

1 A THAT'S CORRECT.

2 Q DID YOUR SON WEAR GLASSES?

3 A YES, HE DID.

4 MR. MC DONALD: THAT'S IT. THANK YOU, MR.
5 CROTHWELL.

6 THE COURT: MR. BROWN?

7 MR. BROWN: NOTHING FURTHER, YOUR HONOR.

8 THE COURT: THANK YOU, SIR.

9 THE WITNESS: THANK YOU, SIR.

10 MR. BROWN: MR. CROTHWELL BE EXCUSED?

11 THE COURT: YES.

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

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

18 THE WITNESS: YES, I DO.

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

21 THE WITNESS: KENT ARTHUR MAY, K-E-N-T, M-A-Y.

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

24 KENT MAY,

25 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, WAS EXAMINED
26 AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. BROWN:

Q MR. HAY, WHAT IS YOUR OCCUPATION AT THIS TIME, SIR?

A I'M A BOAT CAPTAIN IN HAWAII FOR CHARTER BOATS.

Q SOMETHING, SOMEPLACE WE WOULD ALL LIKE TO BE RIGHT NOW, PROBABLY. WHICH PART OF HAWAII, JUST CURIOUS?

A I LIVE ON THE BIG BIG ISLAND OF HAWAII.

Q OF KUAII?

A OF HAWAII.

Q DIRECTING YOUR ATTENTION BACK TO THE AREA OF EASTER, WHICH WOULD HAVE BEEN MARCH 30TH, 1975, AND THE DAY BEFORE EASTER, MARCH 29, '75, WHERE WERE YOU LIVING AT THAT TIME, SIR?

A IN A LONG BEACH APARTMENT COMPLEX.

Q DID YOU AT THAT TIME KNOW AN INDIVIDUAL BY THE NAME OF KEITH CROTWELL?

A YES, I DID.

THE COURT: HOLD YOUR VOICE UP JUST A LITTLE BIT, SIR. THANK YOU.

BY MR. BROWN:

Q WHAT WAS YOUR RELATIONSHIP WITH MR. CROTWELL?

A WE WERE FRIENDS.

Q WHERE DID YOU LIVE AT THAT TIME WITH RESPECT TO MR. CROTWELL'S RESIDENCE?

1 A UHM, ACROSS THE STREET.

2 Q HOW LONG HAD YOU KNOWN KEITH AT THAT TIME,
3 SIR?

4 A APPROXIMATELY A YEAR.

5 Q CAN YOU GIVE US AN IDEA WITH RESPECT TO THE
6 DEGREE OF YOUR RELATIONSHIP. HOW OFTEN DID YOU SEE HIM?
7 WHAT, WHAT TYPE OF A RELATIONSHIP DID YOU HAVE?

8 A UHM, HE WORKED ON MOTORCYCLES IN THE GARAGE
9 IN THE APARTMENT COMPLEX TOGETHER. AS A WHOLE THERE WAS
10 AROUND FIVE OR SIX GUYS THAT LIVED THERE THAT ALL HAD
11 MOTORCYCLES. SO FREQUENTLY, THREE OR FOUR TIMES A WEEK.

12 Q OKAY. HOW OLD WERE YOU AT THAT TIME?

13 A 15 YEARS OLD.

14 Q FIFTEEN. AND AT THAT TIME WHAT WAS YOUR DATE
15 OF BIRTH, THE SAME NOW AS IT WAS THEN?

16 A 2-25-60, 1960.

17 Q WHAT SCHOOL WERE YOU GOING TO AT THAT TIME,
18 MR. HAY?

19 A I WAS GOING TO STANFORD JUNIOR HIGH SCHOOL.

20 Q NOW, DIRECTING YOUR ATTENTION NOW TO MARCH
21 29, WHICH WOULD BE THE DAY, SATURDAY, THE DAY BEFORE
22 EASTER, DID YOU HAVE OCCASION TO GO DOWN DO BIG JOHN'S
23 RESTAURANT, BAR, POOL HALL.

24 A FUN HALL.

25 Q WHAT?

26 A FUN HALL. POOL, BILLIARDS, VIDEOS.

1 Q OKAY. DID YOU GO DOWN THERE THE DAY BEFORE
2 EASTER, BE THE 29TH?

3 A I DON'T REMEMBER IF IT WAS EXACTLY THE DAY
4 BEFORE EASTER OR NOT, BUT YES, WE WERE DOWN THERE IN THAT
5 TIME, YES.

6 Q OKAY. HOW DID YOU HAPPEN TO GET DOWN THERE
7 AT THAT LOCATION?

8 A UHM, I WAS ESCORTED DOWN THERE WITH A LADY
9 FRIEND.

10 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU
11 ARRIVED DOWN IN THE AREA OF BIG JOHN'S?

12 A I KNOW IT WAS AFTER DARK.

13 Q WHAT WAS THE PURPOSE IN GOING DOWN THERE?

14 A UHM, TO GO DOWN THERE AND ENJOY THE GAMES,
15 PLAY POOL.

16 Q WHILE YOU WERE DOWN THERE, DID YOU HAVE
17 OCCASION TO MEET KEITH CROTHERS DOWN THERE?

18 A UHM, THEY WERE DOWN THERE THAT NIGHT. THAT
19 WAS A PLACE THAT WE WOULD GO TO DURING THE WEEKEND TO --

20 MR. MC DONALD: EXCUSE ME, NONRESPONSIVE. MOTION
21 TO STRIKE ANYTHING BEYOND YES, IF THAT'S THE ANSWER.

22 THE COURT: ALL RIGHT. I WILL STRIKE EVERYTHING
23 AFTER YES. BE STRICKEN. THE JURY BE ADMONISHED TO
24 DISREGARD IT.

25 BY MR. BROWN:

26 Q WHO ELSE WAS DOWN THERE BESIDES YOURSELF,

1 KEITH, AND THE GIRL?

2 A A COUPLE OF THE OTHER NEIGHBORS, UHM, FRANK
3 AND TERRY DITHAR, RANDY COOPER.

4 Q NOW, AT SOME TIME WHILE YOU WERE DOWN THERE,
5 DID YOU, WERE YOU DRINKING?

6 A YES.

7 Q WOULD YOU TELL US WHAT YOU WERE DRINKING AND
8 HOW FREQUENT THAT DRINKING WAS AT THAT TIME?

9 A WE WERE DRINKING BEER, UHM, HAD BEEN BOUGHT
10 BY THE SIX PACK. I DON'T REMEMBER EXACTLY HOW MUCH WE
11 WERE DRINKING.

12 Q WHEN YOU SAY WE WERE DRINKING, WHO ALL WAS
13 DRINKING AT THAT TIME?

14 A UHM, THE OTHER PEOPLE I MENTIONED AND MYSELF.

15 Q WHERE WERE YOU CONSUMING THE BEER?

16 A OUT IN THE PARKING LOT.

17 Q CAN YOU GIVE US AN IDEA OF THE, THE GENERAL
18 GEOGRAPHICAL SURROUNDINGS? CAN YOU -- ASSUMING THAT NONE
19 OF US HAVE BEEN THERE, TAKE US DOWN TO THAT LOCATION AND
20 DESCRIBE THE BUILDINGS IN THAT AREA AND EVERYTHING ELSE IN
21 THE AREA, IF YOU CAN, SO YOU CAN GIVE US PICTURE OF WHAT
22 WE ARE SEEING.

23 A THE BIG JOHN'S BAR WAS LOCATED TO THE LEFT OF
24 THE BELMONT PIER, IF YOU ARE LOOKING OUT TOWARDS THE
25 OCEAN. RIGHT BEHIND THE OLYMPIC POOL THAT IS DOWN IN THAT
26 AREA THERE IS A SURFACE STREET, OCEAN BOULEVARD. BIG

1 JOHN'S WAS ON OCEAN BOULEVARD STREET AND THE BACK ENTRANCE
2 WAS ON --

3 THE COURT: COULD YOU JUST SIT FORWARD ON THAT? I
4 AM HAVING DIFFICULTY. HOLD YOUR VOICE UP A LITTLE.

5 CAN YOU HEAR ALL RIGHT, LADIES AND GENTLEMEN?
6 ALL RIGHT. GO AHEAD MR. --

7 THE WITNESS: THE BACK ENTRANCE WAS --

8 MR. BROWN: THAT IS MUCH BETTER.

9 THE WITNESS: BEHIND THE OR IN BETWEEN THE POOL
10 ITSELF AND OCEAN BOULEVARD. UHM, THERE WAS A PARKING LOT
11 TO THE LEFT OF THE POOL WHERE RECREATIONAL SWIMMERS COULD
12 PARK THEIR CARS AND GO TO THE BEACH AND SO FORTH.

13 BY MR. BROWN:

14 Q SO YOU WOULD HAVE, IF WE CAN ORIENT
15 OURSELVES, YOU WOULD HAVE THE BELMONT PIER STICKING OUT
16 FROM THE BEACH INTO THE OCEAN?

17 A UH-HUH.

18 Q AND THEN IT WOULD BE WHAT, SOUTHEAST OF THE
19 BELMONT PIER YOU WOULD HAVE THE BELMONT PLAZA POOL?

20 A YES.

21 Q CORRECT? AND THEN JUST NORTH OF THE BELMONT
22 PLAZA POOL THAT WOULD BE A LITTLE ACCESS STREET IN THERE
23 AND BIG JOHN'S WOULD BE ACROSS THAT STREET?

