT UP, AND I HAVE DONE
4 IT A FEW THOUSAND TIMES AND SO FORTH. HOW MANY TIMES -- I
5 HAVE DONE IT DURING DELIBERATIONS OVER THE YEARS AND I
6 JUST TURNED TO MY CLERK AND ASK IF WE GIVE AN ALTERNATE
7 ANOTHER OATH. I DON'T THINK WE ACTUALLY DO.

8 THE CLERK: NO.

9 MR. BROWN: ISN'T THERE A DIFFERENT OATH FOR THE
10 ALTERNATE?

11 THE CLERK: THE OATH FOR THE ALTERNATE SWEARS THEM
12 AS A JUROR IF THEY ARE CALLED TO BE A JUROR.

13 THE COURT: YOU'D THINK I'D KNOW THAT AFTER A
14 HUNDRED FIVE YEARS ON THE BENCH AND DOING IT 5,000 TIMES.
15 SO IF I HAVE BEEN WRONG, I HAVE BEEN WRONG. SO I DON'T
16 THINK THERE'S ANY PROBLEM THERE. IF NOT, I WILL FIRE MY
17 CLERK.

18 OKAY, GENTLEMEN. CALL YOUR NEXT WITNESS.

19 MR. MC DONALD: WE'D CALL MR. PELLA.

20 THE CLERK: PLEASE STAND AT THE END OF COUNSEL
21 TABLE, SIR. RAISE YOUR RIGHT HAND.

22 MICHAEL T. PELLA, *

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

26 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR

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1 ME.

2 THE WITNESS: LAST NAME IS PELLA, P-E-L-L-A.

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

5 THE COURT: MR. MC DONALD, ANY PARTICULAR COUNT
6 THIS IS GOING TO GO TO, SIR?

7 MR. MC DONALD: YES. THIS IS RELATED -- I AM NOT
8 SURE WHICH COUNT. IT'S THE CROTWELL MATTER. THANK YOU,
9 YOUR HONOR.

10 THE COURT: 1975, LADIES AND GENTLEMEN, WITH REGARD
11 TO MR. CROTWELL. AND IF YOU WOULD, PLEASE.

12 DIRECT EXAMINATION *

13 BY MR. MC DONALD: Q. MR. PELLA, ARE YOU A POLICE
14 OFFICER FOR THE CITY OF LONG BEACH?

15 A. I AM NOT.

16 Q. THERE'S A GOOD START. ARE YOU EMPLOYED BY
17 THE CITY OF LONG BEACH?

18 A. I AM, SIR.

19 Q. ARE YOU -- IS PART OF YOUR RESPONSIBILITY
20 RESPONDING TO REQUESTS BY POLICE OFFICERS?

21 A. YES.

22 Q. ON JUNE 5TH, 19 -- WELL, LET ME STRIKE THAT.
23 WHERE IS YOUR OFFICE LOCATED?

24 A. IN THE PUBLIC SAFETY BUILDING, LONG BEACH
25 CITY.

26 Q. ARE THERE OTHER AGENCIES LOCATED IN THAT

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1 BUILDING?

2 A. THERE ARE, SIR.

3 Q. IS THE POLICE DEPARTMENT LOCATED THERE?

4 A. YES, SIR, IT IS.

5 Q. IS THE PROSECUTOR'S OFFICE LOCATED THERE?

6 A. IT IS, SIR.

7 Q. ANY OTHER LAW ENFORCEMENT OFFICES?

8 A. WE HAVE VARIOUS PARTS OF THE POLICE
9 DEPARTMENT, NARCOTICS, THIS SORT OF THING.

10 Q. DO YOU KNOW AN INDIVIDUAL BY THE NAME OF
11 BELL?

12 A. YES, SIR, I DO.

13 Q. WHO'S HE?

14 A. SERGEANT BELL IS THE SERGEANT IN CHARGE OF
15 THE HOMICIDE DETAIL AT THE POLICE DEPARTMENT.

16 Q. FOR THE CITY OF LONG BEACH?

17 A. FOR THE CITY OF LONG BEACH.

18 Q. ON JUNE 9TH, 1975, DID YOU HAVE CONTACT WITH
19 AN INDIVIDUAL BY THE NAME OF JEFF GRAVES?

20 A. I BELIEVE I DID.

21 Q. AND WHERE DID THAT CONTACT TAKE PLACE?

22 A. IT WOULD HAVE TAKEN PLACE IN ROOM 376 OF THE
23 PUBLIC SAFETY BUILDING.

24 Q. DID YOU ASK THAT INDIVIDUAL A NUMBER OF
25 QUESTIONS?

26 A. I APPARENTLY DID.

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1 Q. AND WAS THAT INDIVIDUAL REFERRED TO YOU BY
2 SERGEANT BELL OF THE LONG BEACH POLICE DEPARTMENT?