24 A YES.

25 Q AND THEN NORTH OF BIG JOHN'S WOULD BE OCEAN
26 BOULEVARD?

1 A YES.

2 Q WHICH WENT ON OUT THE PENINSULA?

3 A YES.

4 Q NOW, WHERE WERE YOU CONSUMING THE BEER, YOU
5 AND YOUR FRIENDS THAT YOU HAVE MENTIONED CONSUMING THIS
6 BEER?

7 A IT WOULD BE THE PARKING LOT THAT WOULD BE
8 SOUTHEAST OF THE OLYMPIC BIG POOL.

9 Q SO IT WOULD BE SOUTHEAST OF THE POOL AND IT
10 WOULD BE SOUTH OF BIG JOHN'S AND IT WOULD BE RIGHT
11 ADJACENT TO THE BEACH, WOULD THAT BE FAIR TO SAY?

12 A YES.

13 Q WHERE WERE YOU WITH RESPECT TO THAT PARKING
14 LOT IN CONSUMING THIS BEER?

15 A IN THE AREA CLOSEST TO THE POOL.

16 Q NOW, AT SOME POINT TELL US WHAT HAPPENED THEN
17 AFTER YOU ARRIVED AT THAT LOCATION?

18 A I DON'T REMEMBER EXACTLY THE SEQUENCES AS FAR
19 AS WHAT EXACTLY TOOK PLACE, OTHER THAN THE FACT THAT I
20 KNOW HE HAD BEEN IN AND OUT OF THE POOL HALL.

21 Q WHAT WERE YOU DOING IN THE POOL HALL?

22 A PLAYING VIDEO GAMES.

23 Q WERE YOU DRINKING BEER INSIDE THERE?

24 A NO.

25 Q OR BECAUSE -- WHY WAS THE REASON FOR THAT?

26 A AGE LIMIT. WE WERE ALL CONSUMING BEER, SO

1 OUT TO THE CARS AND TAKE A BREAK, HAVE A BEER.

2 Q NOW AT SOME POINT IN TIME THERE, DID YOU GET
3 INTO AN ARGUMENT WITH THIS GIRL THAT YOU HAD COME DOWN TO
4 BIG JOHN'S WITH?

5 A YES.

6 Q WOULD YOU TELL US WHAT THE NATURE OF THAT
7 ARGUMENT WAS, WHAT WAS THE SUB AND SUBSTANCE OF IT?

8 A WE HAD GONE DOWN THERE TOGETHER. ONE OF THE
9 NEIGHBORS HAD SHOWN UP THAT WAS AT LITTLE BIT OLDER THAN
10 MYSELF. FOR SOME REASON OR ANOTHER THEY WERE ATTRACTED TO
11 EACH OTHER AND I DID NOT LIKE THIS AT ALL.

12 Q THE GIRL WAS ATTRACTED TO THIS OTHER GUY?

13 A (NODS.)

14 Q WHAT OCCURRED THEN?

15 A OH, WE JUST, FROM WHAT I REMEMBER, HAD A
16 CONVERSATION IN REGARDS TO, YOU KNOW, I AM NOT YOUR
17 GIRLFRIEND, AND THERE'S NO REASON FOR ME TO STAY WITH YOU
18 FOR THE REST OF EVENING, I CAN GO AND SOCIALIZE WITH YOUR
19 OTHER FRIENDS.

20 Q AFTER THAT DID YOU AND KEITH GET TOGETHER AND
21 HAVE SOME CONVERSATION?

22 A AT SOME POINT I WAS DISTRAUGHT --

23 MR. MC DONALD: EXCUSE ME, NONRESPONSIVE.

24 THE COURT: SUSTAINED.

25 BY MR. BROWN:

26 Q WHAT HAPPENED AFTER THIS ARGUMENT WITH THE

1 GIRL? WHAT DID DO YOU THEN?

2 A I DON'T REMEMBER EXACTLY OTHER THAN LEAVING
3 HER ALONE AND LETTING HER GO ON HER WAY.

4 Q AND DID YOU AT SOME TIME AFTER THAT ARGUMENT
5 APPROACH KEITH AND THEN YOU AND KEITH START TALKING ABOUT
6 THE ARGUMENT AND OTHER THINGS --

7 A YES.

8 Q -- TOGETHER? AND WHEN I AM SAYING KEITH, WE
9 ARE TALK ABOUT KEITH CROTWELL; IS THAT CORRECT?

10 A YES.

11 Q WAS THERE ANY OTHER INDIVIDUAL THERE THAT
12 NIGHT THAT WAS NAMED KEITH OTHER THAN KEITH CROTWELL?

13 A UHH, NOT THAT I KNOW OF.

14 Q OKAY. DID YOU AND KEITH THEN START HAVING A
15 CONVERSATION?

16 A YES.

17 Q WHERE DID THAT OCCUR?

18 A UHH, WE HAD WALKED OVER TO THE SEA WALL OR
19 RETAINING WALL FOR THE BEACH, ONE SIDE OF THE WALL WOULD
20 BE THE SAND, THE OTHER SIDE WOULD BE THE BOARD WALK AND
21 THE PARKING LOT.

22 Q AND WHAT OCCURRED THERE WHILE YOU WERE THERE?

23 A JUST CONVERSATION ABOUT HOW TO DEAL WITH
24 THESE TYPES OF SITUATIONS AS A YOUNG MAN.

25 Q WERE YOU DRINKING AT THAT TIME?

26 A I BELIEVE SO.

1 Q OKAY. WAS KEITH DRINKING AT THAT TIME?

2 A I BELIEVE SO.

3 Q AT SOME POINT IN TIME AFTER YOU GOT TOGETHER
4 WITH KEITH ON THAT SEA WALL, DID YOU HAVE OCCASION TO SEE
5 A CAR DRIVE UP?

6 A I DON'T REMEMBER.

7 Q WHAT'S THE NEXT THING THAT YOU REMEMBER
8 CONCERNING THAT CONVERSATION WITH KEITH, WHAT HAPPENED
9 NEXT?

10 A UHM, WE WERE APPROACHED BY A GENTLEMAN
11 MINGLING INTO OUR CONVERSATION.

12 Q EXCUSE ME?

13 A THAT MINGLED INTO OUR CONVERSATION.

14 Q OKAY. WHAT OCCURRED THEN? WHAT WAS THE
15 SUBJECT OF THE CONVERSATION AT THAT TIME?

16 A JUST IN REFERENCE TO WHAT KEITH AND I WERE
17 DISCUSSING, HOW TO DEAL WITH WOMEN AND SO ON AND SO FORTH.

18 Q WHAT OCCURRED NEXT AFTER THAT? DID THAT THE
19 TOPIC OF THAT CONVERSATION CHANGE THEN TO A DIFFERENT
20 TOPIC?

21 A UHM, WE WERE IN AN AREA WHERE, UHM --

22 MR. MC DONALD: OBJECTION, NONRESPONSIVE.

23 THE COURT: TRY AND JUST ANSWER HIS QUESTIONS. GO
24 AHEAD.

25 BY MR. BROWN:

26 Q DID THAT, DID THE SUBJECT OF GIRLS CHANGE

1 INTO A DIFFERENT SUBJECT AT SOME TIME?

2 A YES.

3 Q AND WHAT CAUSED THE SUBJECT TO CHANGE?

4 MR. MC DONALD: OBJECTION.

5 THE COURT: SUSTAINED.

6 MR. MC DONALD: SPECULATIVE.

7 THE COURT: I WILL SUSTAIN IT.

8 BY MR. BROWN:

9 Q WHAT WAS THE NATURE OF THE NEXT SUBJECT THAT
10 YOU TALKED ABOUT?

11 A UHM, GAY PEOPLE.

12 Q DID YOU BRING UP THE SUBJECT OF GAY PEOPLE?

13 A YES, I BELIEVE I DID.

14 Q WHY DID YOU BRING UP THAT SUBJECT?

15 A WE WERE IN AN AREA WHERE THEY FREQUENTED AS
16 FAR AS DRIVING AROUND THE PARKING LOT.

17 Q AND WHAT WAS THE NATURE OF THE
18 CONVERSATION -- STRIKE THAT. LET ME GO BACK JUST A
19 SECOND. WHEN THE SUBJECT OF GAY PEOPLE CAME UP, WHO WAS
20 PRESENT DURING THAT CONVERSATION?

21 A UHM, MYSELF, KEITH AND THE GENTLEMAN THAT
22 APPROACHED US.

23 Q OKAY. NOW WITH RESPECT TO THAT PARTICULAR
24 PERSON THAT APPROACHED YOU, IS HE HERE IN COURT TODAY?

25 A YES, HE IS.

26 Q WOULD YOU IDENTIFY HIM FOR THE COURT AND THE

1 JURY PLEASE?

2 A THE GENTLEMAN SITTING IN THE BLUE.

3 THE COURT: RECORD WILL REFLECT MR. KRAFT.

4 BY MR. BROWN:

5 Q OKAY. NOW, IN THAT RESPECT, WHAT WAS THE

6 SUBJECT MATTER OR WHAT WAS THE SUBSTANCE OF THAT

7 CONVERSATION CONCERNING GAY PEOPLE --

8 A UHM, QUESTIONING HIM --

9 Q -- BETWEEN THE THREE OF YOU?

10 MR. MC DONALD: THAT IS OBVIOUSLY HEARSAY, YOUR

11 HONOR.

12 THE COURT: OVERRULED.

13 MR. BROWN: THAT MEANS, WHEN THE COURT SAYS

14 OVERRULED THAT MEANS YOU CAN ANSWER.

15 THE WITNESS: OKAY. IT WAS IN RESPONSE TO WHETHER

16 HE WAS GAY OR NOT.

17 BY MR. BROWN:

18 Q WHEN YOU SAY HE, YOU MEAN MR. KRAFT?

19 A YES.

20 Q AND WHAT WAS, WHAT WAS THE SUBSTANCE OF THAT

21 CONVERSATION, NOT WORD FOR WORD, BUT THE GENERAL?

22 MR. MC DONALD: I WOULD OBJECT, YOUR HONOR. I

23 WOULD OBJECT TO THAT, YOUR HONOR, AND UNLESS WE HAVE SOME

24 FOUNDATION THIS GENTLEMAN CAN RECALL, YOU KNOW, WHAT THE

25 CONVERSATION WAS. DEALING IN SUBSTANCE IS --

26 THE COURT: ALL RIGHT.

1 MR. BROWN: WELL, JUDGE --

2 THE COURT: YOU CAN ASK IF HE CAN RECALL IN
3 SUBSTANCE WHAT WAS STATED.

4 BY MR. BROWN:

5 Q CAN YOU TELL US IN SUBSTANCE WHAT WAS STATED
6 ABOUT THIS, THE GAY PEOPLE THAT WERE IN THE NEIGHBORHOOD?

7 A UHM, WAS HE, UHM, GAY OR WHAT WAS HE DOING
8 DOWN IN THIS AREA AT THIS TIME FOR WHAT PURPOSE.

9 Q AND WHAT WAS MR. KRAFT'S RESPONSE IN THAT
10 AREA?

11 A UHM, TO THE BEST OF WHAT I CAN RECALL HE WAS
12 NOT. HE WAS JUST OUT FOR A LEISURELY STROLL, CRUISE,
13 WHATEVER.

14 Q NOW, YOU HAD KNOWN KEITH FOR WHAT
15 APPROXIMATELY A YEAR AT THAT TIME?

16 A YES.

17 Q AND HAD SEEN HIM FOR WHAT APPROXIMATELY FOUR
18 TIMES A WEEK?

19 A YES.

20 Q WHAT WAS, WHAT WAS YOUR AND KEITH'S ATTITUDE
21 WITH RESPECT TO HOMOSEXUALS AT THAT TIME?

22 A WE DIDN'T LIKE THEM.

23 Q NOW, AFTER THIS CONVERSATION WITH RESPECT TO
24 THESE GAY PEOPLE CRUISING THE PARKING LOT HEARD BETWEEN
25 YOURSELF, KEITH, AND MR. KRAFT, WHAT ELSE WAS SAID?

26 A UHM --

1 MR. MC DONALD: WELL, I AM GOING TO OBJECT, YOUR
2 HONOR, AS TO FOUNDATION.

3 THE COURT: OVERRULED. YOU MAY ANSWER IF YOU
4 RECALL.

5 MR. MC DONALD: IT ASSUMES FACTS NOT IN EVIDENCE.

6 THE COURT: DO YOU RECALL ANY OTHER CONVERSATION AT
7 THAT TIME?

8 THE WITNESS: UHM, JUST THAT WE WERE, MR. KRAFT
9 OFFERED TO PARTY WITH US, UHM, OFFERING US DRUGS.

10 BY MR. BROWN:

11 Q WHAT WAS THE CONVERSATION -- LET'S SEE, ARE
12 YOU GUYS STILL ON THE SEA WALL AT THIS TIME?

13 A YES, SIR.

14 Q WHAT WAS -- LET'S KEEP ON THE SEA WALL. AND
15 WHAT WAS THE CONVERSATION AT THE SEA WALL BETWEEN
16 YOURSELF, KEITH AND MR. KRAFT WITH RESPECT TO MR. KRAFT
17 OFFERING YOU DRUGS?

18 A UHM, IT WAS JUST THAT WE WERE, UHM, I WAS
19 OBVIOUSLY DEPRESSED BECAUSE OF THE SITUATION.

20 MR. MC DONALD: OBJECTION, NONRESPONSIVE, MOTION TO
21 STRIKE.

22 THE COURT: YOU ARE BEING AN AGRESSOR. TRY NOT TO
23 VOLUNTEER THINGS. THE JURY WILL BE ADMONISHED TO
24 DISREGARD THAT AND STRIKE THAT.

25 BY MR. BROWN:

26 Q WHAT WAS THE -- I AM SORRY, JUDGE.

1 WHAT WAS THE SUBSTANCE OF THE CONVERSATION
2 CONCERNING DRUGS BETWEEN THE THREE OF YOU?

3 A UHM, IF WE WOULD LIKE TO PARTAKE IN SOME
4 DRUGS THAT HE HAD AVAILABLE.

5 Q DID YOU GO SOMEWHERE THEN FROM THE SEA WALL
6 AT THAT POINT IN TIME?

7 A YES.

8 Q AND WHERE DID YOU GO?

9 A UHM, I BELIEVE WE APPROACHED THE DEFENDANT'S
10 CAR.

11 Q PARDON ME?

12 A WE APPROACHED MR. KRAFT'S CAR.

13 Q AND HOW WERE YOU ABLE TO GET TO MR. KRAFT'S
14 CAR?

15 A UHM, HE BASICALLY LED THE WAY INVITING US TO
16 HIS CAR TO PARTAKE.

17 Q AT THAT TIME YOU WERE INTERESTED IN
18 MOTORCYCLES?

19 A WE WERE ALL.

20 MR. MC DONALD: OBJECTION, IRRELEVANT.

21 THE COURT: SUSTAINED.

22 BY MR. BROWN:

23 Q DID YOU ALSO HAVE AN INTEREST IN CARS?

24 A YES, SIR.

25 MR. MC DONALD: OBJECTION, IRRELEVANT.

26 THE COURT: WELL, I WILL LET IT REMAIN.

1 BY MR. BROWN:

2 Q DID YOU NOTICE ANY CHARACTERISTICS ABOUT THAT
3 CAR?

4 MR. MC DONALD: OBJECTION, LEADING AND SUGGESTIVE.

5 MR. BROWN: I AM SORRY, THAT -- JUDGE, THAT IS NOT
6 LEADING.

7 THE COURT: OVERRULED. YOU MAY ANSWER.

8 BY MR. BROWN:

9 Q DID YOU NOTICE ANY CHARACTERISTICS ABOUT THAT
10 PARTICULAR CAR?

11 A IT WAS A MUSTANG. IT WASN'T ANYTHING OUT,
12 UNORDINARY. IT MAY HAVE BEEN A SPECIAL MODEL JUST DUE TO
13 THE FACT IT HAD A DIFFERENT COLOR TOP. IT WASN'T A SOLID
14 COLOR CAR.

15 Q WHAT WERE THE COLORS ON THE MUSTANG?

16 A IT WAS A WHITE OR LIGHT COLORED CAR WITH A
17 DARK OR BLACK ROOF.

18 Q AND WHAT YEAR WAS IT APPROXIMATELY?

19 A UHH, APPROXIMATELY THAT YEAR OR A YEAR LATER.

20 Q SEVENTY --

21 A '74 OR '75.

22 MR. BROWN: JUDGE, I HAVE SOME PHOTOGRAPHS OF A
23 MUSTANG WITH A LICENSE NUMBER 303KHZ. I HAVE FOUR OF
24 THEM. CAN THAT BE MARKED AS PEOPLE'S NEXT IN ORDER A, B,
25 C?

26 THE CLERK: 145.

1 THE COURT: 145-A, B, C AND D; IS THAT CORRECT?

2 MR. BROWN: YES, SIR.

3 (MARKED FOR IDENTIFICATION ^ PEOPLE'S EXHIBIT

4 145-A, B, C AND D.)

5 MR. MC DONALD: CAN I SEE THOSE AGAIN AFTER YOU?

6 MR. BROWN: YEAH.

7 BY MR. BROWN:

8 Q LET ME SHOW YOU 145-A, B, C AND D, MR. HAY,
9 AND ASK YOU IF THE VEHICLE, DID YOU SUBSEQUENTLY GET INTO
10 THAT CAR MR. KRAFT HAD AT THAT TIME?

11 A YES, I DID.

12 Q LET ME ASK YOU, DO THESE PHOTOGRAPHS 145-A,
13 B, C AND D, DO THOSE PHOTOGRAPHS APPEAR TO YOU BE EITHER
14 THE SAME OR SIMILAR TO THE CAR YOU GOT IN THAT NIGHT?

15 A YES, THEY DO.

16 Q WHERE DID YOU GET IN, DID THE THREE OF YOU
17 GET INTO THE CAR?

18 A YES, WE DID.

19 Q MR. KRAFT, KEITH, AND YOURSELF?

20 A YES.

21 Q WHERE DID ALL OF YOU THREE FOLKS GET INTO THE
22 CAR.

23 A WHAT?

24 Q WHERE INSIDE THE CAR DID YOU SIT?

25 A UHM, IF I RECALL, KEITH WAS SITTING IN THE
26 PASSENGER SEAT. I WAS SITTING BEHIND HIM IN THE BACK SEAT

1 PASSENGER SIDE AND MR. KRAFT WAS SITTING IN THE DRIVER'S
2 SEAT.

3 Q THINKING BACK ABOUT IT, ABOUT THIS NOW, CAN
4 YOU RECALL AT THIS TIME WHAT MR. KRAFT WAS WEARING THAT
5 NIGHT WHEN HE APPROACHED YOU FOLKS AND THEN JOINED THE
6 CONVERSATION YOU HAD THIS CONVERSATION?