3 A. HE APPARENTLY WAS.

4 Q. NOW WE ARE SAYING APPARENTLY. YOU DON'T
5 HAVE AN INDEPENDENT RECOLLECTION OF THIS, BUT YOU DO HAVE
6 NOTES OF THAT EFFECT. I'D LIKE TO SHOW YOU DEFENDANT'S
7 141. DOES THAT HELP SUBSTANTIATE WHAT YOU'VE JUST TOLD US
8 AS FAR AS THE DATE?

9 A. YES, SIR, IT DOES.

10 Q. AND THE DATE WAS JUNE 9TH, 1975?

11 A. THAT'S CORRECT.

12 Q. THE INDIVIDUAL THAT YOU QUESTIONED AT THAT
13 TIME WAS A PERSON BY THE NAME OF JEFF GRAVES?

14 A. THAT IS CORRECT.

15 Q. AND THAT INDIVIDUAL WAS REFERRED TO YOU AND
16 ASKED -- WELL, THAT INDIVIDUAL WAS REFERRED TO YOU BY
17 OFFICER BELL OF THE HOMICIDE DETAIL OF LONG BEACH?

18 A. THAT IS CORRECT.

19 Q. DO YOU RECALL THE QUESTIONS THAT YOU ASKED
20 OF JEFF GRAVES?

21 A. NO, SIR, I DO NOT.

22 Q. DO YOU HAVE ANY NOTES OF YOUR QUESTIONING OF
23 MR. GRAVES?

24 A. I DO NOT.

25 Q. DO YOU KNOW WHETHER OR NOT YOUR INTERVIEW OF
26 JEFF GRAVES WAS TAPE RECORDED?

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1 A. I DO NOT.

2 Q. DID YOU CHECK YOUR RECORDS TO TRY TO
3 DETERMINE, FIRST OF ALL, WHETHER OR NOT YOU HAD REPORTS,
4 NOTES, OR TAPE RECORDINGS OF THAT INTERVIEW?

5 A. ALL OF OUR RECORDS ARE DESTROYED AFTER FIVE
6 YEARS.

7 Q. SO THIS PARTICULAR DOCUMENT THAT I'VE JUST
8 SHOWN YOU, DEFENDANT'S 141, IS A PERSONAL RECORD THAT YOU
9 HAVE MAINTAINED?

10 A. IT'S A LOG THAT I KEEP.

11 Q. PRIOR TO SPEAKING TO MR. GRAVES, DID YOU
12 CONSULT WITH SERGEANT BELL?

13 A. DON'T KNOW.

14 Q. WOULD YOU ORDINARILY IN THE NORMAL COURSE OF
15 YOUR BUSINESS CONSULT WITH THE INVESTIGATING OFFICER?

16 A. YES, EITHER WOODWARD OR BELL, EITHER ONE OF
17 THE TWO.

18 Q. AND THE INVESTIGATING OFFICER WOULD PROVIDE
19 YOU FACTUAL INFORMATION TO ASSIST YOU IN DOING YOUR JOB?

20 A. HE'D TELL ME WHAT HE WANTED TO KNOW, YES.

21 MR. MC DONALD: NOTHING FURTHER.

22 THE COURT: MR. BROWN.

23 MR. BROWN: NO QUESTIONS.

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

25 NEXT WITNESS, PLEASE.

26 MR. BROWN: COULD WE HAVE THAT LAST PART OF THE

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1 TRANSCRIPT MARKED?

2 MR. MC DONALD: HAROLD MINICK.

3 THE CLERK: PLEASE STAND AT THE END OF COUNSEL
4 TABLE, SIR. RAISE YOUR RIGHT HAND.

5 HAROLD H. MINICK, *

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

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

11 THE WITNESS: HAROLD H. MINICK, H-I-N-I-C-K.

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

14 MR. MC DONALD: MR. MINICK'S TESTIMONY ALSO RELATES
15 TO THE CROTWELL --

16 THE COURT: FINE, THANK YOU.

17 DIRECT EXAMINATION *

18 BY MR. MC DONALD: Q. MR. MINICK, YOU PRESENTLY
19 RETIRED?

20 A. YES, SIR.

21 Q. ON OCTOBER 23RD, 1975, WERE YOU A DEPUTY
22 CORONER FOR ORANGE COUNTY?

23 A. YES, SIR.

24 Q. IS PART OF THE RESPONSIBILITY OF A DEPUTY
25 CORONER TO WORK WITH THE PATHOLOGIST, BOTH IN TRYING TO
26 DETERMINE IDENTIFICATION, IF NEED BE, OF THE DECEDENT, AND