7 A UHM, YES. HE WAS WEARING SOME TYPE OF A
8 MOTORCYCLE HAT OR CAPTAIN'S HAT, HAT REFERRING TO AS
9 HAVING A LOW TOP ON IT AND SOME TYPE OF A SHORT BILL
10 COMING OUT OVER THE FOREHEAD. UHM, DARK JACKET, EITHER
11 LEATHER OR LEVI WITH DARK PANTS.

12 MR. BROWN: MAY I JUST HAVE A MOMENT, YOUR HONOR?

13 THE COURT: SURELY.

14 BY MR. BROWN:

15 Q WOULD YOU TELL US WHAT OCCURRED, MR. KAY,
16 WHEN YOU GOT INTO MR. KRAFT'S CAR?

17 A UHM, MR. KRAFT OFFERED US, UHM, THE DRUGS
18 THAT HE HAD MENTIONED EARLIER. I RECALL KEITH IDENTIFYING
19 THEM FOR ME TO LET ME KNOW WHAT THEY WERE. UHM, MR. KRAFT
20 HANDED THEM OUT TO BOTH OF US AS I RECALL, AND UHM, A LOT
21 MORE THAN WHAT SHOULD HAVE BEEN CONSUMED. UHM, KEITH AT
22 THAT TIME, UHM, OFFERED TO ALLEGATE(SIC) THE AMOUNT THAT
23 SHOULD BE SUFFICIENT FOR MYSELF.

24 MR. MC DONALD: EXCUSE ME, YOUR HONOR, EXCUSE ME
25 MR. KAY, THIS CALLS FOR A NARRATIVE. THIS IS EXACTLY THE
26 PROBLEM THAT I WAS ALLUDING TO EARLIER. I PREFER A

1 QUESTION AND ANSWER.

2 THE COURT: ALL RIGHT. WHY DON'T YOU ASK
3 ADDITIONAL QUESTIONS, MR. BROWN.

4 MR. BROWN: YES, SIR.

5 BY MR. BROWN:

6 Q HOW DID, HOW DID MR. KRAFT DISPENSE THESE
7 DRUGS TO THE TWO OF YOU?

8 A UHM, POURED THEM OUT OF A BOTTLE.

9 Q WHEN YOU SAY BOTTLE, WHAT KIND? WOULD YOU
10 DESCRIBE THAT FOR US, PLEASE?

11 A UHM, IT IS YOUR TYPICAL SUBSCRIPTION BOTTLE
12 YOU GET FROM THE DRUGSTORE.

13 Q PRESCRIPTION BOTTLE?

14 A YES.

15 Q AND WOULD YOU DESCRIBE THE DIMENSIONS OF IT,
16 HOW BIG DID IT APPEAR TO YOU TO BE?

17 A AN INCH, INCH AND A HALF TALL. THREE
18 QUARTERS TO AN INCH TO AN INCH THICK, WHITE TAPE ON IT OR
19 LABEL.

20 Q DID YOU SEE SOME TYPE OF LABEL ON THAT
21 BOTTLE?

22 A IT WAS -- IT HAD A LABEL ON IT, YES.

23 Q WERE YOU ABLE TO READ ANYTHING ON THE LABEL?

24 A NO.

25 Q NO. WOULD YOU -- WOULD YOU CHARACTERIZE THAT
26 CONTAINER AS A VIAL AS OPPOSED TO A BOTTLE?

1 A I WOULD REFER TO IT AS A BOTTLE YOU WOULD GET
2 FROM THE PHARMACIST.

3 Q WHAT DID IT APPEAR TO BE MADE OUT OF?

4 A PLASTIC, BROWN PLASTIC.

5 Q THEN AT SOME POINT IN TIME DID YOU FOLKS HAVE
6 ANY FURTHER CONVERSATION -- LET ME STRIKE THAT.

7 DID YOU GUYS DRIVE SOMEWHERE AT THAT POINT IN
8 TIME OR SOME POINT IN TIME?

9 A WE HADN'T DRIVEN ANYWHERE AT THAT TIME, NO.
10 WE WERE THERE ALLEGATING(SIC) WHAT WAS TO BE TAKEN,
11 CONSUMED.

12 Q OKAY. AND THEN WHAT HAPPENED AT THAT TIME?

13 A UHM --

14 Q DID YOU AND KENT, EXCUSE ME, YOU AND KEITH
15 TAKE SOME DRUGS AT THAT TIME?

16 A YES, WE DID.

17 Q AND HOW DID YOU TAKE THOSE DRUGS?

18 A UHM, CONSUMED THEM THROUGH OUR MOUTHS,
19 DRINKING THEM, CHASING THEM DOWN WITH BEER.

20 Q DID MR. KRAFT OFFER ANY BEER TO YOU AT THAT
21 TIME?

22 A I DON'T REMEMBER.

23 Q DO YOU RECALL WHETHER MR. KRAFT HAD ANY
24 ACCESS TO BEER IN THE VEHICLE?

25 A I DON'T REMEMBER.

26 Q DO YOU REMEMBER WHETHER HE HAD ANY CONTAINERS

1 IN THE VEHICLE OR --

2 A I DON'T REMEMBER.

3 Q YOU DON'T REMEMBER ANYTHING LIKE THAT?

4 A (NODS HEAD.)

5 Q DO YOU RECALL APPROXIMATELY THE NUMBER OF, OF
6 PILLS THAT YOU TOOK?

7 A UHM, I TOOK LESS THAN KEITH DID. I BELIEVE I
8 HAD SOMEWHERE BETWEEN SIX AND SEVEN PILLS, AND KEITH HAD
9 THREE OR FOUR MORE.

10 Q WOULD YOU DESCRIBE THESE PILLS TO US? CAN
11 YOU GIVE US AN INDICATION OF WHAT THEY APPEARED TO YOU TO
12 BE, WHAT THEY LOOKED LIKE?

13 A LITTLE YELLOW TABLETS.

14 Q AND DID THEY HAVE ANY PARTICULAR WRITING ON
15 THEM?

16 A UHM, THEY WERE IDENTIFIED WITH NUMERALS, HAD
17 NUMBER 10 ON THEM.

18 Q NOW, WITH RESPECT TO YOUR TAKING THESE DRUGS,
19 WHAT OCCURRED AFTER YOU AND KEITH TOOK THESE DRUGS WITH
20 THE BEER CHASING THEM?

21 A UHM, WE JUST PROCEEDED TO GO FOR THE DRIVE
22 THAT WE HAD INTENTIONALLY GOT IN THE CAR FOR.

23 Q WHO WAS DRIVING THE CAR AT THAT TIME?

24 A MR. KRAFT WAS.

25 Q AND WERE YOU AND KEITH STILL SEATED IN THE
26 SAME SEATS YOU DESCRIBED TO US?

1 A YES, WE WERE.

2 Q DO YOU RECALL THE PATH THAT MR. KRAFT TOOK IN
3 DRIVING THE CAR WITH YOU AND KEITH IN THE CAR?

4 A UHM, YES, I DO.

5 Q WOULD YOU TELL US, WOULD YOU DESCRIBE THAT
6 FOR US, PLEASE?

7 A UHM, WE --

8 Q TAKE US IN SOME DETAIL BECAUSE I, A LOT OF US
9 PROBABLY AREN'T FAMILIAR WITH THAT AREA SO --

10 A WELL, WE LEFT FROM THAT END OF THE PARKING
11 LOT CLOSEST TO THE POOL AND DROVE SOUTH TOWARDS THE
12 GRANADA STREET ENTRANCE WHICH WOULD BE ONE OF THE MAIN
13 STREETS GOING UP TO 2ND STREET OR CONNECTING 2ND STREET
14 AND OCEAN. WE TURNED RIGHT OUT OF THAT ENTRANCE EXIT AND
15 PROCEEDED SOUTH TOWARDS ALAMITOS BAY AREA.

16 Q LET ME STOP YOU RIGHT THERE. THE EXIT TO
17 THAT PARKING LOT, THAT GRANADA EXIT THERE, IS A BAR THAT
18 IS CALLED RIPPLES THAT IS RIGHT AT THAT INTERSECTION OF
19 GRANADA AND OCEAN?

20 A UHM, YES, THERE IS.

21 Q SO YOU WENT DOWN THE PARKING LOT, AND THAT
22 WOULD BE WHAT, IN A SOUTHEAST DIRECTION, IT WOULD BE
23 TOWARDS SEAL BEACH, WOULD THAT BE FAIR TO SAY?

24 A YES.

25 Q AND THEN YOU CAME OUT OF THE PARKING LOT
26 RIGHT AT THE AREA OF THAT RIPPLES BAR?

1 A YES.

2 Q WHAT DIRECTION DID YOU TURN WHEN YOU HIT THAT
3 INTERSECTION WHERE RIPPLES BAR IS?

4 A TURNED RIGHT GOING IN THE DIRECTION OF SEAL
5 BEACH AGAIN.

6 Q TELL US THEN WHEN, WHERE YOU WENT FROM THERE?

7 A UHM, WENT DOWN TOWARDS THE ALAMITOS BAY AREA
8 WHERE THERE WAS A LEFT-HAND TURN, UHM, THAT GOES RIGHT
9 ALONG THE BAY. UHM, DROVE UP THAT STREET UP TO 2ND STREET
10 WHICH IS THE MAIN STREET GOING THROUGH BELMONT SHORE AREA
11 AND PROCEEDED TO GO OVER BOTH BRIDGES WHICH ARE IN THE
12 NAPLES AREA TO PACIFIC COAST HIGHWAY. THERE IS A STREET
13 JUST BEFORE THERE, I AM NOT FAMILIAR WITH THE NAME, BUT IT
14 ACTUALLY LINES THE, THE HARBOR WHERE ALL THE PRIVATE BOATS
15 ARE PARKED.

16 Q THAT'S RIGHT BY THE LONG BEACH MARINA?

17 A RIGHT. DROVE DOWN THAT STREET WHICH GOES
18 INTO THE SHOPPING CENTERS OR EXCUSE ME, SHOPPING AREAS
19 WHICH ARE THE SEAL BEACH ENTRANCE FOR THAT PARTICULAR
20 AREA. IF YOU FOLLOW THE ROAD DOWN EVENTUALLY YOU GET INTO
21 THE SEAL BEACH AREA.

22 Q IS THERE SOME POINT IN TIME DURING THIS DRIVE
23 THAT YOU BEGAN TO LOSE EITHER -- LOSE YOUR MEMORY OF WHAT
24 IS OCCURRING?

25 A UHM, THE LAST THING I REMEMBER WOULD BE
26 DRIVING ALONG THE OCEAN FRONT STREET IN SEAL BEACH AND

1 GOING UP INTO, TOWARDS THE SEAL BEACH TOWN ON MAIN STREET
2 THERE.

3 Q WOULD YOU DESCRIBE TO THESE FOLKS YOUR, YOUR
4 MENTAL AND PHYSICAL CONDITION AS THIS TRIP IS PROGRESSING?

5 A UHM --

6 Q TELL US WHEN YOU STARTED FEELING FUNNY?

7 A AS FAR AS PHYSICALLY, I WASN'T REALLY MOBILE
8 IN THE BACK SEAT OF THE CAR, SO I COULDN'T TELL YOU
9 PHYSICALLY. MENTALLY I STARTED TO NOT REMEMBER, LOSE
10 RECOLLECTION OF WHERE WE WERE GOING.

11 Q NOW DID -- WHAT I AM ASKING YOU TO DO IS TO
12 TAKE US WITH YOU BACK ON THAT DRIVE, AND IF YOU CAN, GIVE
13 US YOUR THOUGHT PROCESSES, IF YOU CAN RECALL ANY AT THIS
14 TIME, CONCERNING YOUR MENTAL CAPABILITIES AS THIS DRIVE IS
15 PROGRESSING DOWN INTO SEAL BEACH?

16 A WELL, UHM, I THINK IT WOULD BE FAIR TO SAY
17 THAT I WAS FEELING ON THE HEAVY SIDE OF TIPSY. UHM, AS
18 FAR AS REMEMBERING EXACTLY WHAT MY THOUGHT PROCESS WAS,
19 JUST OBSERVING THE DRIVE AS WHERE WE WERE GOING.

20 Q AT SOME TIME DID YOU LOSE CONSCIOUSNESS?

21 A UHM, YES.

22 Q AND DO YOU RECALL WHERE YOU WERE WHEN THAT
23 OCCURRED?

24 A THE LAST THING I REMEMBER, LIKE I SAID, IS
25 TURNING UP THE MAIN STREET IN SEAL BEACH.

26 Q AT THAT POINT THEN WHAT'S THE NEXT THING YOU

1 CAN REMEMBER AFTER THAT?

2 A UHM, WOULD BE WAKING UP AT MY HOUSE.

3 Q WAKING UP AT HOME?

4 A YES.

5 Q AND THIS IS UP NEAR WHERE KEITH WAS LIVING

6 WHICH IS UP IN NORTH LONG BEACH ALMOST ADJACENT TO

7 LAKEWOOD, THAT BE ABOUT FAIR TO SAY?

8 A LOS COYOTES AND LARK INTERSECTION.

9 Q WHAT DID YOU FEEL LIKE WHEN YOU WOKE UP AT
10 YOUR HOUSE?

11 A LIKE I HAD A LOT TO DRINK.

12 Q WHEN DO YOU REMEMBER WAKING UP?

13 A UHM, IT WAS IN THE MORNING.

14 Q OF THE NEXT MORNING SOMETIME?

15 A NEXT MORNING I BELIEVE, YES.

16 Q DO YOU REMEMBER ANYTHING WITH RESPECT TO THE
17 TIME BETWEEN WHEN YOU WERE APPROACHING MAIN STREET IN SEAL
18 BEACH UNTIL WAKING UP IN YOUR HOUSE THE NEXT MORNING?

19 A UHM, JUST A FLASH OF GOING OVER ONE OF THE
20 BRIDGES COMING BACK INTO TOWN.

21 Q COMING BACK INTO WHICH TOWN?

22 A INTO BELMONT SHORE AREA.

23 Q WHAT DO YOU RECALL ABOUT THE INTERIOR OF MR.
24 KRAFT'S CAR ONCE YOU GOT INSIDE THE CAR WITH RESPECT --

25 A IT WAS A LIGHT COLOR INTERIOR.

26 Q AND DO YOU RECALL ANYTHING ABOUT THE HUB CAPS

1 ON THE EXTERIOR OF THE CAR?

2 A THEY SEEMED TO BE STOCK HUB CAPS. THERE
3 WASN'T ANY SPECIAL WHEELS ON IT OR MODIFIED WHEELS.

4 Q AT YOUR AGE AT THAT TIME, WERE YOU INTERESTED
5 IN HUB CAPS AND THINGS LIKE THAT?

6 A INTERESTED IN RACING CARS, NICE WHEELS ON
7 THEM AND SO ON AND SO FORTH.

8 Q LET ME ASK YOU, MR. MAY, TO GET YOU, TO STEP
9 DOWN HERE, WE HAVE A MAP THAT IS BACK BEHIND TO YOUR RIGHT
10 THAT IS CALL PEOPLE'S 8. I HAVE TO GET THIS SCREEN OUT OF
11 HERE FIRST. CAN YOU STEP DOWN AND LOOK AT PEOPLE'S 8, AND
12 IF YOU CAN GIVE US AN IDEA, SEE IF YOU CAN ORIENT YOURSELF
13 TO THIS, AND WHAT I AM GOING ASK YOU TO DO IS TO LOCATE
14 THAT PARKING LOT ADJACENT TO BIG JOHN'S.

15 A UHM, THE ACTUAL INDICATION IS NOT GOING TO BE
16 SPECIFIC JUST DUE TO THE FACT THAT IT'S NOT DETAILED
17 ENOUGH.

18 Q OKAY. I JUST WANT AN APPROXIMATE LOCATION,
19 MR. MAY. I HAVE A GREEN STICKER THAT IS K.D.C., 3-30-75.
20 IT WOULD BE RIGHT HERE? WHERE?

21 A 2ND STREET AND OCEAN AVENUE.

22 Q IS THAT -- HAVE I PUT THAT STICKER, THAT
23 GREEN STICKER K.D.C., 3-30-75 IN THE AREA WHERE THE
24 PARKING LOT IS ADJACENT TO BIG JOHN'S IN THE BELMONT PLAZA
25 POOL?

26 A YES, YOU HAVE.

1 Q OKAY. YOU CAN RETURN TO THE STAND IF YOU
2 WOULD LIKE.

3 MR. BROWN: CAN I JUST HAVE A MOMENT, JUDGE, JUST
4 TO SEE IF I HAVE COVERED EVERYTHING?

5 THE COURT: I THINK WHAT WE WILL DO IS IT'S
6 PROBABLY TIME TO TAKE OUR MORNING BREAK. SO I WILL
7 ADMONISH YOU, LADIES AND GENTLEMEN, NOT TO DISCUSS THIS
8 MATTER AMONG YOURSELVES OR ANYONE ELSE THE NATURE OR
9 SUBJECT OF THIS TRIAL OR FORM OR EXPRESS ANY OPINION UNTIL
10 THE MATTER IS FINALLY SUBMITTED TO YOU. AND WE WILL TAKE A
11 15 MINUTE RECESS. THANK YOU.

12 AND MITCH, YOU MAY NEED TO HELP TO LET THE
13 JURORS IN.

14 (RECESS TAKEN.)

15 THE COURT: YOU LOST YOUR WITNESS.

16 MR. BROWN: I DON'T KNOW WHAT HAPPENED.

17 THE COURT: MAYBE HE WENT BACK TO HAWAII.

18 MR. BROWN, ANYTHING FURTHER?

19 MR. BROWN: NO, SIR.

20 THE COURT: MR. MC DONALD, PLEASE.

21 CROSS-EXAMINATION +

22 BY MR. MC DONALD:

23 Q MR. MAY, WHAT WAS THE, THE GIRL'S NAME THAT
24 YOU ARRIVED AT BIG JOHN'S WITH?

25 A LESLIE.

26 Q DO YOU KNOW HER LAST NAME?

1 A NO, I DON'T.

2 Q AND WHAT TIME DID YOU SAY YOU ARRIVED?

3 A IT WAS AFTER DARK.

4 Q ANY IDEA A LITTLE MORE PRECISELY?

5 A I WOULD IMAGINE AROUND NINE O'CLOCK, TEN
6 O'CLOCK.

7 Q NINE OR TEN O'CLOCK, DO YOU THINK?

8 A YEAH.

9 Q WHERE HAD YOU BEEN PRIOR TO ARRIVING AT BIG
10 JOHN'S?

11 A I DON'T REMEMBER. WE WERE DRIVING AROUND.

12 Q DRIVING AROUND?

13 A YEAH. SPECIFICALLY, I COULDN'T TELL YOU.

14 Q HAD YOU STOPPED AT SOME PARTIES OR MOVIES OR
15 WHAT HAD YOU BE DOING?

16 A I DON'T REMEMBER.

17 Q WHEN YOU ARRIVED AT THE PARKING LOT BEFORE
18 YOU WENT INTO BIG JOHN'S, IS THAT WHEN YOU SAW A GROUP OF
19 PEOPLE YOU RECOGNIZED?

20 A I DON'T REMEMBER. I BELIEVE WE HAD SEEN
21 THEIR CARS AND THEN THEY INDICATED THEY WERE THERE.

22 Q DID YOU TALK WITH ANY OF THE PEOPLE BEFORE
23 YOU WENT INTO BIG JOHN'S?

24 A I DON'T REMEMBER.

25 Q WHOSE CARS DID YOU SEE?

26 A UHM, WOULD BE RANDY'S CAR, RANDY COOPER'S

1 TRUCK.

2 Q ANYBODY ELSE'S?

3 A NOT THAT I RECALL.

4 Q DID LESLIE GO INTO BIG JOHN'S?

5 A YES, SHE DID.

6 Q DID YOU GO INTO BIG JOHN'S?

7 A YES, I DID.

8 Q DID YOU STAY IN -- YOU ARRIVED APPARENTLY IN
9 LESLIE'S CAR?

10 A YES.

11 Q WHAT KIND OF CAR WAS THAT?

12 A IT WAS A HAVERICK, A GREEN HAVERICK.

13 Q BEFORE YOU WENT INTO BIG JOHN'S, DID YOU SIT
14 OUT IN THE HAVERICK AND TALK OR --

15 A I DON'T REMEMBER IF HE DID OR HE DIDN'T.

16 Q DO YOU REMEMBER ANY DELAY BEFORE YOU WENT
17 INTO BIG JOHN'S?

18 A NO, I DON'T.

19 Q COULD HAVE HAPPENED OR MIGHT NOT HAVE; YOU
20 DON'T KNOW?

21 A YES, SIR.

22 Q WHO WAS INSIDE BIG JOHN'S?

23 A UHM, PEOPLE.

24 Q THAT YOU RECOGNIZED?

25 A THAT I RECOGNIZED, RANDY, RANDY COOPER, RANDY
26 COOPER, TERRY DITHAR, FRANK DITHAR, AND KEITH CROTWELL.

1 Q ANYBODY ELSE?

2 A NOT THAT I RECALL.

3 Q NOW THE DRINKING THAT YOU HAVE DESCRIBED
4 DIDN'T TAKE PLACE INSIDE BIG JOHN'S?

5 A NO, SIR.

6 Q IT TOOK PLACE OUTSIDE IN THE PARKING LOT?

7 A YES, SIR.

8 Q OR INSIDE VEHICLES IN THE PARKING LOT?

9 A YES, SIR.

10 Q WHOSE VEHICLES?

11 A I WOULD IMAGINE WE WERE, HAD SOME BEERS IN
12 OUR CAR, IN THE HAYERICK AS WELL AS RANDY'S CAR.

13 Q AS WELL AS RANDY COOPER'S CAR?

14 A RANDY COOPER'S CAR.

15 Q HAD YOU STOPPED AND GOTTEN BEER BEFORE YOU,
16 YOU ARRIVED AT BIG JOHN'S OR DO YOU KNOW?

17 A I BELIEVE WE DID. I DON'T RECALL EXACTLY
18 WHAT THE SEQUENCE WAS.

19 Q DO YOU KNOW HOW MANY BEERS YOU HAD?

20 A OH NO, I DON'T RECALL.

21 Q DO YOU KNOW HOW MANY BEERS LESLIE HAD?

22 A UHM, I DON'T REMEMBER IF SHE WAS DRINKING YET
23 OR NOT.

24 Q YOU DON'T REMEMBER IF SHE WAS DRINKING YET OR
25 NOT?

26 A YET OR NOT.

1 Q OKAY. SOMETIME DURING THE PERIOD OF THE
2 EVENING SHE WAS?

3 A YES, SIR.

4 Q BUT YOU DON'T KNOW IF IT WAS BEFORE OR AFTER
5 YOU WENT INTO BIG JOHN'S FOR THE FIRST TIME?

6 A YES, SIR.

7 Q HOW LONG DID YOU STAY IN BIG JOHN'S BEFORE
8 YOU EXITED AND CAME BACK OUTSIDE TO DRINK SOME BEER?

9 A I DON'T REMEMBER ANY EXACT TIME LIMIT.

10 Q APPROXIMATELY?

11 A 45 MINUTES, MAYBE. I, A COUPLE GAMES, I MEAN
12 HOWEVER LONG IT TAKES OR TOOK.

13 Q WHO DID YOU COME OUT WITH?

14 A I DON'T REMEMBER.

15 Q WAS IT LESLIE?

16 A I DON'T REMEMBER IF LESLIE AND I CAME OUT TO
17 THE CAR, UHM, TO HAVE A BEER OR ONE OF THE GUYS AND I CAME
18 OUT TO THE CAR AND HAD A BEER AND WE WENT BACK IN. THE
19 EXACT SEQUENCES PRIOR TO ANYTHING HAPPENING, NO.

20 Q WERE YOU ESSENTIALLY OUT OF BIG JOHN'S MOST
21 OF THE EVENING?

22 A THAT WAS OUR BASIC PRACTICE, YES.

23 Q GO IN FOR ANNIE, PLAY POOL, TALK, CHAT,
24 WHATEVER YOU ARE DOING, COME OUT AND HAVE SOME BEERS, GO
25 BACK INTO BIG JOHN'S, PLAY SOME POOL, CHAT, SOCIALIZE?

26 A YES, SIR.

1 Q SO YOU WERE IN AND OUT HOW MANY TIMES WOULD
2 YOU ESTIMATE?

3 A I WOULD -- I WOULDN'T BE ABLE TO TELL YOU,
4 GIVE YOU AN ESTIMATION.

5 Q OKAY. NOW, YOU STAYED AT BIG JOHN'S UNTIL
6 AFTER IT CLOSED, DIDN'T YOU?

7 A I DON'T REMEMBER. I BELIEVE IT WAS STILL
8 OPEN.

9 Q CLOSES AT TWO A.M., DOESN'T IT?

10 A I DON'T REMEMBER EXACT TIMES.

11 Q DOES IT CLOSE AT TWO A.M.?

12 A I BELIEVE SO. I DON'T KNOW.

13 Q DO YOU REMEMBER TELLING OFFICERS IN 1975 THAT
14 THE ARGUMENT THAT YOU HAD BETWEEN LESLIE AND YOURSELF TOOK
15 PLACE AROUND TWO A.M. AFTER OR AROUND THE TIME THAT BIG
16 JOHN'S WAS CLOSING?

17 A I BELIEVE IT WAS AROUND CLOSING TIME. I
18 DON'T REMEMBER THE EXACT TIME THEY WERE CLOSING. I WOULD
19 SAY TO BE SAFE BETWEEN ELEVEN AND ONE O'CLOCK IN THE
20 MORNING.

21 Q COULD YOU HAVE TOLD THEM AT TWO A.M. --

22 A I DON'T --

23 Q -- IN 1975?

24 A I DON'T RECALL.

25 Q OBVIOUSLY YOUR MEMORY THEN WOULD BE A LOT
26 FRESHER THAN IT IS TODAY?

1 A IT WOULD BE A LITTLE BIT BETTER, YES.

2 Q DO YOU HAVE ANY IDEA HOW MUCH BEER OR OTHER
3 ALCOHOLIC BEVERAGE YOU HAD CONSUMED PRIOR TO ARRIVING TO
4 BIG JOHN'S?

5 A UHM, LITTLE TO NONE.

6 Q LITTLE TO NONE?

7 A YEAH.

8 Q OKAY. NOW ARE YOU CERTAIN OF THAT?

9 A I JUST, WE WEREN'T DRINKING HEAVILY AT THAT
10 POINT. AS A WHOLE WE WEREN'T REALLY HEAVY DRINKERS, JUST
11 AS FAR AS, YOU KNOW, HAVING TWO, THREE BEERS RIGHT IN A
12 ROW.

13 Q BUT YOU APPARENTLY HAD BROUGHT SOME BEER TO
14 BIG JOHN'S WITH YOU?

15 A YES, SIR.

16 Q I WOULD LIKE TO SHOW YOU A POLICE REPORT
17 PREPARED APPARENTLY BY THE CITY OF LONG BEACH, OFFICER
18 BELL, IN WHICH YOU GIVE A STATEMENT TO HIM ON MAY 26TH,
19 1975. WOULD YOU JUST READ TO YOURSELF THIS AREA THAT I
20 HAVE BRACKETED, PLEASE? JUST READ IT TO YOURSELF.

21 A OKAY.

22 Q OKAY. DOES OFFICER BELL REPORT THAT YOU TOLD
23 HIM IN '75 THAT YOU AND LESLIE HAD AN ARGUMENT AROUND TWO
24 A.M. AFTER BIG JOHN'S HAD CLOSED. IS THAT WHAT THAT
25 REPORT REFLECTS?

26 A YES, IT DID.

1 Q DOES THAT REFRESH YOUR MEMORY?

2 A YES.

3 Q NOW, THIS ARGUMENT, WHERE DID IT TAKE PLACE?

4 A I BELIEVE IT WAS IN HER CAR.

5 Q INSIDE HER CAR?

6 A YES.

7 Q OKAY.

8 A WE STEPPED OUTSIDE TOGETHER AND TALK.

9 Q WHAT -- WAS ANYBODY ELSE IN THE CAR AT THE
10 TIME?

11 A NO, NOT THAT I RECALL.

12 Q HOW LONG WERE YOU IN THE CAR ARGUING?

13 A UHM, I COULDN'T SAY, NOT MORE THAN 15
14 MINUTES.

15 Q NOW, IS IT FAIR TO SAY THAT, THAT YOUR MEMORY
16 OF THAT PARTICULAR EVENING ISN'T CRYSTAL CLEAR?

17 A YES.

18 Q OKAY. AND YOU HAVE BEEN SPOKEN TO A NUMBER
19 OF TIMES CONCERNING THE FACTS THAT SURROUNDED THAT
20 PARTICULAR EVENING, HAVEN'T YOU?

21 A YES.

22 Q YOU HAVE BEEN SPOKEN TO BY LONG BEACH POLICE
23 DEPARTMENT, YOU HAVE BEEN SPOKEN TO BY IN 1975, YOU HAVE
24 BEEN SPOKEN TO IN 1983 ALSO?

25 A YES.

26 Q AND THAT WAS AFTER YOU HAD MOVED; ISN'T THAT

1 RIGHT?

2 A YES.

3 Q WHERE WERE YOU LIVING AT THAT TIME?

4 A THE FIRST TIME I WAS CONTACTED I WAS LIVING
5 UP IN THE NAPA VALLEY, NORTHERN CALIFORNIA AREA.

6 Q AND SOME POLICE OFFICERS CAME UP AND SPOKE
7 WITH YOU AT THAT TIME?

8 A YES, SIR.

9 Q AND YOU GAVE THEM THE BEST THAT YOU COULD
10 RECOLLECT AT THAT TIME?

11 A YES.

12 Q THEN YOU CAME DOWN AND YOU TESTIFIED AT A
13 PRELIMINARY HEARING AT SOME PERIOD OF TIME?

14 A YES, SIR.

15 Q AND YOU SPOKE WITH MR. BROWN AND MEMBERS OF
16 THE PROSECUTION STAFF AT THAT TIME?

17 A YES, SIR.

18 Q IN 1983, DID YOU TELL LONG BEACH POLICE
19 OFFICERS THAT YOU BELIEVED YOU AND LESLIE ARRIVED AT BIG
20 JOHN'S SOMEWHERE BETWEEN 8 AND 8:30 P.M.?

21 A I DON'T REMEMBER, UHM, EXACTLY WHAT TIME AT
22 THIS POINT WE HAD GOTTEN THERE VERSUS WHAT TIME I TOLD
23 THEM SEVEN YEARS AGO OR FIVE YEARS AGO.

24 Q OKAY. WHEN YOU GOT INTO THIS MUSTANG YOU
25 HAVE DESCRIBED, NOW YOU SAID THE HUB CAPS APPEARED TO BE
26 STOCK?

1 A (NODS HEAD.)

2 Q AND YOU WERE FAMILIAR WITH CARS DURING THOSE
3 DAYS, PROBABLY STILL ARE. WHAT ABOUT THE INTERIOR OF THE
4 VEHICLE, WHAT DO YOU REMEMBER?

5 A THAT IT WAS A LIGHT COLORED INTERIOR, UHM,
6 HAD HIGH BUCKET SEATS, BACK SEAT WAS A LITTLE CRAMPED FOR
7 ME.

8 Q OKAY. DO YOU REMEMBER ANY RADIO SPEAKERS?

9 A NOT -- I DON'T REMEMBER THEM NOW AT THIS
10 TIME.

11 Q DID YOU TELL ANY POLICE OFFICERS ABOUT THE,
12 SEEING SPECIAL RADIO SPEAKERS IN THE VEHICLE?

13 A I DON'T RECALL.

14 Q DID YOU TELL, DID YOU TELL THE LONG BEACH
15 OFFICERS IN 1983 THAT DURING THE ARGUMENT, AFTER THE
16 ARGUMENT WITH LISA(SIC) YOU WALKED OVER TO THE MUSTANG AND
17 BEGAN A CONVERSATION WITH THE INDIVIDUAL THAT WAS IN OR
18 ADJACENT TO THE MUSTANG?

19 A NO.

20 Q YOU DIDN'T TELL HIM THAT?

21 A I DON'T REMEMBER SAYING THAT, NO.

22 Q DID YOU TELL HIM THAT YOU SAW AN INDIVIDUAL
23 AFTER THE ARGUMENT STANDING BY A MUSTANG AFTER YOU
24 COMPLETED YOUR ARGUMENT WITH LESLIE?

25 A I DON'T REMEMBER SAYING THAT.

26 Q I WOULD LIKE TO SHOW YOU A DOCUMENT, LONG

1 BEACH POLICE DEPARTMENT, DATED JUNE 3RD, 1983, APPARENTLY
2 THE REPORTING OFFICER IS SERGEANT BELL. THIS AREA THAT IS
3 BRACKETED, WOULD YOU JUST READ THAT TO YOURSELF, PLEASE.
4 READ IT TO YOURSELF, SIR, AND SEE IF IT REFRESHES YOUR
5 RECOLLECTION OR NOT.

6 A OKAY.

7 Q DOES THIS REPORT BY OFFICER BELL STATE THAT
8 YOU TOLD HIM THAT AFTER THE ARGUMENT WITH LISA THAT YOU
9 SAW A MALE WHITE EITHER STANDING OR SITTING ON A BLACK
10 OVER WHITE FORD MUSTANG IN THE PARKING LOT OF THE BELMONT
11 POOL, AND THAT AT THAT TIME THE SUBJECT ASKED YOU IF YOU
12 DRANK OR YOU WANTED, IF YOU WANTED A BEER. IS THAT WHAT
13 YOU TOLD THE OFFICER IN 1983?

14 A I DON'T REMEMBER STATING THAT.

15 Q DOES THAT REFRESH YOUR MEMORY?

16 A NO, IT DOESN'T.

17 Q THAT'S WHAT THE REPORT SAYS THOUGH?

18 A YES, SIR.

19 Q NOW KEITH CROTHERS WAS QUITE A BIT BIGGER
20 THAN YOU DURING THAT PERIOD OF TIME, WASN'T HE?

21 A YES, SIR.

22 Q AND HE WAS ALSO OLDER, WASN'T HE?

23 A YES, SIR.

24 Q AND WHEN THIS DISCUSSION WITH REGARD TO DRUGS
25 OR PILLS CAME UP, KEITH HAD INDICATED AT LEAST INDIRECTLY
26 THAT HE WAS FAMILIAR WITH DRUGS?

1 A YES, SIR.

2 Q IN FACT, HE IS THE ONE THAT TOLD YOU HOW MANY
3 TO TAKE?

4 A YES, SIR.

5 Q AND HE TOOK A CERTAIN QUANTITY, YOU ARE NOT
6 SURE OF THE QUANTITY YOURSELF?

7 A YES, SIR.

8 Q AND DURING THE COURSE OF THIS DRIVE, IN
9 ADDITION TO THOSE WHATEVER NUMBER YOU TOOK, YOU DRANK SOME
10 BEER?

11 A YES, SIR.

12 Q AND THAT WAS BEER YOU HAD BROUGHT INTO THIS
13 MUSTANG YOURSELF?

14 A I BELIEVE SO.

15 Q DID YOU, DID YOU TELL THE POLICE IN 1975 THAT
16 YOU ACTUALLY WENT TO THE MUSTANG YOURSELF, HAD A BEER WITH
17 THE INDIVIDUAL IN THE MUSTANG YOURSELF AND THEN WENT IN TO
18 GET KEITH FROM BIG JOHN'S?

19 A I DON'T RECALL.

20 Q COULD THAT HAVE HAPPENED?

21 A UHM, I AM NOT SURE. I DON'T RECALL, LIKE I
22 SAID.

23 Q WAS -- KEITH WASN'T OUTSIDE OF BIG JOHN'S
24 WHILE YOU WERE ARGUING WITH LESLIE?

25 A NO, I DON'T BELIEVE HE WAS.

26 Q AND KEITH WASN'T INSIDE THE CAR WHILE YOU

1 WERE ARGUING WITH LESLIE, CORRECT?

2 A CORRECT.

3 Q DO YOU KNOW WHERE HE WAS?

4 A UHM, I WOULD IMAGINE HE WAS INSIDE BIG
5 JOHN'S.

6 MR. MC DONALD: I NEED JUST A MINUTE, YOUR HONOR,
7 PLEASE.

8 THE COURT: SURE.

9 MR. MC DONALD: BE PATIENT WITH ME.

10 BY MR. MC DONALD:

11 Q DID YOU TELL THE POLICE IN 1975 THAT THE
12 DRUGS THAT WERE ALLEGEDLY GIVEN TO YOU WERE REDS?

13 A I MAY HAVE REFERRED TO THEM AS REDS, YES.

14 MR. MC DONALD: GIVE ME A MINUTE, YOUR HONOR,
15 PLEASE.

16 BY MR. MC DONALD:

17 Q MR. HAY, SHOWING YOU THE PAGE I HAD SHOWN
18 YOU EARLIER WITH REGARD TO LONG BEACH POLICE DEPARTMENT, A
19 REPORT BY OFFICER BELL, WOULD YOU JUST READ TO YOURSELF,
20 THIS BRACKETED PORTION?

21 A OKAY.

22 Q OKAY. DOES, DOES THE REPORT BY OFFICER BELL
23 INDICATE THAT YOU TOLD HIM THAT AFTER THE ARGUMENT WAS
24 OVER THAT YOU TOLD HIM THAT A MAN WHO HAD DRIVEN UP IN A
25 MUSTANG STARTED TO TALK TO YOU, HE HAD ASKED YOU IF YOU
26 WANTED A BEER AND THAT THE TWO OF YOU THEN WALKED OVER TO

1 HIS CAR. IS THAT WHAT THE REPORT REFLECTS?

2 A YES, IT IS.

3 Q DOES THAT REFRESH YOUR MEMORY?

4 A NO, IT DOESN'T.

5 Q COULD IT HAVE HAPPENED THAT WAY?

6 A I DON'T RECALL. I WOULDN'T BE ABLE TO TELL
7 YOU.

8 Q PARDON?

9 A I WOULDN'T BE ABLE TO TELL YOU IF IT HAPPENED
10 THAT WAY OR NOT. IT'S BEEN TOO LONG.

11 Q YOUR MEMORY IS JUST TOO HAZY ABOUT IT?

12 A IT'S BEEN A LONG TIME.

13 Q SURE. WHAT WAS YOUR POSITION IN 1975 WITH
14 REGARD TO YOUR ABILITY TO IDENTIFY THE CAR YOU HAVE JUST
15 DESCRIBED FOR US IN COURT?

16 A I DON'T UNDERSTAND THE QUESTION. MY
17 POSITION?

18 Q OKAY. YOU JUST IDENTIFIED A VEHICLE FROM
19 PHOTOGRAPHS TODAY, BUT IN 1975 YOU COULDN'T DO THAT; IS
20 THAT RIGHT?

21 A UHM, I BELIEVE I IDENTIFIED THE CAR
22 CORRECTLY.

23 Q DID YOU TELL THEM YOU -- WELL, DID YOU TELL
24 THE POLICE THAT YOU COULDN'T POSITIVELY IDENTIFY THE
25 VEHICLE?

26 A WELL, THEY SHOWED ME PICTURES OF FOUR OR FIVE

1 VEHICLES THAT WERE VERY SIMILAR, AND I BELIEVE THE
2 PARTICULAR ONE THAT I IDENTIFIED WAS BECAUSE OF ITS HUB
3 CAPS.

4 Q DID YOU TELL THEM YOU COULDN'T POSITIVELY
5 IDENTIFY THE VEHICLE?

6 A I DON'T RECALL WHETHER I TOLD THEM, WHETHER I
7 SAID POSITIVELY OR NOT.

8 Q APPARENTLY YOU WERE 15 YEARS OLD IN 1975?

9 A YES, SIR.

10 Q OKAY. HOW TALL WERE YOU?

11 A I HAVE NO IDEA, FIVE TEN.

12 Q DO YOU KNOW HOW MUCH YOU WEIGHED?

13 A 145 OR 150 POUNDS.

14 Q DO YOU KNOW WHETHER OR NOT IT WAS AN
15 AUTOMATIC TRANSMISSION OR STANDARD TRANSMISSION VEHICLE?

16 A I BELIEVE IT WAS AN AUTOMATIC TRANSMISSION
17 VEHICLE.

18 Q HOW ABOUT A CENTER CONSOLE WITH A GLOVE BOX.

19 A I DON'T RECALL.

20 Q DID YOU TELL AT AN EARLIER TIME THAT IT DID
21 HAVE ONE OR WAS THAT ISSUE ADDRESSED?

22 A I DON'T RECALL IF I DID OR NOT.

23 Q MR. MAY, NOW THE JACKET THE INDIVIDUAL WAS
24 WEARING YOU SAY WAS EITHER A LEVI OR A LEATHER JACKET?

25 A YES, SIR.

26 Q KIND OF HARD TO REMEMBER THAT, ISN'T IT?

1 WERE THERE ANY EMBLEMS OR MARKINGS ON IT?

2 A I DON'T RECALL.

3 Q YOU REMEMBER TESTIFYING AT THE PRELIMINARY
4 HEARING WHICH WAS 1983 YOU SAID THERE WERE NO EMBLEMS?

5 A I DON'T RECALL WHETHER I TESTIFIED TO EMBLEMS
6 ON NOT ON IT.

7 Q PARDON?

8 A I DON'T RECALL TESTIFYING TO THE FACT THAT
9 THERE WAS EMBLEMS ON IT OR NOT.

10 Q DO YOU REMEMBER TODAY?

11 A EXCUSE ME?

12 Q DO YOU REMEMBER TODAY WHETHER THERE WERE
13 EMBLEMS OR --

14 A NO, I DON'T.

15 Q -- OR INSIGNIAS OR MARKINGS ON IT?

16 A NO, I DON'T.

17 MR. MC DONALD: THAT'S IT. THANKS, MR. MAY.

18 THE COURT: MR. BROWN, ANYTHING ADDITIONAL?

19 MR. BROWN: YES, SIR.

20 REDIRECT EXAMINATION

21 BY MR. BROWN:

22 Q MR. MAY, AT THE TIME THAT YOU TALKED TO THE
23 POLICE BACK IN 1975 AND 1983, WERE YOU ATTEMPTING AT THAT
24 TIME TO TELL IT AS BEST YOU REMEMBERED IT AT THAT TIME?

25 A YES, SIR.

26 Q AND WITH RESPECT TO 1975, WERE YOUR

1 CONVERSATIONS WITH THE POLICE AT THAT TIME MADE AT A TIME
2 WHEN IT WAS FRESH IN YOUR MEMORY?

3 A UHM, PRETTY FRESH, YES.

4 Q OKAY. IT WAS SHORTLY AFTER THE OCCURRENCE;
5 IS THAT CORRECT?

6 A UHM, I DON'T KNOW THE EXACT TIME LAPSE.

7 Q WITHIN A FEW DAYS OF THE OCCURRENCE?

8 A UHM, I -- AGAIN, I DON'T REMEMBER IF IT WAS
9 WITHIN A FEW DAYS OR NOT.

10 Q WOULD IT BE FAIR TO SAY YOU DID THE BEST YOU
11 COULD AT THAT TIME TO TELL THE TRUTH TO THE POLICE
12 OFFICERS?

13 A YES.

14 Q NOW HAS THE ACCESS TO THIS PARKING LOT WHERE
15 THIS STARTED HERE, WAS THAT FROM THE GRANADA STREET
16 ENTRANCE TO THE PARKING LOT?

17 A THERE WAS TWO, UHM, ENTRANCES TO THE PARKING
18 LOT, ONE AT BIG JOHN'S BECAUSE OF THE SURFACE STREET WHICH
19 LED RIGHT INTO THE POOL, AND THERE WAS ALSO ONE AT GRANADA
20 ENTRANCE.

21 Q AND WAS THAT REFERRED TO OR WAS IT KNOWN AS
22 THE GRANADA PARKING LOT?

23 A I DON'T KNOW WHAT IT WAS REFERRED TO AS.

24 Q WHAT TYPE OF, WHAT WAS MR. COOPER'S CAR AT
25 THAT TIME? WHAT KIND OF VEHICLE WAS THAT?

26 A UHM, IT WAS A DATSUN PICKUP WITH A CAMPER

1 SHELL ON IT.

2 Q IS THAT A LARGE PICKUP OR A SMALL --

3 A DATSUN IS A SMALL PICK UP, YES.

4 Q AND AT THAT TIME NOW, WAS KEITH ABOUT WHAT
5 FOUR YEARS OLDER THAN YOU WERE?

6 A I BELIEVE SO.

7 Q WAS THERE A CONVERSATION IN THE CAR BEFORE
8 YOU LEFT, A CONVERSATION BETWEEN MR. KRAFT AND KEITH AND
9 YOURSELF ABOUT WHAT TYPE OF DRUGS MR. KRAFT WAS GIVING
10 YOU?

11 A UHM, I BELIEVE KEITH HAD ASKED WHAT KIND OF
12 DRUGS THEY WERE, BEING THAT HE WOULD HAVE KNOWLEDGE OF
13 WHAT THEY WERE.

14 Q OKAY. AND WHAT WAS THE RESPONSE FROM MR.
15 KRAFT?

16 A THEY WERE FROM MR. KRAFT.

17 Q YEAH.

18 A I DON'T RECALL WHAT HIS RESPONSE WAS.

19 Q DID -- WAS THERE ANY CONVERSATION AS TO WHAT
20 THE DRUGS DID, WHAT THE EFFECT OF THE DRUGS WOULD BE?

21 A UHM, JUST, UHM, HELP OUT AS FAR AS THE HIGH
22 GOES WITH ALCOHOL, MAYBE MAKE YOU FEEL MORE INTOXICATED IF
23 YOU WERE.

24 Q WHERE DID THAT CONVERSATION COME FROM, IF YOU
25 KNOW?

26 A THAT WAS RELATED TO ME FROM KEITH.

1 MR. BROWN: OKAY. THANK YOU, SIR.

2 NOTHING FURTHER, YOUR HONOR.

3 MR. MC DONALD: NOTHING FURTHER.

4 THE COURT: THANK YOU, SIR. MAY THE WITNESS
5 EXCUSED?

6 MR. BROWN: YES, SIR.

7 THE COURT: THANK YOU, SIR.

8 MR. BROWN: WE WOULD CALL DAVID ROBERTS.

9 THE CLERK: PLEASE RAISE YOUR RIGHT HAND, SIR.

10 DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY YOU
11 ARE ABOUT TO GIVE IN THE CASE NOW PENDING BEFORE THIS
12 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
13 THE TRUTH SO HELP YOU GOD?

14 THE WITNESS: I DO.

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

17 THE WITNESS: WALTER ROBERTS, W-A-L-T-E-R,
18 R-O-B-E-R-T-S.

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

21 WALTER ROBERTS, +
22 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, WAS EXAMINED
23 AND TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION +

25 BY MR. BROWN:

26 Q WHAT IS YOUR MIDDLE NAME, MR. ROBERTS?